



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m.  
A quorum present—37:

Mr. President	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	
Flores	Norman	

Excused: Senator Bullard

## PRAYER

The following prayer was offered by Rev. Canon Ted J. Monica, Rector, Holy Comforter Episcopal Church, Tallahassee:

Lord our God, I ask you to send your holy spirit to be here among the Senators of the great State of Florida. Fill this chamber with your light and your power. Remind us that we have been entrusted to protect and care for the present, and to build the future of this state. Give us courage in doing that which is right and good. Give us gentleness, understanding and patience when working with those who disagree with us. And in all things, Lord God, help us to strive for justice.

Lord God, bless the great State of Florida, and all those who live therein. Amen.

## PLEDGE

Senate Pages Mary Katherine Fechtel of Leesburg; Wallace “Wally” Martin of Arcadia; Bryce Sellers of Pace; and Michael Robinson of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. John C. Kagan of Fort Myers, sponsored by Senator Benacquisto, as doctor of the day. Dr. Kagan specializes in Orthopedic Surgery.

## ADOPTION OF RESOLUTIONS

On motion by Senator Hays—

By Senator Hays—

**SR 2228**—A resolution recognizing the members of the For Inspiration and Recognition of Science and Technology (FIRST) Lego League Team 4129, the Hammerheads, for their outstanding achievement at the 2011 World Festival.

WHEREAS, For Inspiration and Recognition of Science and Technology (FIRST) provides an inspirational learning experience that celebrates engineering, science, and technology, and allows participants to develop personal and technical skills that will lead them to future success in related fields, and

WHEREAS, on February 27, 2011, FIRST Lego League (FLL) Team 4129, known as the Hammerheads, competed in the 9- to 14-year-old age group FLL Florida championship tournament at the Florida Institute of Technology in Melbourne, and

WHEREAS, FLL Team 4129, the Hammerheads, placed first in the state tournament and went on to represent Florida at the 2011 World Festival in St. Louis, Missouri, and

WHEREAS, from April 27-30, 2011, FLL Team 4129, the Hammerheads, competed against 80 teams representing 25 countries in three areas: robot, research, and core values, and

WHEREAS, FLL Team 4129, the Hammerheads, placed first in the robot category and third in the all-around, the only team from the United States to place, and

WHEREAS, the members of FLL Team 4129, the Hammerheads, are homeschooled students Brock Bogeajis, Cole Morris, Braden Verkaik, and Garrett Verkaik, all of Eustis, and Jonah Locke, Ashley White, and Jacob White, all of Umatilla, and Eustis High School student Parker Verkaik, and

WHEREAS, the members of FLL Team 4129, the Hammerheads, brought honor and distinction to this state as one of the top-three teams worldwide, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the members of the For Inspiration and Recognition of Science and Technology (FIRST) Lego League Team 4129, the Hammerheads, are recognized for their outstanding achievement at the 2011 World Festival.

—was introduced out of order and read by title. On motion by Senator Hays, **SR 2228** was read the second time in full and adopted.

#### SENATOR BENNETT PRESIDING

#### SPECIAL PERFORMANCE

Senator Hays recognized an outstanding group of students from district 20: Parker Verkaik, Braden Verkaik, Garrett Verkaik, Brock Bogenajis, Cole Morris, Ashley White, Jacob White, and Jonah Locke. These students represented the state of Florida at the World Festival Robotics Competition in St. Louis, MO.

Their team, “the Hammerheads,” placed first in the Robot component of the competition and third in the overall championship. They were the only US team to place in this worldwide competition. They designed their own robot out of Legos and programmed it to do certain missions. A demonstration of these maneuvers was provided in the chamber.

The students competed against other students in their age group (9-14 years old) with over 25 countries and 80 teams represented. The program FIRST (For Inspiration and Recognition of Science and Technology) teaches gracious professionalism and coined the term “coopertition” which also teaches “what we learn is more important than what we win,” a very important life skill.

#### SPECIAL GUESTS

Senator Hays recognized Lieutenant Governor Jennifer Carroll who was present in the chamber.

#### THE PRESIDENT PRESIDING

On motion by Senator Sachs—

By Senators Sachs, Haridopolos, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Garcia, Gardiner, Hays, Hill, Jones, Joyner, Latvala, Lynn, Margolis, Montford, Negron, Norman, Oelrich, Rich, Richter, Ring, Simmons, Siplin, Sobel, Storms, Thrasher, and Wise—

**SR 2190**—A resolution recognizing October 2011 as “Breast Cancer Awareness Month” in Florida.

WHEREAS, with the exception of skin cancer, breast cancer is the most frequently diagnosed cancer in women and is the second leading cause of cancer death in women, and

WHEREAS, Florida ranks third in the nation in both the number of new breast cancer cases per year, more than 14,000, and the number of related deaths, estimated at 2,650 in 2010, and

WHEREAS, a woman living in Florida has a one-in-eight chance of developing breast cancer, and

WHEREAS, since 1990, female breast cancer deaths have steadily decreased, largely due to progress in early detection and improved treatment, with mammography remaining the single most effective method of early detection, identifying cancer several years before physical symptoms develop, and

WHEREAS, early detection, through routine clinical exams and mammography screening beginning at age 40 in compliance with the American Cancer Society recommended guidelines, is the key to detecting breast cancer early, when treatment is most successful, and

WHEREAS, the 5-year survival rate for breast cancer when it is found in its earliest stages is 98 percent; however, that rate drops to 23 percent if the cancer is detected later, in a stage of metastases, and

WHEREAS, breast cancer awareness events and programs, such as the American Cancer Society’s “Making Strides Against Breast Cancer” events and its “Reach to Recovery” program are essential in promoting an understanding of the risks associated with breast cancer and en-

couraging women to take preventive steps to minimize those risks and to undergo early detection procedures, and

WHEREAS, support for the Mary Brogan Breast and Cervical Cancer Early Detection Program will promote early breast cancer detection through regular screening, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That October 2011 is recognized as “Breast Cancer Awareness Month” in Florida.

—was introduced out of order and read by title. On motion by Senator Sachs, **SR 2190** was read the second time in full and adopted.

At the request of Senator Flores—

By Senator Flores—

**SR 2202**—A resolution recognizing the week of May 8-14, 2011, as “Food Allergy Awareness Week” in Florida.

WHEREAS, 12 million Americans have food allergies, including 3 million children under 18 years of age, and

WHEREAS, research shows that the prevalence of food allergies is increasing among children, and

WHEREAS, eight foods cause 90 percent of all food-related allergic reactions in the United States, with symptoms including hives, vomiting, diarrhea, respiratory distress, and swelling of the throat, and

WHEREAS, nationwide, food-related allergic reactions cause as many as 125,000 visits to the emergency room each year and often occur when an individual unknowingly eats a food containing an ingredient to which he or she is allergic, and

WHEREAS, the most serious allergic reaction is anaphylaxis, which is rapid in onset and may cause death, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That May 8-14, 2011, is recognized as “Food Allergy Awareness Week” in Florida and all residents of this state are encouraged to become involved in efforts to raise the awareness of restaurateurs and the public at large of the dangers associated with food-related allergic reactions.

—**SR 2202** was introduced, read and adopted by publication.

At the request of Senator Flores—

By Senator Flores—

**SR 2218**—A resolution recognizing the “Difference Makers in Education” for their support of the Council for Educational Change’s state-wide educational programs.

WHEREAS, the Council for Educational Change is a Florida-based, 501(c)(3) not-for-profit organization, with 9 years of service to the educational community which has impacted the lives of more than 1.2 million students, and

WHEREAS, Council for Educational Change programs are leading the way to improvements in education by preparing and empowering school leaders, developing business and educational partnerships, and applying research to address critical issues in education, and

WHEREAS, were it not for the generous support of Difference Makers in Education, the Council for Educational Change would not be able to sustain its programs, which include Partnership to Advance School Success (PASS), Executive PASS, the Florida Leadership Academy, and Teacher Development and Retention programs, and

WHEREAS, these Difference Makers in Education are: E. Pace Barnes, Richard and Billy Birnie, the Irving and Joan M. Bolotin Fund, Joan and Vincent Carosella, Tom Cerra, Mel and Iris Chasen, Richard and Mary Dalton, Paula and Joel Friedland, Barbara Havenick, Edward

and Carole Iwanicki, Norman Jaffe, Evelyn A. Lunsford, Gene Marshall, Leonard Miller, Linda Potash, Richard Baron and Associates, P.A., the Robert and Mary Graham Family Fund, the Silbiger Family Foundation, and Stanley G. Tate, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That these “Difference Makers in Education” are recognized for their support of the statewide educational programs of the Council for Educational Change.

—**SR 2218** was introduced, read and adopted by publication.

### BILLS ON THIRD READING

Consideration of **CS for CS for SB 818, CS for CS for HB 1255, SB 788, HB 7101, CS for SB 1246, CS for HB 7107, CS for HB 7109, CS for CS for SB 1122, and CS for CS for CS for HB 883** was deferred.

**CS for HJR 1471**—A joint resolution proposing an amendment to Section 3 of Article I of the State Constitution to eradicate remnants of anti-religious bigotry from the State Constitution and to end exclusionary funding practices that discriminate on the basis of religious belief or identity.

WHEREAS, Floridians highly value tolerance and liberty in all forms, and

WHEREAS, Floridians strongly support the right of each person to practice religion according to the dictates of his or her own conscience, and

WHEREAS, Florida is a religiously diverse state with over a quarter of its population identifying as Roman Catholic and with the largest Jewish population in the Southern United States, and

WHEREAS, the public policy of the State of Florida is to support the protection and advancement of religious liberty, and

WHEREAS, Florida’s Blaine Amendment language, the last sentence of Article I, Section 3, of the current State Constitution, was originally adopted in 1885 following a failed attempt to adopt similar language in the United States Constitution, and

WHEREAS, Florida’s Blaine Amendment language was borne in an atmosphere of, and exists as a result of, anti-Catholic bigotry and animus, and

WHEREAS, the genesis of Florida’s Blaine Amendment language reflects an attempt to stifle and disrupt the constitutional rights and development of the emerging Catholic minority community in America, and

WHEREAS, the Constitutional Convention that adopted the Constitution of 1885 created a more religiously and racially discriminatory document than its predecessor, with the first inclusion of the Blaine Amendment language alongside the racist separate-but-equal doctrine, and

WHEREAS, the racist separate-but-equal doctrine has been duly abolished and all vestiges thereof rightfully removed from the State Constitution, and the people of Florida should now be given the opportunity to remove the discriminatory Blaine Amendment language, a lasting stain upon the state’s history that stands in opposition to the people’s will and counter to our time-honored traditions of religious liberty and freedom, and

WHEREAS, religiously affiliated hospitals, schools, adoption agencies, and other benevolent institutions have been of longstanding service to the people of Florida and have provided numerous services to those in need, and

WHEREAS, until 2004, no Florida court had ever applied the State Constitution in a reported case in a manner more restrictive of the use of state funds than have federal courts applying the Establishment Clause of the First Amendment to the United States Constitution, and

WHEREAS, Florida’s Blaine Amendment is currently being enforced against religious groups and organizations of all denominations, stifling their development and inhibiting the free exercise of religious liberty, and

WHEREAS, courts have prohibited religiously affiliated schools from participating in state-funded education programs and religious organizations from participating in state-funded services to incarcerated persons, and

WHEREAS, such application of the Blaine Amendment language jeopardizes the participation of religiously affiliated hospitals and other benevolent institutions in Medicaid and other public programs, and

WHEREAS, those institutionalized in hospitals and prisons are among those most in need of spiritual nurture and encouragement as well as being often dependent on state-subsidized human services, and

WHEREAS, the enforcement of the Blaine Amendment language, barring religious organizations access to state funding and state-funded business on an equal basis with nonreligious organizations, violates the founding principles of the United States and this state as contained in the Declaration of Independence and the Preamble to the State Constitution, and

WHEREAS, the Establishment Clause of the First Amendment to the United States Constitution does not require any such absolute restrictions on the use of public funds, and

WHEREAS, the Establishment Clause permits the use of public funds in religious hospitals, schools, and other benevolent institutions, and

WHEREAS, the Establishment Clause and the religion clauses of the State Constitution, other than the Blaine Amendment, are intended to protect the religious liberties and sentiments of Floridians without inhibiting the free exercise of religion, and

WHEREAS, their religious convictions motivate some Floridians to establish religiously affiliated schools, hospitals, adoption agencies, and other benevolent institutions that provide valuable services to society and to receive or utilize such valuable services from these benevolent providers, which could be subsidized by the state through public programs, and

WHEREAS, it is not necessary to prohibit all economic relations with religious organizations and providers in order to prevent an establishment of religion that would infringe on the religious liberties of Floridians, and

WHEREAS, in 2000, a plurality of the United States Supreme Court acknowledged that this “doctrine, born of bigotry, should be buried now,” and

WHEREAS, it is necessary to amend the State Constitution to correct the aforementioned disconnect between the true sentiments and principles of Floridians and the discriminatory origins, intentions, and present application of the Blaine Amendment, in furtherance of a deeply rooted commitment to freedom and liberty, where rights and restrictions ought to be based on the merits of one’s words and actions rather than on religious affiliation or identity, NOW, THEREFORE,

*Be It Resolved by the Legislature of the State of Florida:*

That the following amendment to Section 3 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

#### ARTICLE I

#### DECLARATION OF RIGHTS

**SECTION 3.** Religious freedom.—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace, or safety. *Except to the extent required by the First Amendment to the United States Constitution, neither the government nor any agent of the government may deny to any individual or entity the benefits of any program, funding, or other support on the basis*

~~of religious identity or belief. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.~~

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE I, SECTION 3

RELIGIOUS FREEDOM.—Proposing an amendment to the State Constitution to provide, consistent with the United States Constitution, that no individual or entity may be denied, on the basis of religious identity or belief, governmental benefits, funding, or other support and to delete the prohibition against using revenues from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

—was read the third time in full.

SENATOR THRASHER PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Altman, **CS for HJR 1471** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Evers	Norman
Alexander	Fasano	Oelrich
Altman	Gaetz	Richter
Benacquisto	Gardiner	Simmons
Bennett	Hays	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Dockery	Negron	

Nays—10

Braynon	Montford	Smith
Hill	Rich	Sobel
Joyner	Ring	
Margolis	Sachs	

Vote after roll call:

Yea—Bogdanoff, Flores, Garcia

**CS for HB 7107**—A bill to be entitled An act relating to Medicaid managed care; creating pt. IV of ch. 409, F.S., entitled “Medicaid Managed Care”; creating s. 409.961, F.S.; providing for statutory construction; providing applicability of specified provisions throughout the part; providing rulemaking authority for specified agencies; creating s. 409.962, F.S.; providing definitions; creating s. 409.963, F.S.; designating the Agency for Health Care Administration as the single state agency to administer the Medicaid program; providing for specified agency responsibilities; requiring client consent for release of medical records; creating s. 409.964, F.S.; establishing the Medicaid program as the statewide, integrated managed care program for all covered services; authorizing the agency to apply for and implement waivers; providing for public notice and comment; creating s. 409.965, F.S.; providing for mandatory enrollment; providing for exemptions; creating s. 409.966, F.S.; providing requirements for eligible plans that provide services in the Medicaid managed care program; establishing provider service network requirements for eligible plans; providing for eligible plan selection; requiring the agency to use an invitation to negotiate; requiring the agency to compile and publish certain information; establishing eight regions for separate procurement of plans; providing quality criteria for plan selection; providing limitations on serving recipients during the pendency of procurement litigation; creating s. 409.967, F.S.; providing

for managed care plan accountability; establishing contract terms; providing for contract extension under certain circumstances; establishing payments to noncontract providers; establishing requirements for access; requiring plans to establish and maintain an electronic database; establishing requirements for the database; requiring plans to provide encounter data; requiring the agency to maintain an encounter data system; requiring the agency to establish performance standards for plans; providing program integrity requirements; establishing a grievance resolution process; providing penalties for early termination of contracts or reduction in enrollment levels; establishing prompt payment requirements; requiring plans to accept electronic claims; requiring fair payment to providers with a controlling interest in a provider service network by other plans; requiring the agency and prepaid plans to use a uniform method for certain financial reports; providing income-sharing ratios; providing a timeframe for a plan to pay an additional rebate under certain circumstances; requiring the agency to return prepaid plan overpayments; creating s. 409.968, F.S.; establishing managed care plan payments; providing payment requirements for provider service networks; requiring the agency to conduct annual cost reconciliations to determine certain cost savings and report the results of the reconciliations to the fee-for-service provider; providing a timeframe for the provider service to respond to the report; creating s. 409.969, F.S.; requiring enrollment in managed care plans by all nonexempt Medicaid recipients; creating requirements for plan selection by recipients; providing for choice counseling; establishing choice counseling vendor requirements; authorizing disenrollment under certain circumstances; defining the term “good cause” for purposes of disenrollment; providing time limits on an internal grievance process; providing requirements for agency determination regarding disenrollment; requiring recipients to stay in plans for a specified time; creating s. 409.97, F.S.; authorizing the agency to accept the transfer of certain revenues from local governments; requiring the agency to contract with a representative of certain entities participating in the low-income pool for the provision of enhanced access to care; providing for support of these activities by the low-income pool as authorized in the General Appropriations Act; establishing the Access to Care Partnership; requiring the agency to seek necessary waivers and plan amendments; providing requirements for prepaid plans to submit data; authorizing the agency to implement a tiered hospital rate system; creating s. 409.971, F.S.; creating the managed medical assistance program; providing deadlines to begin and finalize implementation of the program; creating s. 409.972, F.S.; providing eligibility requirements for mandatory and voluntary enrollment; creating s. 409.973, F.S.; establishing minimum benefits for managed care plans to cover; authorizing plans to customize benefit packages; requiring plans to establish a program to encourage healthy behaviors; requiring plans to establish a primary care initiative; providing requirements for primary care initiatives; requiring plans to report certain primary care data to the agency; creating s. 409.974, F.S.; establishing a deadline for issuing invitations to negotiate; establishing a specified number or range of eligible plans to be selected in each region; establishing quality selection criteria; establishing requirements for participation by specialty plans; establishing the Children’s Medical Service Network as an eligible plan; creating s. 409.975, F.S.; providing for managed care plan accountability; authorizing plans to limit providers in networks; requiring plans to include essential Medicaid providers in their networks unless an alternative arrangement is approved by the agency; identifying statewide essential providers; specifying provider payments under certain circumstances; requiring plans to include certain statewide essential providers in their networks; requiring good faith negotiations; specifying provider payments under certain circumstances; allowing plans to exclude essential providers under certain circumstances; requiring plans to offer a contract to home medical equipment and supply providers under certain circumstances; establishing the Florida medical school quality network; requiring the agency to contract with a representative of certain entities to establish a clinical outcome improvement program in all plans; providing for support of these activities by certain expenditures and federal matching funds; requiring the agency to seek necessary waivers and plan amendments; providing for eligibility for the quality network; requiring plans to monitor the quality and performance history of providers; establishing the MomCare network; requiring the agency to contract with a representative of all Healthy Start Coalitions to provide certain services to recipients; providing for support of these activities by certain expenditures and federal matching funds; requiring plans to enter into agreements with local Healthy Start Coalitions for certain purposes; requiring specified programs and procedures be established by plans; establishing a screening standard for the Early and Periodic Screening, Diagnosis, and Treatment Service; requiring managed care

plans and hospitals to negotiate rates, methods, and terms of payment; providing a limit on payments to hospitals; establishing plan requirements for medically needy recipients; creating s. 409.976, F.S.; providing for managed care plan payment; requiring the agency to establish payment rates for statewide inpatient psychiatric programs; requiring payments to managed care plans to be reconciled to reimburse actual payments to statewide inpatient psychiatric programs; creating s. 409.977, F.S.; establishing choice counseling requirements; providing for automatic enrollment in a managed care plan for certain recipients; establishing opt-out opportunities for recipients; creating s. 409.978, F.S.; requiring the agency to be responsible for administering the long-term care managed care program; providing implementation dates for the long-term care managed care program; providing duties of the Department of Elderly Affairs relating to assisting the agency in implementing the program; creating s. 409.979, F.S.; providing eligibility requirements for the long-term care managed care program; creating s. 409.98, F.S.; establishing the benefits covered under a managed care plan participating in the long-term care managed care program; creating s. 409.981, F.S.; providing criteria for eligible plans; designating regions for plan implementation throughout the state; providing criteria for the selection of plans to participate in the long-term care managed care program; providing that participation by the Program of All-Inclusive Care for the Elderly is pursuant to an agency contract; creating s. 409.982, F.S.; requiring the agency to establish uniform accounting and reporting methods for plans; providing for mandatory participation in plans by certain service providers; authorizing the exclusion of certain providers from plans for failure to meet quality or performance criteria; requiring plans to monitor participating providers using specified criteria; requiring certain providers to be included in plan networks; providing provider payment specifications for nursing homes and hospices; creating s. 409.983, F.S.; providing for negotiation of rates between the agency and the plans participating in the long-term care managed care program; providing specific criteria for calculating and adjusting plan payments; allowing the CARES program to assign plan enrollees to a level of care; providing incentives for adjustments of payment rates; requiring the agency to establish nursing facility-specific and hospice services payment rates; creating s. 409.984, F.S.; providing that before contracting with another vendor, the agency shall offer to contract with the aging resource centers to provide choice counseling for the long-term care managed care program; providing criteria for automatic assignments of plan enrollees who fail to choose a plan; providing for hospice selection within a specified timeframe; providing for a choice of residential setting under certain circumstances; creating s. 409.9841, F.S.; creating the long-term care managed care technical advisory workgroup; providing duties; providing membership; providing for reimbursement for per diem and travel expenses; providing for repeal by a specified date; creating s. 409.985, F.S.; providing that the agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services program through an interagency agreement with the Department of Elderly Affairs; providing duties of the program; defining the term “nursing facility care”; creating s. 409.986, F.S.; providing authority and agency duties regarding long-term care programs for persons with developmental disabilities; authorizing the agency to delegate specific duties to and collaborate with the Agency for Persons with Disabilities; requiring the agency to make payments for long-term care for persons with developmental disabilities under certain conditions; creating s. 409.987, F.S.; providing eligibility requirements for long-term care plans; creating s. 409.988, F.S.; specifying covered benefits for long-term care plans; creating s. 409.989, F.S.; establishing criteria for eligible plans; specifying minimum and maximum number of plans and selection criteria; authorizing participation by the Children’s Medical Services Network in long-term care plans under certain conditions; creating s. 409.99, F.S.; providing requirements for managed care plan accountability; specifying limitations on providers in plan networks; providing for evaluation and payment of network providers; requiring managed care plans to establish family advisory committees and offer consumer-directed care services; creating s. 409.991, F.S.; providing for payment of managed care plans; providing duties for the Agency for Persons with Disabilities to assign plan enrollees into a payment-rate level of care; establishing level-of-care criteria; providing payment requirements for intensive behavior residential habilitation providers and intermediate care facilities for the developmentally disabled; creating s. 409.992, F.S.; providing requirements for enrollment and choice counseling; specifying enrollment exceptions for certain Medicaid recipients; providing an effective date.

On motion by Senator Negron, **CS for HB 7107** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Evers	Negron
Alexander	Fasano	Norman
Altman	Flores	Oelrich
Benacquisto	Gaetz	Richter
Bennett	Garcia	Simmons
Bogdanoff	Gardiner	Storms
Dean	Hays	Thrasher
Detert	Jones	Wise
Diaz de la Portilla	Latvala	
Dockery	Lynn	

Nays—11

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	

**CS for HB 7109**—A bill to be entitled An act relating to Medicaid; amending s. 393.0661, F.S.; requiring the Agency for Persons with Disabilities to establish a transition plan for current Medicaid recipients of home and community-based services under certain circumstances; providing for expiration of the section on a specified date; amending s. 393.0662, F.S.; requiring the Agency for Persons with Disabilities to complete the transition for current Medicaid recipients of home and community-based services to the iBudget system by a specified date; requiring the Agency for Persons with Disabilities to develop a transition plan for current Medicaid recipients of home and community-based services to managed care plans; providing for expiration of the section on a specified date; amending s. 408.040, F.S.; providing for suspension of certain conditions precedent to the issuance of a certificate of need for a nursing home, effective on a specified date; amending s. 408.0435, F.S.; extending the certificate-of-need moratorium for additional community nursing home beds; designating ss. 409.016-409.803, F.S., as pt. I of ch. 409, F.S., and entitling the part “Social and Economic Assistance”; designating ss. 409.810-409.821, F.S., as pt. II of ch. 409, F.S., and entitling the part “Kidcare”; designating ss. 409.901-409.9205, F.S., as part III of ch. 409, F.S., and entitling the part “Medicaid”; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to set reimbursements rates for hospitals that provide Medicaid services based on allowable-cost reporting from the hospitals; providing the methodology for the rate calculation and adjustments; requiring the rates to be subject to certain limits or ceilings; providing that exemptions to the limits or ceilings may be provided in the General Appropriations Act; deleting provisions relating to agency adjustments to a hospital’s inpatient per diem rate; directing the agency to develop a plan to convert inpatient hospital rates to a prospective payment system that categorizes each case into diagnosis-related groups; requiring a report to the Governor and Legislature; amending s. 409.907, F.S.; providing additional requirements for provider agreements for Medicare crossover providers; providing that the agency is not obligated to enroll certain providers as Medicare crossover providers; specifying additional requirements for certain providers; providing the agency may establish additional criteria for providers to promote program integrity; amending s. 409.911, F.S.; providing for expiration of the Medicaid Low-Income Pool Council; amending s. 409.912, F.S.; providing payment requirements for provider service networks; providing for the expiration of various provisions relating to agency contracts and agreements with certain entities on specified dates to conform to the reorganization of Medicaid managed care; requiring the agency to contract on a prepaid or fixed-sum basis with certain prepaid dental health plans; eliminating obsolete provisions and updating provisions, to conform; amending ss. 409.91195 and 409.91196, F.S.; conforming cross-references; repealing s. 409.91207, F.S., relating to the medical home pilot project; amending s. 409.91211, F.S.; conforming cross-references; providing for future repeal of s. 409.91211, F.S., relating to the Medicaid managed care pilot program; amending s. 409.9122, F.S.; providing for the expiration of provisions relating to mandatory enrollment in a Medicaid managed care plan or MediPass on specified dates to conform to the reorganization of Medicaid managed care; eliminating obsolete provisions; requiring the

—as amended May 5 was read the third time by title.

agency to develop a process to enable any recipient with access to employer-sponsored coverage to opt out of eligible plans in the Medicaid program; requiring the agency, contingent on federal approval, to enable recipients with access to other coverage or related products that provide access to specified health care services to opt out of eligible plans in the Medicaid program; requiring the agency to maintain and operate the Medicaid Encounter Data System; requiring the agency to conduct a review of encounter data and publish the results of the review before adjusting rates for prepaid plans; authorizing the agency to establish a designated payment for specified Medicare Advantage Special Needs members; authorizing the agency to develop a designated payment for Medicaid-only covered services for which the state is responsible; requiring the agency to establish, and managed care plans to use, a uniform method of accounting for and reporting medical and nonmedical costs; authorizing the agency to create exceptions to mandatory enrollment in managed care under specified circumstances; requiring the agency to contract with a provider service network to function as a third-party administrator and managing entity for the MediPass program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; requiring the agency to contract with a single provider service network to function as a third-party administrator and managing entity for the Medically Needy program; providing contract provisions; providing for the expiration of such contract requirements on a specified date; amending s. 430.04, F.S.; eliminating obsolete provisions; requiring the Department of Elderly Affairs to develop a transition plan for specified elders and disabled adults receiving long-term care Medicaid services when eligible plans become available; providing for expiration of the plan; amending s. 430.2053, F.S.; eliminating obsolete provisions; providing additional duties of aging resource centers; providing an additional exception to direct services that may not be provided by an aging resource center; providing an expiration date for certain services administered through aging resource centers; providing for the cessation of specified payments by the department as eligible plans become available; providing for a memorandum of understanding between the agency and aging resource centers under certain circumstances; eliminating provisions requiring reports; repealing s. 430.701, F.S., relating to legislative findings and intent and approval for action relating to provider enrollment levels; repealing s. 430.702, F.S., relating to the Long-Term Care Community Diversion Pilot Project Act; repealing s. 430.703, F.S., relating to definitions; repealing s. 430.7031, F.S., relating to the nursing home transition program; repealing s. 430.704, F.S., relating to evaluation of long-term care through the pilot projects; repealing s. 430.705, F.S., relating to implementation of long-term care community diversion pilot projects; repealing s. 430.706, F.S., relating to quality of care; repealing s. 430.707, F.S., relating to contracts; repealing s. 430.708, F.S., relating to certificate of need; repealing s. 430.709, F.S., relating to reports and evaluations; renumbering ss. 409.9301, 409.942, 409.944, 409.945, 409.946, 409.953, and 409.9531, F.S., as ss. 402.81, 402.82, 402.83, 402.84, 402.85, 402.86, and 402.87, F.S., respectively; amending ss. 443.111 and 641.386, F.S.; conforming cross-references; directing the agency to develop a plan to implement the enrollment of the medically needy into managed care; amending s. 766.118, F.S.; providing a limitation on noneconomic damages for negligence of practitioners providing services and care to Medicaid recipients; providing effective dates and a contingent effective date.

—as amended May 5 was read the third time by title.

On motion by Senator Negrón, **CS for HB 7109** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dockery	Lynn
Alexander	Evers	Negrón
Altman	Fasano	Norman
Benacquisto	Flores	Oelrich
Bennett	Gaetz	Richter
Bogdanoff	Garcia	Simmons
Dean	Gardiner	Storms
Detert	Hays	Wise
Diaz de la Portilla	Jones	

Nays—12

Braynon	Montford	Siplin
Hill	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	Thrasher

Vote after roll call:

Nay to Yea—Thrasher

**CS for CS for HB 1255**—A bill to be entitled An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.; prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; providing that school grades shall be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.429, F.S.; revising provisions relating to the selection of accelerated high school graduation options; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.573, F.S.; revising provisions relating to the use of restraint and seclusion on students with disabilities; requiring that certain information be included in incident reports; revising provisions relating to school district policies and procedures to include setting goals for the reduction of restraint and seclusion; requiring the State Board of Education to adopt rules defining terms and identifying additional variables to be documented in incident reports and standards for documentation and reporting; providing for application of specified provisions of the act; amending s. 1012.582, F.S.; conforming provisions to changes made by the act; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment;

amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for postsecondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegreed teachers of career education; providing effective dates.

—as amended May 2 was read the third time by title.

On motion by Senator Wise, **CS for CS for HB 1255** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fasano	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Richter
Benacquisto	Garcia	Ring
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	
Evers	Negron	

Nays—8

Braynon	Montford	Smith
Hill	Rich	Sobel
Joyner	Sachs	

Vote after roll call:

Yea to Nay—Dockery

**CS for CS for SB 1122**—A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the “Local Government Comprehensive Planning and Land Development Regulation Act” as the “Community Planning Act”; revising and providing intent and purpose of act; amending 163.3162, F.S.; revising provisions related to agricultural enclaves; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising the scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; removing regional planning agencies from the responsibility of preparing comprehensive plans; prohibiting initiative or referendum processes in regard to development orders, local comprehensive plan amendments, and map amendments; prohibiting local governments from requiring a super majority vote on comprehensive plan amendments; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relat-

ing to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising and providing required sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools’ inter-local agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and Government Accountability and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; reenacting s. 163.3180(5), F.S., and amending s. 163.31801, F.S.; prohibiting new impact fees by local governments for a specified period of time; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation sufficiency plans and projects; amending s. 163.3184, F.S.; providing a definition for “reviewing agencies”; amending the definition of “in compliance”; removing references to procedural rules established by the state land planning agency; deleting provisions relating to community vision and urban boundary plan amendments, urban infill and redevelopment plan amendments, and housing incentive strategy plan amendments; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3194, F.S.; regulating development orders for signs authorized by s. 479.07, F.S.; providing definitions; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3247, F.S.; revising provisions relating to the Century Commission for a Sustainable Florida; revising the findings and intent to include the necessity for a specific strategic plan addressing the state’s growth management system; revising the planning timeframes to include a 10-year horizon; revising membership of the commission; deleting obsolete provisions regarding initial appointments; providing for the election of a chair and excluding certain members from serving as chair during a specified period; requiring that the commission meet at least six times per fiscal year; deleting a provision that requires the commission to meet in different regions in the state; requiring that the executive director establish a meeting calendar with the commission’s approval; authorizing the commission to form subcommittees by vote; providing for a majority vote of members on commission actions; providing for reimbursement for per diem and travel expenses; revising provisions relating to the commission’s powers and duties; requiring that the commission, in

cooperation with interested state agencies, local governments, and nongovernmental stakeholders, develop a strategic plan and submit the plan to the Governor and the Legislature by a specified date; requiring that the commission also submit progress reports by specified dates; requiring that the commission make presentations to the Governor and the Legislature; providing that an executive director be appointed by the Secretary of Community Affairs and ratified by the commission; requiring that the Department of Community Affairs provide a specific line item in its annual legislative budget request to fund the commission during a specified period; authorizing the department to obtain additional funding through external grants; requiring that the department provide sufficient funding and staff support to assist the commission in its duties; providing for future expiration and the abolishment of the commission; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitations relating to such credits; providing for incentives; providing legislative intent; amending s. 163.32465, F.S.; revising legislative findings related to local government comprehensive planning; revising the process for amending a comprehensive plan; making the expedited review process applicable statewide and removing its status as a pilot program; revising the process and requirements for expedited review of plan amendments; amending s. 186.504, F.S.; revising membership requirements of regional planning councils; amending s. 367.021, F.S.; providing definitions for the terms “large landowner” and “need”; amending s. 380.06, F.S.; revising exemptions; revising provisions to conform to changes made by this act; repealing rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending s. 380.0685, F.S.; revising the uses of the park admission surcharge; amending ss. 70.51, 163.06, 163.2517, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 186.515, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.031, 380.061, 380.065, 380.115, 403.50665, 420.9071, 403.973, 420.5095, 420.615, 420.9071, 420.9076, 720.403, 1013.30, and 1013.33, F.S.; making conforming changes; repealing administrative rules; expanding a permit extension; providing a finding of important state interest; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; affirming statutory construction with respect to other legislation passed at the same session; providing a directive of the Division of Statutory Revision; providing effective dates.

—as amended May 5 was read the third time by title.

Pending further consideration of **CS for CS for SB 1122** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 7129** was withdrawn from the Committees on Community Affairs; Environmental Preservation and Conservation; and Budget.

On motion by Senator Bennett, by two-thirds vote—

**CS for HB 7129**—A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the “Local Government Comprehensive Planning and Land Development Regulation Act” as the “Community Planning Act”; revising and providing intent and purpose of act; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing that certain comments, underlying studies, and reports provided by a military installation’s commanding officer are not binding on local governments; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions

relating to capital improvements elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools’ interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation deficiency plans and projects; amending s. 163.3184, F.S.; providing a definition; providing requirements for comprehensive plans and plan amendments; providing an expedited state review process for adoption of comprehensive plan amendments; providing requirements for the adoption of comprehensive plan amendments; creating the state-coordinated review process; providing and revising provisions relating to the review process; revising requirements relating to local government transmittal of proposed plan or amendments; providing for comment by reviewing agencies; deleting provisions relating to regional, county, and municipal review; revising provisions relating to state land planning agency review; revising provisions relating to local government review of comments; deleting and revising provisions relating to notice of intent and processes for compliance and noncompliance; providing procedures for administrative challenges to plans and plan amendments; providing for compliance agreements; providing for mediation and expeditious resolution; revising powers and duties of the administration commission; revising provisions relating to areas of critical state concern; providing for concurrent zoning; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; repealing s. 163.3189, F.S., relating to process for amendment of adopted comprehensive plan; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3229, F.S.; revising limitations on duration of development agreements; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3246, F.S.; revising provisions relating to the local government comprehensive planning certification program; conforming provisions to changes made by the act; deleting reporting requirements of the Office of Program Policy Analysis and Government Accountability; repealing s. 163.32465, F.S., relating to state review of local comprehensive plans in urban areas; amending s. 163.3247, F.S.; providing for future repeal and abolition of the Century Commission for a Sustainable Florida; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitation relating to such credits; providing for incentives; providing eligibility for incentives; providing legislative intent; amending s. 380.06, F.S.; revising requirements relating to the issuance of permits for development by local governments; revising criteria for the determination of substantial deviation; providing for extension of certain expiration dates; revising exemptions governing developments of regional impact; revising provisions to conform to changes

made by this act; amending s. 380.0651, F.S.; revising provisions relating to statewide guidelines and standards for certain multiscreen movie theaters, industrial plants, industrial parks, distribution, warehousing and wholesaling facilities, and hotels and motels; revising criteria for the determination of when to treat two or more developments as a single development; amending s. 331.303, F.S.; conforming a cross-reference; amending s. 380.115, F.S.; subjecting certain developments required to undergo development-of-regional-impact review to certain procedures; amending s. 380.065, F.S.; deleting certain reporting requirements; conforming provisions to changes made by the act; amending s. 380.0685, F.S., relating to use of surcharges for beach renourishment and restoration; repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031, 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35, F.S.; revising provisions to conform to changes made by this act; extending permits and other authorizations extended under s. 14, ch. 2009-96, Laws of Florida; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; providing that all local governments shall be governed by certain provisions of general law; providing a directive of the Division of Statutory Revision; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1122** as amended and by two-thirds vote read the second time by title.

Senator Bennett moved the following amendment:

**Amendment 1 (195750) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (26) of section 70.51, Florida Statutes, is amended to read:

70.51 Land use and environmental dispute resolution.—

(26) A special magistrate's recommendation under this section constitutes data in support of, and a support document for, a comprehensive plan or comprehensive plan amendment, but is not, in and of itself, dispositive of a determination of compliance with chapter 163. ~~Any comprehensive plan amendment necessary to carry out the approved recommendation of a special magistrate under this section is exempt from the twice a year limit on plan amendments and may be adopted by the local government amendments in s. 163.3184(16)(d).~~

Section 2. Paragraphs (h) through (l) of subsection (3) of section 163.06, Florida Statutes, are redesignated as paragraphs (g) through (k), respectively, and present paragraph (g) of that subsection is amended to read:

163.06 Miami River Commission.—

(3) The policy committee shall have the following powers and duties:

~~(g) Coordinate a joint planning area agreement between the Department of Community Affairs, the city, and the county under the provisions of s. 163.3177(11)(a), (b), and (c).~~

Section 3. Subsection (4) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(4) In order for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan under s. 163.3187 to delineate the boundaries of the urban infill and redevelopment area within the future land use element of its compre-

hensive plan pursuant to its adopted urban infill and redevelopment plan. The state land planning agency shall review the boundary delineation of the urban infill and redevelopment area in the future land use element under s. 163.3184. However, an urban infill and redevelopment plan adopted by a local government is not subject to review for compliance as defined by s. 163.3184(1)(b), and the local government is not required to adopt the plan as a comprehensive plan amendment. ~~An amendment to the local comprehensive plan to designate an urban infill and redevelopment area is exempt from the twice a year amendment limitation of s. 163.3187.~~

Section 4. Section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(1) This part shall be known and may be cited as the *“Community Local Government Comprehensive Planning and Land Development Regulation Act.”*

(2) ~~In conformity with, and in furtherance of, the purpose of the Florida Environmental Land and Water Management Act of 1972, chapter 380,~~ It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and ~~manage control~~ future development *consistent with the proper role of local government.*

(3) *It is the intent of this act to focus the state role in managing growth under this act to protecting the functions of important state resources and facilities.*

(4) It is the intent of this act that ~~the ability of its adoption is necessary so that~~ local governments ~~to can~~ preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; ~~prevent the overcrowding of land and avoid undue concentration of population;~~ facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(5)(4) It is the intent of this act to encourage and ~~ensure assure~~ cooperation between and among municipalities and counties and to encourage and assure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

(6)(5) It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(7)(6) It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, shall be conducted in conformity with ~~the provisions of~~ this act.

(8)(7) The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.

(9)(8) It is the intent of the Legislature that the repeal of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws of Florida, ~~and amendments to this part by this chapter law,~~ shall not be interpreted to limit or restrict the powers of municipal or county officials, but shall be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent

of the Legislature to reconfirm that ss. 163.3161-163.3248 ~~163.3161 through 163.3215~~ have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

(10)(9) It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, *comprehensive plans and amendments thereto*, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must *ultimately* be determined in a judicial action.

(11) *It is the intent of this part that the traditional economic base of this state, agriculture, tourism, and military presence, be recognized and protected. Further, it is the intent of this part to encourage economic diversification, workforce development, and community planning.*

(12) *It is the intent of this part that new statutory requirements created by the Legislature will not require a local government whose plan has been found to be in compliance with this part to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191, unless otherwise specified in law. However, any new amendments must comply with the requirements of this part.*

Section 5. Subsections (2) through (5) of section 163.3162, Florida Statutes, are renumbered as subsections (1) through (4), respectively, and present subsections (1) and (5) of that section are amended to read:

163.3162 Agricultural Lands and Practices Act.—

~~(1) SHORT TITLE. This section may be cited as the “Agricultural Lands and Practices Act.”~~

~~(4)(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.~~—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164(33) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~. Such amendment is presumed *not to be urban sprawl as defined in s. 163.3164 if it includes consistent with rule 9J-5.006(5), Florida Administrative Code, and may include* land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.

(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government’s receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).

(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas

that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review ~~at the first available transmittal cycle~~. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed *not to be urban sprawl as defined in s. 163.3164 consistent with rule 9J-5.006(5), Florida Administrative Code*. This presumption may be rebutted by clear and convincing evidence.

(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.

(d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or
2. The Everglades Protection Area, as defined in s. 373.4592(2).

Section 6. Section 163.3164, Florida Statutes, is amended to read:

163.3164 ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~; definitions.—As used in this act:

(1) “Adaptation action area” or “adaptation area” means a designation in the coastal management element of a local government’s comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

(2) “Administration Commission” means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote, except that for purposes of imposing the sanctions provided in s. 163.3184(8)(11), affirmative action shall require the approval of the Governor and at least three other members of the commission.

(3) “Affordable housing” has the same meaning as in s. 420.0004(3).

~~(4)(33)~~ “Agricultural enclave” means an unincorporated, undeveloped parcel that:

- (a) Is owned by a single person or entity;
- (b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;
- (c) Is surrounded on at least 75 percent of its perimeter by:
  1. Property that has existing industrial, commercial, or residential development; or
  2. Property that the local government has designated, in the local government’s comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

(5) *“Antiquated subdivision” means a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision’s zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.*

(6)(2) *“Area” or “area of jurisdiction” means the total area qualifying under the provisions of this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.*

(7) *“Capital improvement” means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.*

(8)(3) *“Coastal area” means the 35 coastal counties and all coastal municipalities within their boundaries designated coastal by the state land planning agency.*

(9) *“Compatibility” means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.*

(10)(4) *“Comprehensive plan” means a plan that meets the requirements of ss. 163.3177 and 163.3178.*

(11) *“Deepwater ports” means the ports identified in s. 403.021(9).*

(12) *“Density” means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.*

(13)(5) *“Developer” means any person, including a governmental agency, undertaking any development as defined in this act.*

(14)(6) *“Development” has the same meaning as given it in s. 380.04.*

(15)(7) *“Development order” means any order granting, denying, or granting with conditions an application for a development permit.*

(16)(8) *“Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.*

(17)(25) *“Downtown revitalization” means the physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment.*

(18) *“Floodprone areas” means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.*

(19) *“Goal” means the long-term end toward which programs or activities are ultimately directed.*

(20)(9) *“Governing body” means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of the provisions of this act is accomplished as provided herein.*

(21)(10) *“Governmental agency” means:*

(a) The United States or any department, commission, agency, or other instrumentality thereof.

(b) This state or any department, commission, agency, or other instrumentality thereof.

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(22) *“Intensity” means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.*

(23) *“Internal trip capture” means trips generated by a mixed-use project that travel from one on-site land use to another on-site land use without using the external road network.*

(24)(11) *“Land” means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.*

(25)(22) *“Land development regulation commission” means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.*

(26)(23) *“Land development regulations” means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does shall not apply in s. 163.3213.*

(27)(12) *“Land use” means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.*

(28) *“Level of service” means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.*

(29)(13) *“Local government” means any county or municipality.*

(30)(14) *“Local planning agency” means the agency designated to prepare the comprehensive plan or plan amendments required by this act.*

(31)(15) *A “Newspaper of general circulation” means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.*

(32) *“New town” means an urban activity center and community designated on the future land use map of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services that demonstrate internal trip capture. A new town shall be based on a master development plan.*

(33) *“Objective” means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.*

(34)(16) *“Parcel of land” means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to*

be used, or developed as, a unit or which has been used or developed as a unit.

(35)(17) "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(36) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

(37)(28) "Projects that promote public transportation" means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.

(38)(24) "Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities, and spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports listed in s. 403.021(9)(b).

(39)(18) "Public notice" means notice as required by s. 125.66(2) for a county or by s. 166.041(3)(a) for a municipality. The public notice procedures required in this part are established as minimum public notice procedures.

(40)(19) "Regional planning agency" means the council created pursuant to chapter 186 agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state.

(41) "Seasonal population" means part-time inhabitants who use, or may be expected to use, public facilities or services, but are not residents and includes tourists, migrant farmworkers, and other short-term and long-term visitors.

(42)(31) "Optional Sector plan" means the ~~an optional~~ process authorized by s. 163.3245 in which one or more local governments engage in long-term planning for a large area and by agreement with the state land planning agency are allowed to address regional development of regional impact issues through adoption of detailed specific area plans within the planning area within certain designated geographic areas identified in the local comprehensive plan as a means of fostering innovative planning and development strategies in s. 163.3177(11)(a) and (b), furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extra-jurisdictional impacts. The term includes an optional sector plan that was adopted before the effective date of this act.

(43)(20) "State land planning agency" means the ~~Department of Community Affairs~~ Department of Economic Opportunity.

(44)(21) "Structure" has the same meaning as in given it by s. 380.031(19).

(45) "Suitability" means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

(46) "Transit-oriented development" means a project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

(47)(30) "Transportation corridor management" means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes.

(48)(27) "Urban infill" means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

(49)(26) "Urban redevelopment" means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

(50)(29) "Urban service area" means built-up areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation committed in the first 3 years of the capital improvement schedule. In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

(51) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5 year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level of service standards are achieved and maintained within the period covered by the 5 year schedule of capital improvements. A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level of service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by s. 163.3180.

(34) "Dense urban land area" means:

(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or

(c) A county, including the municipalities located therein, which has a population of at least 1 million.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.001. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.

Section 7. Section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(1) The several incorporated municipalities and counties shall have power and responsibility:

- (a) To plan for their future development and growth.
- (b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.
- (c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.
- (d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

The powers and authority set out in this act may be employed by municipalities and counties individually or jointly by mutual agreement in accord with the provisions of this act and in such combinations as their common interests may dictate and require.

(2) Each local government shall ~~maintain~~ prepare a comprehensive plan of the type and in the manner set out in this part or prepare amendments to its existing comprehensive plan to conform it to the requirements of this part and in the manner set out in this part. ~~In accordance with s. 163.3184, each local government shall submit to the state land planning agency its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended.~~

~~(3) When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by July 1, 1989, or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required by this subsection to prepare, prior to initiating the planning process. At least 90 days before the adoption by the regional planning agency of a comprehensive plan, or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan, or element or portion thereof, in accordance with s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2), this subsection, s. 163.3187, or s. 163.3189.~~

~~(3)(4) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with the provisions of this act. If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.~~

~~(4)(5) Any comprehensive plan, or element or portion thereof, adopted pursuant to the provisions of this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.~~

~~(6) When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections (3) and (4), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (3) and (4) or by the time the plan or element, or portion~~

~~thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the Chief Financial Officer, request payment by the Chief Financial Officer from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the Chief Financial Officer shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.~~

~~(7) A local government that is being requested to pay costs may seek an administrative hearing pursuant to ss. 120.569 and 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.~~

~~(5)(8) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.~~

~~(6)(9) The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municipalities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.~~

~~(7)(10) Nothing in this part shall supersede any provision of ss. 341.8201-341.842.~~

~~(11) Each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of its local comprehensive plan. The vision should be developed through a collaborative planning process with meaningful public participation and shall be adopted by the governing body of the jurisdiction. Neighboring communities, especially those sharing natural resources or physical or economic infrastructure, are encouraged to create collective visions for greater than local areas. Such collective visions shall apply in each city or county only to the extent that each local government chooses to make them applicable. The state land planning agency shall serve as a clearinghouse for creating a community vision of the future and may utilize the Growth Management Trust Fund, created by s. 186.911, to provide grants to help pay the costs of local visioning programs. When a local vision of the future has been created, a local government should review its comprehensive plan, land development regulations, and capital improvement program to ensure that these instruments will help to move the community toward its vision in a manner consistent with this act and with the state comprehensive plan. A local or regional vision must be consistent with the state vision, when adopted, and be internally consistent with the local or regional plan of which it is a component. The state land planning agency shall not adopt minimum criteria for evaluating or judging the form or content of a local or regional vision.~~

~~(8)(12) An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment that affects five or fewer parcels of land is prohibited.~~

~~(9)(13) Each local government shall address in its comprehensive plan, as enumerated in this chapter, the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.709.~~

~~(10)(14)(a) If a local government grants a development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal and the timeframe for filing an appeal has expired, the development order may not be invalidated by a subsequent judicial determination that such land development regulations, or any portion thereof that is relevant to the development order, are invalid because of a deficiency in the approval standards.~~

(b) This subsection does not preclude or affect the timely institution of any other remedy available at law or equity, including a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of

Appellate Procedure, or an original proceeding pursuant to s. 163.3215, as applicable.

~~(c) This subsection applies retroactively to any development order granted on or after January 1, 2002.~~

Section 8. Section 163.3168, Florida Statutes, is created to read:

163.3168 *Planning innovations and technical assistance.*—

(1) *The Legislature recognizes the need for innovative planning and development strategies to promote a diverse economy and vibrant rural and urban communities, while protecting environmentally sensitive areas. The Legislature further recognizes the substantial advantages of innovative approaches to development directed to meet the needs of urban, rural, and suburban areas.*

(2) *Local governments are encouraged to apply innovative planning tools, including, but not limited to, visioning, sector planning, and rural land stewardship area designations to address future new development areas, urban service area designations, urban growth boundaries, and mixed-use, high-density development in urban areas.*

(3) *The state land planning agency shall help communities find creative solutions to fostering vibrant, healthy communities, while protecting the functions of important state resources and facilities. The state land planning agency and all other appropriate state and regional agencies may use various means to provide direct and indirect technical assistance within available resources. If plan amendments may adversely impact important state resources or facilities, upon request by the local government, the state land planning agency shall coordinate multi-agency assistance, if needed, in developing an amendment to minimize impacts on such resources or facilities.*

(4) *The state land planning agency shall provide, on its website, guidance on the submittal and adoption of comprehensive plans, plan amendments, and land development regulations. Such guidance shall not be adopted as a rule and is exempt from s. 120.54(1)(a).*

Section 9. Subsection (4) of section 163.3171, Florida Statutes, is amended to read:

163.3171 *Areas of authority under this act.*—

~~(4) The state land planning agency and a~~ *Local governments may government shall have the power to enter into agreements with each other and to agree together to enter into agreements with a landowner, developer, or governmental agency as may be necessary or desirable to effectuate the provisions and purposes of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245, and 163.3248. It is the Legislature's intent that joint agreements entered into under the authority of this section be liberally, broadly, and flexibly construed to facilitate intergovernmental cooperation between cities and counties and to encourage planning in advance of jurisdictional changes. Joint agreements, executed before or after the effective date of this act, include, but are not limited to, agreements that contemplate municipal adoption of plans or plan amendments for lands in advance of annexation of such lands into the municipality, and may permit municipalities and counties to exercise nonexclusive extrajurisdictional authority within incorporated and unincorporated areas. The state land planning agency may not interpret, invalidate, or declare inoperative such joint agreements, and the validity of joint agreements may not be a basis for finding plans or plan amendments not in compliance pursuant to chapter law.*

Section 10. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 *Local planning agency.*—

(1) *The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if*

*approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. The governing body shall notify the state land planning agency of the establishment of its local planning agency.* All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) *If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.*

(b) *In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.*

Section 11. Subsections (5), (6), and (9) of section 163.3175, Florida Statutes, are amended to read:

163.3175 *Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.*—

(5) *The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:*

(a) *If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;*

(b) *Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;*

(c) *Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and*

(d) *Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.*

*The commanding officer's comments, underlying studies, and reports are not binding on the local government.*

(6) *The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) and must also be sensitive to private property rights and not be unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.*

(9) *If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184(8)(44). Any*

local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.

Section 12. Section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(1) The comprehensive plan shall provide the ~~consist of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of~~ principles, guidelines, and standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

(a) The comprehensive plan shall consist of elements as described in this section, and may include optional elements.

(b) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.

(c) The format of these principles and guidelines is at the discretion of the local government, but typically is expressed in goals, objectives, policies, and strategies.

(d) The comprehensive plan shall identify procedures for monitoring, evaluating, and appraising implementation of the plan.

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a par-

ticular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those provided by the University of Florida's Bureau of Economic and Business Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements and each such map must be contained within the comprehensive plan, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies and applies to the 5-year planning period, except in the case of a long term transportation or school concurrency management system, in which case a 10-year or 15-year period applies.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established ~~including~~ acceptable levels of service.

~~4. Standards for the management of debt.~~

~~4.5. A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.~~

~~5.6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the~~

applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).

(b)4. The capital improvements element must be reviewed by the local government on an annual basis. ~~Modifications and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to update the maintain a financially feasible 5-year capital improvement schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and may shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2011, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.~~

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

(c) If the local government does not adopt the required annual update to the schedule of capital improvements, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(d) If a local government adopts a long term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long term capital improvements schedule covering up to a 10 year or 15 year period, and must update the long term schedule annually. The long term schedule of capital improvements must be financially feasible.

(e) At the discretion of the local government and notwithstanding the requirements of this subsection, a comprehensive plan, as revised by an amendment to the plan's future land use map, shall be deemed to be financially feasible and to have achieved and maintained level of service standards as required by this section with respect to transportation facilities if the amendment to the future land use map is supported by a:

1. Condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s. 163.3180(12); or

2. Binding agreement addressing proportionate fair share mitigation consistent with s. 163.3180(16)(f) and the property subject to the amendment to the future land use map is located within an area designated in a comprehensive plan for urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service area. The binding agreement must be based on the maximum amount of development identified by the future land use map amendment or as may be otherwise restricted through a special area plan policy or map notation in the comprehensive plan.

(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the

local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. *Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.*

(b) The comprehensive plan and its elements shall contain *guidelines or policies* ~~policy recommendations~~ for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5) ~~and (12)~~, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, ~~public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed. Counties are encouraged to designate rural land stewardship areas, pursuant to paragraph (11)(d), as overlays on the future land use map.~~

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan *and plan amendments* shall be based upon surveys, studies, and data regarding the area, *as applicable*, including:

- a. The amount of land required to accommodate anticipated growth.;
- b. The projected *permanent and seasonal* population of the area.;
- c. The character of undeveloped land.;
- d. The availability of water supplies, public facilities, and services.;
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.;
- f. The compatibility of uses on lands adjacent to or closely proximate to military installations.;
- g. *The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.;*
- h. ~~The discouragement of urban sprawl.;~~ *energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities,*
- i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

*j. The need to modify land uses and development patterns within antiquated subdivisions. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act.*

3. The future land use plan element shall include criteria to be used to:

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5); ~~and~~

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. ~~In addition, for rural communities, The amount of land designated for future planned uses industrial use shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and may not be limited solely by the projected population of the rural community. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.~~

5. The future land use plan of a county may ~~also~~ designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. ~~For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07.~~

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools~~

~~proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category is eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.~~

8. *Future land use map amendments shall be based upon the following analyses:*

a. *An analysis of the availability of facilities and services.*

b. *An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

c. *An analysis of the minimum amount of land needed as determined by the local government.*

9. *The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.*

a. *The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:*

(I) *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.*

(II) *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

(III) *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.*

(IV) *Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

(V) *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.*

(VI) *Fails to maximize use of existing public facilities and services.*

(VII) *Fails to maximize use of future public facilities and services.*

(VIII) *Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.*

(IX) *Fails to provide a clear separation between rural and urban uses.*

(X) *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

(XI) *Fails to encourage a functional mix of uses.*

(XII) *Results in poor accessibility among linked or related land uses.*

(XIII) *Results in the loss of significant amounts of functional open space.*

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

11. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2012.

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation's adopted work program.

1. Each local government's transportation element shall address

~~(b) A traffic circulation, including element consisting of~~ the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the transportation ~~traffic circulation~~ element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:

a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.

b. The growth trends and travel patterns and interactions between land use and transportation.

c. Existing and projected intermodal deficiencies and needs.

d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.

e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area designated as an M.P.O. pursuant to s. 339.175 shall also address:

a. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

b. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

c. The capability to evacuate the coastal population before an impending natural disaster.

d. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

e. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

3. Municipalities having populations greater than 50,000, and counties having populations greater than 75,000, shall include mass-transit provisions showing proposed methods for the moving of people, rights-of-way, terminals, and related facilities and shall address:

a. The provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

b. Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

c. Plans for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

4. At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded. ~~The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, fa-

cilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conservation of potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features. ~~The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.~~

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. ~~Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.~~ Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.

b. Floodplains.

c. Known sources of commercially valuable minerals.

d. Areas known to have experienced soil erosion problems.

e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

a. Protects air quality.

b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water

sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.

c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.

d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.

e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.

f. Protects existing natural reservations identified in the recreation and open space element.

g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.

h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.

i. Manages hazardous waste to protect natural resources.

j. Protects and conserves wetlands and the natural functions of wetlands.

k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

3. ~~Local governments shall assess their~~ Current ~~and,~~ as well as projected, ~~water~~ needs and sources for at least a 10-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider, ~~considering~~ the appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. ~~The land use map or map series contained in the future land use element shall generally identify and depict the following:~~

1. Existing and planned waterwells and cones of influence where applicable.
2. ~~Beaches and shores, including estuarine systems.~~
3. ~~Rivers, bays, lakes, flood plains, and harbors.~~
4. ~~Wetlands.~~
5. ~~Minerals and soils.~~
6. ~~Energy conservation.~~

~~The land uses identified on such maps shall be consistent with applicable state law and rules.~~

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

(f)1. A housing element consisting of ~~standards, plans, and principles, guidelines, standards, and strategies~~ to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(h)(~~h~~), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

~~h. Energy efficiency in the design and construction of new housing.~~

~~i. Use of renewable energy resources.~~

~~j. Each county in which the gap between the buying power of a family of four and the median county home sale price exceeds \$170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-paragraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.~~

~~k. As a precondition to receiving any state affordable housing funding or allocation for any project or program within the jurisdiction of a county that is subject to sub-paragraph j., a county must, by July 1 of each year, provide certification that the county has complied with the requirements of sub-paragraph j.~~

2. The principles, guidelines, standards, and strategies ~~goals, objectives, and policies~~ of the housing element must be based on the data and analysis prepared on housing needs, including an inventory taken from the latest decennial United States Census or more recent estimates, which shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, and shall show the number of dwelling units that are substandard. The inventory shall also include the methodology used to estimate the condition of housing, a projection of the anticipated number of households by size, income range, and age of residents derived from the population projections, and the minimum housing need of the current and anticipated future residents of the jurisdiction ~~the affordable housing needs assessment.~~

3. The housing element must express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

~~2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.~~

~~(g)1. For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the principles, guidelines, standards, and strategies policies that shall guide the local government's decisions and program implementation with respect to the following objectives:~~

~~1.a. Maintain, restore, and enhance Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.~~

~~2.b. Preserve the continued existence of viable populations of all species of wildlife and marine life.~~

~~3.e. Protect the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.~~

~~4.d. Avoid Avoidance of irreversible and irretrievable loss of coastal zone resources.~~

~~5.e. Use ecological planning principles and assumptions to be used in the determination of the suitability and extent of permitted development.~~

~~f. Proposed management and regulatory techniques.~~

~~6.g. Limit Limitation of public expenditures that subsidize development in high-hazard coastal high-hazard areas.~~

~~7.h. Protect Protection of human life against the effects of natural disasters.~~

~~8.i. Direct the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.~~

~~9.j. Preserve historic and archaeological resources, which include the Preservation, including sensitive adaptive use of these historic and archaeological resources.~~

~~10. At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have an hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.~~

~~2. As part of this element, a local government that has a coastal management element in its comprehensive plan is encouraged to adopt recreational surface water use policies that include applicable criteria for and consider such factors as natural resources, manatee protection needs, protection of working waterfronts and public access to the water, and recreation and economic demands. Criteria for manatee protection in the recreational surface water use policies should reflect applicable guidance outlined in the Boat Facility Siting Guide prepared by the Fish and Wildlife Conservation Commission. If the local government elects to adopt recreational surface water use policies by comprehensive plan amendment, such comprehensive plan amendment is exempt from the provisions of s. 163.3187(1). Local governments that wish to adopt re-~~

~~creational surface water use policies may be eligible for assistance with the development of such policies through the Florida Coastal Management Program. The Office of Program Policy Analysis and Government Accountability shall submit a report on the adoption of recreational surface water use policies under this subparagraph to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives no later than December 1, 2010.~~

~~(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.~~

~~a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.~~

~~b. The intergovernmental coordination element must provide for recognition of campus master plans prepared pursuant to s. 1013.30 and airport master plans under paragraph (k).~~

~~e. The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.~~

~~c.d. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).~~

~~2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.~~

~~3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. The element must:~~

~~a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.~~

~~b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.~~

~~3. To foster coordination between special districts and local general purpose governments as local general purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.~~

4. Local governments shall execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to ensure that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which identifies:

a. All existing or proposed interlocal service delivery agreements relating to education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

6. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

7. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 5. The report may be used as supporting data and analysis for the intergovernmental coordination element.

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which must be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:

1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.

2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

3. Parking facilities.

4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.

6. The capability to evacuate the coastal population prior to an impending natural disaster.

7. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

10. The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport related or aviation related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport related or aviation related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development of regional impact development order pursuant to s. 380.06, but which is no longer required to undergo development of regional impact review pursuant to this subsection, may abandon its development of regional impact order upon written notification to the applicable local government. Upon receipt by the local government, the development of regional impact development order is void.

(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:

(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass transit element showing proposed methods for the moving of people, rights of way, terminals, related facilities, and fiscal considerations for the accomplishment of the element.

(b) As a part of the circulation element of paragraph (6)(b) or as a separate element, plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

(c) As a part of the circulation element of paragraph (6)(b) and in coordination with paragraph (6)(c), where applicable, a plan element for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of offstreet parking facilities for motor vehicles and the fiscal considerations for the accomplishment of the element.

(e) A public buildings and related facilities element showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations, and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units, such as school boards or hospital authorities, having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.

(f) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.

(g) A general area redevelopment element consisting of plans and programs for the redevelopment of slums and blighted locations in the area and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and other purposes authorized by law.

(h) A safety element for the protection of residents and property of the area from fire, hurricane, or manmade or natural catastrophe, including such necessary features for protection as evacuation routes and their control in an emergency, water supply requirements, minimum road widths, clearances around and elevations of structures, and similar matters.

(i) An historical and scenic preservation element setting out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.

(j) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought, correlated to the present and projected employment needs of the area and to other elements of the plans, and may set forth methods by which a balanced and stable economic base will be pursued.

(k) Such other elements as may be peculiar to, and necessary for, the area concerned and as are added to the comprehensive plan by the governing body upon the recommendation of the local planning agency.

(l) Local governments that are not required to prepare coastal management elements under s. 163.3178 are encouraged to adopt hazard mitigation/postdisaster redevelopment plans. These plans should, at a minimum, establish long term policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns. Grants to assist local governments in the preparation of these hazard mitigation/postdisaster redevelopment plans shall be available through the Emergency Management Preparedness and Assistance Account in the Grants and Donations Trust Fund administered by the department, if such account is created by law. The plans must be in compliance with the requirements of this act and chapter 252.

(8) All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved. Surveys and studies utilized in the preparation of the comprehensive plan shall not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, and supporting documents shall be made available to public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction.

(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements required by this act. Such rules shall not be subject to rule challenges under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(e)2. Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:

(a) Proposed elements are in compliance with the requirements of part II, as amended by this act.

(b) Other elements of the comprehensive plan are related to and consistent with each other.

(c) The local government comprehensive plan elements are consistent with the state comprehensive plan and the appropriate regional policy plan pursuant to s. 186.508.

(d) Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in their comprehensive plans pursuant to paragraph (6)(g).

(e) Proposed elements identify the mechanisms and procedures for monitoring, evaluating, and appraising implementation of the plan. Specific measurable objectives are included to provide a basis for evaluating effectiveness as required by s. 163.3191.

(f) Proposed elements contain policies to guide future decisions in a consistent manner.

(g) Proposed elements contain programs and activities to ensure that comprehensive plans are implemented.

(h) Proposed elements identify the need for and the processes and procedures to ensure coordination of all development activities and services with other units of local government, regional planning agencies, water management districts, and state and federal agencies as appropriate.

The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances and, upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plans. The review and comment provisions applicable prior to October 1, 1985, shall continue in effect until the criteria for review and determination are adopted pursuant to this subsection and the comprehensive plans required by s. 163.3167(2) are due.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of determining whether local comprehensive plans are consistent with the state comprehensive plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "further" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or appropriate regional policy plan. The term "further" means to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the state comprehensive plan or the appropriate regional policy plan, the state or regional plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.

(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Inter-governmental coordination, as set forth in paragraph (6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.

(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in conflict with this part, the appropriate statutory provision shall prevail.

(d) Chapter 9J-5, Florida Administrative Code, does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.

(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not

evaluate whether one accepted methodology is better than another. Chapter 9J-5, Florida Administrative Code, shall not be construed to require original data collection by local governments; however, Local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.

(f) The Legislature recognizes that under this section, local governments are charged with setting levels of service for public facilities in their comprehensive plans in accordance with which development orders and permits will be issued pursuant to s. 163.3202(2)(g). Nothing herein shall supersede the authority of state, regional, or local agencies as otherwise provided by law.

(g) Definitions contained in chapter 9J-5, Florida Administrative Code, are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of this chapter, and chapter 9J-5, Florida Administrative Code.

(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by paragraph (3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to this chapter or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it deems necessary.

(i) The department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.

(j) Chapter 9J-5, Florida Administrative Code, has become effective pursuant to subsection (9). The Legislature hereby directs the department to adopt amendments as necessary which conform chapter 9J-5, Florida Administrative Code, with the requirements of this legislative intent by October 1, 1986.

(k) In order for local governments to prepare and adopt comprehensive plans with knowledge of the rules that are applied to determine consistency of the plans with this part, there should be no doubt as to the legal standing of chapter 9J-5, Florida Administrative Code, at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5 before October 1, 1986, are not subject to rule challenges under s. 120.56(2), or to drawout proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative Code, as amended, is subject to rule challenges under s. 120.56(3), as nothing herein indicates approval or disapproval of any portion of chapter 9J-5 not specifically addressed herein. Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.

(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in

an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

e. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

2. The department shall encourage participation by local governments of different sizes and rural characteristics in establishing and implementing rural land stewardship areas. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of

the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4.—A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a.—Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b.—Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c.—A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(1), Florida Administrative Code, which provide for a functional mix of land uses, including adequate available workforce housing, including low, very low and moderate income housing for the development anticipated in the receiving area and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d.—A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e.—The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(1), Florida Administrative Code.

5.—A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.

6.—Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long term vision and goals for the 25 year or greater projected population of the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. Transferable rural land use credits are subject to the following limitations:

a.—Transferable rural land use credits may only exist within a rural land stewardship area.

b.—Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c.—Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d.—Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e.—The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f.—Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g.—An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h.—A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i.—Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j.—Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

k.—The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

7.—Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a.—Opportunity to accumulate transferable mitigation credits.

b.—Extended permit agreements.

c.—Opportunities for recreational leases and ecotourism.

d.—Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e.—Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8.—The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(c)—The Legislature finds that mixed use, high density development is appropriate for urban infill and redevelopment areas. Mixed use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed use, high density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed use, high density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed use, high density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single use zoning in urban areas which often leads to lower density, land intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed use, high density urban infill and redevelopment projects.

(f)—The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high density development. The Legislature recognizes that high density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high density infill and redevelopment projects.

(g)—The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(h)—The department may adopt rules necessary to implement the provisions of this subsection.

(12)—A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.

(a)—The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5 year capital outlay full time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a projected 5 year capital outlay full time equivalent student growth rate to exceed 10 percent when the projected 10 year capital outlay full time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100 percent limitation. The state land planning agency may allow for a single school to exceed the 100 percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

- 1.—Whether the exceedance is due to temporary circumstances;
- 2.—Whether the projected 5 year capital outlay full time equivalent student growth rate for the school district is approaching the 10 percent threshold;
- 3.—Whether one or more additional schools within the school district are at or approaching the 100 percent threshold; and
- 4.—The adequacy of the data and analysis submitted to support the waiver request.

(b)—A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1.—The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

2.—The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.

3.—The municipality has no public schools located within its boundaries.

(c)—A public school facilities element shall be based upon data and analyses that address, among other items, how level of service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5 year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5 year and long term planning periods; and anticipated educational and ancillary plants with land area requirements.

(d)—The element shall contain one or more goals which establish the long term end toward which public school programs and activities are ultimately directed.

(e)—The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(f)—The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(g)—The objectives and policies shall address items such as:

- 1.—The procedure for an annual update process;
- 2.—The procedure for school site selection;
- 3.—The procedure for school permitting;
- 4.—Provision for infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;
- 5.—Provision for collocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;
- 6.—Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;
- 7.—Measures to ensure compatibility of school sites and surrounding land uses;
- 8.—Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and
- 9.—Coordination with the future land use element.

(h)—The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants;

including the general location of improvements to existing schools or new schools anticipated over the 5 year or long term planning period. The maps will of necessity be general for the long term planning period and more specific for the 5 year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.

(i) ~~The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).~~

(j) ~~The state land planning agency may issue a notice to the school board and the local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement provisions relating to public school concurrency. If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement as required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission which may impose on the local government any of the sanctions set forth in s. 163.3184(1)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).~~

(13) ~~Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.~~

(a) ~~As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

(b) ~~The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):~~

- ~~1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;~~
- ~~2. Priorities for economic development;~~
- ~~3. Preservation of open space, environmentally sensitive lands, and agricultural lands;~~
- ~~4. Appropriate areas and standards for mixed use development;~~
- ~~5. Appropriate areas and standards for high density commercial and residential development;~~
- ~~6. Appropriate areas and standards for economic development opportunities and employment centers;~~
- ~~7. Provisions for adequate workforce housing;~~
- ~~8. An efficient, interconnected multimodal transportation system; and~~
- ~~9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1-8.~~

(c) ~~As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:~~

- ~~1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including in-~~

~~novative planning and development strategies, such as the transfer of development rights;~~

~~2. Incentives for mixed use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;~~

~~3. Incentives for workforce housing;~~

~~4. Designation of an urban service boundary pursuant to subsection (2); and~~

~~5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.~~

(d) ~~The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land use patterns and character of the community during a 10 year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.~~

(e) ~~After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).~~

(f) ~~Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

(g) ~~A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).~~

(14) ~~Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10 year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level of service standards by adopting a 10 year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10 year planning timeframe.~~

(a) ~~As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.~~

(b)1. ~~After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).~~

2. ~~This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full cost accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.~~

~~(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

~~(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.~~

(7)(15)(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of critical economic concern. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of critical economic concern.

(c)1. A landowner whose land is located within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses of facilities located within the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. A local government comprehensive plan amendment under this paragraph must:

a. Not increase the physical area of the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater.

b. Propose a project that would, upon completion, create at least 50 new full-time jobs.

c. Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level-of-service standards adopted in the local government comprehensive plan.

d. Contain goals, objectives, and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.

2. Within 6 months after receiving an application as provided in this paragraph, the local government shall transmit the application to the state land planning agency for review pursuant to this chapter together with any needed amendments to the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed *not to be urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184, consistent with rule 9J-5.006(5), Florida Administrative Code.* This presumption may be rebutted by a preponderance of the evidence.

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

(e) Nothing in this subsection shall be construed to confer the status of rural area of critical economic concern, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

Section 13. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.—

(1)(a) The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.~~

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital outlay full-time equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.~~

~~(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.~~

~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section. Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.~~

(2) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~(3)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with~~

~~the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.~~

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(4) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section.~~

~~(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (1), (2), and (3).~~

~~(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

Section 14. Subsection (9) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(9)(a) ~~Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section.~~ A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation *may* not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, ~~but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code,~~ by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

Section 15. Section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(1)(a) ~~Sanitary sewer, solid waste, drainage, and potable water; parks and recreation, schools, and transportation facilities, including mass transit, where applicable,~~ are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) *If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues is not subject to state review.*

(b) *The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.*

(b) ~~Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The Department of Transportation shall develop~~

~~methodologies to assist local governments in implementing this multi-modal level of service analysis. The Department of Community Affairs and the Department of Transportation shall provide technical assistance to local governments in applying these methodologies.~~

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

(b) ~~Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.~~

(c) ~~Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.~~

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. ~~This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.~~

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) ~~The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park and ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.~~

(c) ~~The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.~~

(5)(a) *If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.*

(b) *Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should*

consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.
2. With special part-time demands on the transportation system.
3. With de minimis impacts.
4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.
2. Adoption of an areawide level of service not dependent on any single road segment function.
3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.
4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.
5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.
6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h) Local governments that implement transportation concurrency must:

1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.
2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

3. Allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

a. The applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements.

b. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. c.(I) The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

(II) When an applicant contributes or constructs its proportionate share pursuant to this subparagraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

(A) The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

(B) In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in sub-subparagraph e. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

(C) When the provisions of this subparagraph have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

(D) In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

(E) The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

d. This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

e. As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus addi-

tional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(a) The Legislature finds that under limited circumstances, countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives is essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers.

(b) The following are transportation concurrency exception areas:

a. A municipality that qualifies as a dense urban land area under s. 163.3164;

b. An urban service area under s. 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164; and

c. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.

2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164;

b. Community redevelopment areas as defined in s. 163.340;

c. Downtown revitalization areas as defined in s. 163.3164;

d. Urban infill and redevelopment under s. 163.2517; or

e. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).

3. A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:

a. Urban infill as defined in s. 163.3164;

b. Urban infill and redevelopment under s. 163.2517; or

c. Urban service areas as defined in s. 163.3164.

4. A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.

5. Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.

6. Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do not apply in any county that has exempted more than 40 percent of the area inside the urban service area from transportation concurrency for the purpose of urban infill.

7. A local government that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

a. Urban infill development;

b. Urban redevelopment;

c. Downtown revitalization;

d. Urban infill and redevelopment under s. 163.2517; or

e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part time demands on the transportation system, are exempt from the concurrency requirement for transportation facilities. A special part time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply:

1. The local government shall both adopt into the comprehensive plan and implement long term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment must also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided.

2. The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must be accompanied by data and analysis supporting the local government's determination of the boundaries of the transportation concurrency exception area.

(e) Before designating a concurrency exception area pursuant to subparagraph (b)7., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level of service standards established for regional transportation facilities identified pursuant to s. 186.507, including the Strategic Intermodal System and roadway facilities funded in accordance with s. 330.2810. Further, the local government shall provide a plan for the mitigation of impacts to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures.

(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(20)(c).

(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level of service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110 percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110 percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level of service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 330.64, and roadway facilities funded in accordance with s. 330.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexistent impact pursuant to the calculations of the local government. Redevelopment requiring less than 110 percent of the previously existing capacity shall

not be prohibited due to the reduction of transportation levels of service below the adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.

(9)(a) Each local government may adopt as a part of its plan, long-term transportation and school concurrency management systems with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level of service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backloged facilities. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.
2. For roads, whether the backlog is on local or state roads.
3. The cost of eliminating the backlog.
4. The local government's tax and other revenue raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding this section, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 330.63, local governments shall adopt the level of service standard established by the Department of Transportation by rule. However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.973, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level of service standard that need not be consistent with any level of service standard established by the Department of Transportation. In establishing adequate level of service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level of service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

(11) In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to sa-

tisfy transportation concurrency, when all the following factors are shown to exist:

(a) The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.

(b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

(c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.

(d) The local government has provided a means by which the land owner will be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.

(e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.

(12)(a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate share contribution for local and regionally significant traffic impacts, if:

1. The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other non-automotive modes of transportation;

2. The proportionate share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;

3. The owner and developer of the development of regional impact pays or assures payment of the proportionate share contribution; and

4. If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12).

(6)(a) If concurrency is applied to public education facilities, the application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended; all local governments within a county, except as provided in paragraph (i) (f), shall include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreements. If the county and one or more municipalities have adopted school concurrency into its comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency. agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government provisions included in comprehensive plans regarding school concurrency public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level of service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

(c)2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

(d)3. Local governments and school boards may shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(e)4.—For the purpose of determining whether levels of service have been achieved, for the first 3 years of school concurrency implementation, A school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level of service standards.

(f)1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged, if they elect to adopt school concurrency, to initially apply school concurrency to development only on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency, 2. If a local government elects to

governments shall apply school concurrency on a less than districtwide basis, by such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.

~~a.2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, Local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.~~

~~b.3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be subtracted from the shifted to contiguous service area's areas with schools having available capacity totals. Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.~~

~~(g)(d) Financial feasibility. The Legislature recognizes that financial feasibility is an important issue because The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.~~

~~1. A comprehensive plan that imposes amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period consistent with the school board's educational set forth a financially feasible public school capital facilities plan program, established in conjunction with the school board, that demonstrates that the adopted level of service standards will be achieved and maintained.~~

~~(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:~~

~~a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.~~

~~b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.~~

~~c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.~~

~~2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.~~

~~3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.~~

~~2.(c) Availability standard. Consistent with the public welfare, If a local government applies school concurrency, it may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-subparagraph a. subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan public school facilities element and the interlocal agreement pursuant to s. 163.31777.~~

~~a.1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.~~

~~b.2. If the interlocal agreement education facilities plan and the local government comprehensive plan public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.~~

~~c.3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in the a financially feasible 5-year school board's educational facilities district work plan that satisfies the demands created by the development in accordance with a binding developer's agreement.~~

~~4. If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the impacts of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated facility within the first 3 years of an approved capital improvement plan, and the cost of the school facility is equal to or greater than the development's proportionate share. When the completed school facility is conveyed to the school district, the developer shall receive impact fee credits usable within the zone where the facility is constructed or any attendance zone contiguous with or adjacent to the zone where the facility is constructed.~~

~~3.5. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.~~

~~(i)(f) Intergovernmental coordination.—~~

~~1.—When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that A municipality is not required to be a signatory to the interlocal agreement required by paragraph (j) ss. 163.3177(6)(h)2. and 163.3177(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, may shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:~~

~~1.a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.~~

~~2.b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.~~

~~3.e. The municipality has no public schools located within its boundaries.~~

~~4.d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.~~

~~2.—A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.3177(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.3177, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.~~

~~(j)(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.3177 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.3177, The interlocal agreement shall meet the following requirements:~~

~~1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's school concurrency related provisions of the comprehensive plan public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.~~

~~2.—Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

~~2.3. Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.~~

~~4.—Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.~~

~~3.5. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form~~

~~of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level of service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.~~

~~4.6. Establish a uniform districtwide procedure for implementing school concurrency which provides for:~~

~~a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity;~~

~~b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and~~

~~c. The monitoring and evaluation of the school concurrency system.~~

~~7.—Include provisions relating to amendment of the agreement.~~

~~5.8. A process and uniform methodology for determining proportionate-share mitigation pursuant to paragraph (h) subparagraph (e)1.~~

~~(k)(h) Local government authority.—This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.~~

~~(14)—The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.~~

~~(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Multimodal transportation districts existing prior to July 1, 2006, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

~~(b)—Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.~~

(c) Local governments may establish multimodal level of service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level of service methodologies. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.

(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair share mitigation under this section shall be as provided for in subsection (12).

(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair share mitigation options.

(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5 year schedule of capital improvements in the capital improvements element of the local plan or the long term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5 year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5 year capital improvements element which reflect proportionate fair share contributions may not be found not in compliance based on ss. 163.3164(32) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. Proportionate fair share mitigation may be directed toward one or more specific transportation improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel. The fair market value of the proportionate fair share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair share contribution regardless of the method of mitigation. Proportionate fair share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.

(d) This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

(f) If the funds in an adopted 5 year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvements funded by the proportionate share component must be adopted into the 5 year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update. The funding of any improvements that significantly benefit the impacted transportation system satisfies concurrency requirements as a mitigation of the development's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.

(g) Except as provided in subparagraph (b)1., this section may not prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.

(h) The provisions of this subsection do not apply to a development of regional impact satisfying the requirements of subsection (12).

(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip generation entitlements of an approved development of regional impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full time employees.

Section 16. Section 163.3182, Florida Statutes, is amended to read:

163.3182 Transportation ~~deficiencies~~ ~~concurrency~~ ~~backlogs~~.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Transportation ~~deficiency~~ ~~concurrency~~ ~~backlog~~ area" means the geographic area within the unincorporated portion of a county or within the municipal boundary of a municipality designated in a local government comprehensive plan for which a transportation ~~development~~ ~~concurrency~~ ~~backlog~~ authority is created pursuant to this section. A transportation ~~deficiency~~ ~~concurrency~~ ~~backlog~~ area created within the corporate boundary of a municipality shall be made pursuant to an interlocal agreement between a county, a municipality or municipalities, and any affected taxing authority or authorities.

(b) “Authority” or “transportation ~~development concurrency backlog~~ authority” means the governing body of a county or municipality within which an authority is created.

(c) “Governing body” means the council, commission, or other legislative body charged with governing the county or municipality within which ~~a transportation concurrency backlog~~ authority is created pursuant to this section.

(d) “Transportation ~~deficiency concurrency backlog~~” means an identified ~~need deficiency~~ where the existing *and projected* extent of traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility.

(e) “Transportation ~~sufficiency concurrency backlog~~ plan” means the plan adopted as part of a local government comprehensive plan by the governing body of a county or municipality acting as a transportation ~~development concurrency backlog~~ authority.

(f) “Transportation ~~concurrency backlog~~ project” means any designated transportation project identified for construction within the jurisdiction of a transportation ~~development concurrency backlog~~ authority.

(g) “Debt service millage” means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(h) “Increment revenue” means the amount calculated pursuant to subsection (5).

(i) “Taxing authority” means a public body that levies or is authorized to levy an ad valorem tax on real property located within a transportation ~~deficiency concurrency backlog~~ area, except a school district.

## (2) CREATION OF TRANSPORTATION DEVELOPMENT ~~CONCURRENCY BACKLOG~~ AUTHORITIES.—

(a) A county or municipality may create a transportation ~~development concurrency backlog~~ authority if it has an identified transportation ~~deficiency concurrency backlog~~.

(b) Acting as the transportation ~~development concurrency backlog~~ authority within the authority’s jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation ~~deficiencies concurrency backlogs~~ within the authority’s jurisdiction using funds provided pursuant to subsection (5) and as otherwise provided pursuant to this section.

(c) The Legislature finds and declares that there exist in many counties and municipalities areas that have significant transportation deficiencies and inadequate transportation facilities; that many insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation ~~level of service concurrency~~ standards; that the transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of these counties and municipalities; that the transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which these insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.

(3) POWERS OF A TRANSPORTATION DEVELOPMENT ~~CONCURRENCY BACKLOG~~ AUTHORITY.—Each transportation ~~development concurrency backlog~~ authority created pursuant to this section has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this section.

(b) To undertake and carry out transportation ~~concurrency backlog~~ projects for transportation facilities *designed to relieve transportation deficiencies that have a concurrency backlog* within the authority’s jurisdiction. *Transportation Concurrency backlog* projects may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a ~~deficient backlogged~~ transportation facility.

(c) To invest any transportation ~~concurrency backlog~~ funds held in reserve, sinking funds, or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to the control of the authority and to redeem such bonds as have been issued pursuant to this section at the redemption price established therein, or to purchase such bonds at less than redemption price. All such bonds redeemed or purchased shall be canceled.

(d) To borrow money, including, but not limited to, issuing debt obligations such as, but not limited to, bonds, notes, certificates, and similar debt instruments; to apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part; to give such security as may be required; to enter into and carry out contracts or agreements; and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation ~~concurrency backlog~~ project and related activities such conditions imposed under federal laws as the transportation ~~development concurrency backlog~~ authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.

(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section; to contract with any persons, public or private, in making and carrying out such plans; and to adopt, approve, modify, or amend such transportation ~~sufficiency concurrency backlog~~ plans.

(f) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this section, and to enter into agreements with other public bodies, which agreements may extend over any period notwithstanding any provision or rule of law to the contrary.

## (4) TRANSPORTATION SUFFICIENCY ~~CONCURRENCY BACKLOG~~ PLANS.—

(a) Each transportation ~~development concurrency backlog~~ authority shall adopt a transportation ~~sufficiency concurrency backlog~~ plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan must:

(a)1- Identify all transportation facilities that have been designated as deficient and require the expenditure of moneys to upgrade, modify, or mitigate the deficiency.

(a)2- Include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and the applicable local government comprehensive plan.

(a)3- Establish a schedule for financing and construction of transportation ~~concurrency backlog~~ projects that will eliminate transportation ~~deficiencies concurrency backlogs~~ within the jurisdiction of the authority within 10 years after the transportation ~~sufficiency concurrency backlog~~ plan adoption. The schedule shall be adopted as part of the local government comprehensive plan.

(b) ~~The adoption of the transportation concurrency backlog plan shall be exempt from the provisions of s. 163.3187(1).~~

Notwithstanding such schedule requirements, as long as the schedule provides for the elimination of all transportation ~~deficiencies concurrency backlogs~~ within 10 years after the adoption of the transportation ~~sufficiency concurrency backlog~~ plan, the final maturity date of any debt incurred to finance or refinance the related projects may be no later than 40 years after the date the debt is incurred and the authority may continue operations and administer the trust fund established as provided in subsection (5) for as long as the debt remains outstanding.

(5) ESTABLISHMENT OF LOCAL TRUST FUND.—The transportation ~~development concurrency backlog~~ authority shall establish a local transportation ~~concurrency backlog~~ trust fund upon creation of the authority. Each local trust fund shall be administered by the transportation ~~development concurrency backlog~~ authority within which a transportation ~~deficiencies have concurrency backlog~~ has been identified. Each local trust fund must continue to be funded under this section for as long as the projects set forth in the related transportation ~~sufficiency con-~~

~~currency backlog~~ plan remain to be completed or until any debt incurred to finance or refinance the related projects is no longer outstanding, whichever occurs later. Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation ~~deficiency concurrency backlog~~ area to be determined annually and shall be a minimum of 25 percent of the difference between the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree under an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation ~~development concurrency backlog~~ authority and within the transportation ~~deficiency backlog~~ area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation ~~deficiency concurrency backlog~~ area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.

(6) EXEMPTIONS.—

(a) The following public bodies or taxing authorities are exempt from ~~the provisions of this section:~~

1. A special district that levies ad valorem taxes on taxable real property in more than one county.
2. A special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district ~~are shall not be~~ deemed available.
3. A library district.
4. A neighborhood improvement district created under the Safe Neighborhoods Act.
5. A metropolitan transportation authority.
6. A water management district created under s. 373.069.
7. A community redevelopment agency.

(b) A transportation ~~development concurrency exemption~~ authority may also exempt from this section a special district that levies ad valorem taxes within the transportation ~~deficiency concurrency backlog~~ area pursuant to s. 163.387(2)(d).

(7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption of a transportation ~~sufficiency concurrency backlog~~ plan as a part of the local government comprehensive plan, and the plan going into effect, the area subject to the plan shall be deemed to have achieved and maintained transportation level-of-service standards, ~~and to have met requirements for financial feasibility for transportation facilities, and for the purpose of proposed development transportation concurrency has been satisfied.~~ Proportionate fair-share mitigation shall be limited to ensure that a development inside a transportation ~~deficiency concurrency backlog~~ area is not responsible for the additional costs of eliminating ~~deficiencies backlogs~~.

(8) DISSOLUTION.—Upon completion of all transportation ~~concurrency backlog~~ projects ~~identified in the transportation sufficiency plan~~ and repayment or defeasance of all debt issued to finance or refinance such projects, a transportation ~~development concurrency backlog~~ authority shall be dissolved, and its assets and liabilities transferred to the county or municipality within which the authority is located. All remaining assets of the authority must be used for implementation of transportation projects within the jurisdiction of the authority. The local

government comprehensive plan shall be amended to remove the transportation concurrency backlog plan.

Section 17. Section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) “In compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and 163.3245, and 163.3248 with the state comprehensive plan,~~ with the appropriate strategic regional policy plan, ~~and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part~~ and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) “Reviewing agencies” means:

1. *The state land planning agency;*
2. *The appropriate regional planning council;*
3. *The appropriate water management district;*
4. *The Department of Environmental Protection;*
5. *The Department of State;*
6. *The Department of Transportation;*
7. *In the case of plan amendments relating to public schools, the Department of Education;*
8. *In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;*
9. *In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and*
10. *In the case of municipal plans and plan amendments, the county in which the municipality is located.*

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167 shall follow the state coordinated review process in subsection (4).

(3) *EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—*

(a) *The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.*

(b)1. *The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.*

2. *The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days from the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.*

3. *Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:*

a. *The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.*

b. *County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.*

c. *Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.*

d. *Military installation comments shall be provided in accordance with s. 163.3175.*

4. *Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:*

a. *The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.*

b. *The Department of State shall limit its comments to the subjects of historic and archeological resources.*

c. *The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.*

d. *The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.*

e. *The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.*

f. *The Department of Education shall limit its comments to the subject of public school facilities.*

g. *The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.*

h. *The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.*

(c)1. *The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.*

2. *All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2.*

3. *The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.*

4. *An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.*

(4) *STATE COORDINATED REVIEW PROCESS.—*

(a)(2) *Coordination.—The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c). Each comprehensive plan or plan amendment proposed to be adopted pursuant to this subsection ~~part~~ shall be transmitted, adopted, and reviewed in the manner prescribed in this subsection ~~section~~. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this subsection ~~section~~, to the local governing body responsible for the comprehensive plan or plan amendment. ~~The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.~~*

(b)(3) *Local government transmittal of proposed plan or amendment.—*

(a) Each local governing body proposing a plan or plan amendment specified in paragraph (2)(c) shall transmit the complete proposed comprehensive plan or plan amendment to the reviewing agencies state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, immediately following the first a public hearing pursuant to subsection (11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of s. 163.3184(4)(15) as specified in the state land planning agency's procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(e) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

(c)(4) *Reviewing agency comments* ~~INTERGOVERNMENTAL REVIEW.~~—The governmental agencies specified in paragraph (b) may paragraph (3)(a) shall provide comments regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment. If the plan or plan amendment includes or relates to the public school facilities

element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public shall be sent directly to the local government within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(5) ~~REGIONAL, COUNTY, AND MUNICIPAL REVIEW.~~—The review of the regional planning council pursuant to subsection (4) shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act. A regional planning council shall not review and comment on a proposed comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. The review of the county land planning agency pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the proposed plan amendment on any county comprehensive plan element. Any review by municipalities will be primarily in the context of the relationship and effect on the municipal plan.

(d)(6) State land planning agency review.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. The request from the regional planning council or affected person must be received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within 35 days after receipt of the complete proposed plan amendment.

1.(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). If the state land planning agency elects to review a plan or plan the amendment or the agency is required to review the amendment as specified in paragraph (2)(c)(a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the complete proposed plan or plan amendment by the state land planning agency. Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government is not required to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. This subparagraph does not Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations

regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, ~~from any source.~~

2.(4) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. ~~If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal.~~ The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. ~~The list of documents must be made a part of the public records of the state land planning agency.~~

(e)(7) Local government review of comments; adoption of plan or amendments and transmittal.—

1.(a) The local government shall review the ~~report written comments~~ submitted to it by the state land planning agency, ~~if any, and written comments submitted to it by any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue.~~ The local government, upon receipt of the ~~report written comments~~ from the state land planning agency, shall hold its second public hearing, which shall be a hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c).

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine if the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site shall be prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.

2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.

(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.

1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important

state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.

(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days after receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action.

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days after receipt of the recommended order.

(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).

#### (6) COMPLIANCE AGREEMENT.—

(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.

(d) The local government shall hold a single public hearing for adopting remedial amendments.

(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency, upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning

agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.

2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).

(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.

#### (7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.

(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.

(d) Absent a showing of extraordinary circumstances, the Administration Commission shall issue a final order, in a case proceeding under subsection (5), within 45 days after the issuance of the recommended order, unless the parties agree in writing to a longer time. ~~have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or~~

the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(c), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(b) If the adopted plan amendment is unchanged from the proposed plan amendment transmitted pursuant to subsection (3) and an affected person as defined in paragraph (1)(a) did not raise any objection, the state land planning agency did not review the proposed plan amendment, and the state land planning agency did not raise any objections during its review pursuant to subsection (6), the local government may state in the transmittal letter that the plan amendment is unchanged and was not the subject of objections.

~~(8) NOTICE OF INTENT.—~~

(a) If the transmittal letter correctly states that the plan amendment is unchanged and was not the subject of review or objections pursuant to paragraph (7)(b), the state land planning agency has 20 days after receipt of the transmittal letter within which to issue a notice of intent that the plan amendment is in compliance.

(b) Except as provided in paragraph (a) or in s. 163.3187(3), the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(c)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition.

2. A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

~~(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—~~

(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan or plan amendment transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189, or s. 163.3191 is in compliance with this act, any affected person may file a petition with the agency pursuant to ss. 120.569 and 120.57 within 21 days after the publication of notice. In this proceeding, the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

(b) The hearing shall be conducted by an administrative law judge of the Division of Administrative Hearings of the Department of Management Services, who shall hold the hearing in the county of and convenient to the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow for the filing of exceptions to the recommended order and shall issue a final order after receipt of the recommended order if the state land planning agency determines that the plan or plan amendment is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.

~~(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—~~

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause shall not include excusable neglect. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

(b) The administrative law judge assigned by the division shall submit a recommended order to the Administration Commission for final agency action.

(c) Prior to the hearing, the state land planning agency shall afford an opportunity to mediate or otherwise resolve the dispute. If a party to the proceeding requests mediation or other alternative dispute resolution, the hearing may not be held until the state land planning agency advises the administrative law judge in writing of the results of the mediation or other alternative dispute resolution. However, the hearing may not be delayed for longer than 90 days for mediation or other alternative dispute resolution unless a longer delay is agreed to by the parties to the proceeding. The costs of the mediation or other alternative dispute resolution shall be borne equally by all of the parties to the proceeding.

~~(8)(11) ADMINISTRATION COMMISSION.—~~

(a) If the Administration Commission, upon a hearing pursuant to subsection (5)(9) or subsection (10), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions that which would bring the comprehensive plan or plan amendment into compliance.

(b) *The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.*

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government ~~is shall~~ not be eligible for grants administered under the following programs:

~~a.1.~~ The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

~~b.2.~~ The Florida Recreation Development Assistance Program, as authorized by chapter 375.

~~c.3.~~ Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

~~2.(b)~~ If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3.(e) The sanctions provided by ~~subparagraphs 1. and 2. do paragraphs (a) and (b) shall~~ not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in ~~paragraph (b) s. 163.3189(2) or s. 163.3191(11).~~

(9)(12) **GOOD FAITH FILING.**—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(10)(13) **EXCLUSIVE PROCEEDINGS.**—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

~~(14) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment which is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in this section.~~

~~(11)(15) PUBLIC HEARINGS.—~~

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to ~~subparagraph subsection (3)(b)1. and paragraph (4)(b) and for adoption of a comprehensive plan or plan amendment pursuant to subparagraphs(3)(c)1. and (4)(e)1. subsection (7)~~ shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage ~~pursuant to subsection (3).~~ It shall be held on a weekday at least 7 days after the day that the first advertisement is published ~~pursuant to the requirements of chapter 125 or chapter 166.~~

2. The second public hearing shall be held at the adoption stage ~~pursuant to subsection (7).~~ It shall be held on a weekday at least 5 days after the day that the second advertisement is published ~~pursuant to the requirements of chapter 125 or chapter 166.~~

~~(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.~~

~~(12) CONCURRENT ZONING.—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.~~

~~(13) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).~~

~~(e) The local government shall provide a sign in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.~~

~~(d) The agency shall provide a model sign in form for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.~~

~~(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.~~

~~(16) COMPLIANCE AGREEMENTS.—~~

~~(a) At any time following the issuance of a notice of intent to find a comprehensive plan or plan amendment not in compliance with this part or after the initiation of a hearing pursuant to subsection (9), the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into the compliance agreement. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment which is not in compliance, and shall specify remedial actions which the local government must complete within a specified time in order to bring the plan or plan amendment into compliance, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and~~

incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon filing by the state land planning agency of a compliance agreement executed by the agency and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Prior to its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of subsection (15).

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2) (7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the compliance agreement amendment and the plan or plan amendment that was the subject of the agreement, in accordance with subsection (8).

(f)1. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraphs (9)(a) and (b), including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order, except as provided in subparagraph 2. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment which is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment which is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (9). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding.

2. If any of the issues raised by the state land planning agency in the original subsection (10) proceeding are not resolved by the compliance agreement amendments, any intervenor in the original subsection (10) proceeding may require those issues to be addressed in the pending consolidated realigned proceeding under ss. 120.569 and 120.57. As to those unresolved issues, the burden of proof shall be governed by subsection (10).

3. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to subsection (10).

(g) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings, which shall set the hearing in the pending proceeding under ss. 120.569 and 120.57 at the earliest convenient time.

(h) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(i) Nothing in this subsection is intended to limit the parties from entering into a compliance agreement at any time before the final order in the proceeding is issued, provided that the provisions of paragraph (c) shall apply regardless of when the compliance agreement is reached.

(j) Nothing in this subsection is intended to force any party into settlement against its will or to preclude the use of other informal dispute resolution methods, such as the services offered by the Florida Growth Management Dispute Resolution Consortium, in the course of or in addition to the method described in this subsection.

~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.~~ A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.~~ A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.~~ Any local government that identifies in its comprehensive plan the types of housing developments and conditions for which it will consider plan amendments that are consistent with the local housing incentive strategies identified in s. 420.0076 and authorized by the local government may expedite consideration of such plan amendments. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include the local government's evaluation of site suitability and availability of facilities and services. A plan amendment considered under this subsection shall require only a single public hearing before the local governing body, which shall be a plan amendment adoption hearing as described in subsection (7). The public notice of the hearing required under subparagraph (15)(b)2. must include a statement that the local government intends to use the expedited adoption process authorized

under this subsection. The state land planning agency shall issue its notice of intent required under subsection (8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by subsections (9)–(16).

Section 18. Section 163.3187, Florida Statutes, is amended to read:

163.3187 *Process for adoption of small-scale comprehensive plan amendment of adopted comprehensive plan.*—

(1) ~~Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:~~

(a) ~~In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.~~

(b) ~~Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances.~~

(1)(c) ~~Any local government comprehensive plan amendments directly related to proposed small-scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:~~

(a) ~~The proposed amendment involves a use of 10 acres or fewer and:~~

(b) ~~The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does shall not exceed:~~

(I) ~~a maximum of 120 acres in a calendar year. local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(c); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small-scale amendments under this paragraph.~~

(II) ~~A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).~~

(III) ~~A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.~~

b. ~~The proposed amendment does not involve the same property granted a change within the prior 12 months.~~

e. ~~The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.~~

(c)d. ~~The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.~~

(d)e. ~~The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).~~

f. ~~If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(c).~~

2.a. ~~A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(e) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.~~

b. ~~The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.~~

(2)b. ~~Small scale development amendments adopted pursuant to this section paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(11)(7), and are not subject to the requirements of s. 163.3184(3)(6) unless the local government elects to have them subject to those requirements.~~

(3)4. ~~If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern as defined under s. 288.0656(2)(d)(7) for the duration of such designation, the 10-acre limit listed in subsection (1) subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.~~

(d) ~~Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

(c) ~~A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.~~

(f) ~~The capital improvements element annual update required in s. 163.3177(3)(b)1. and any amendments directly related to the schedule.~~

(g) ~~Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the~~

frequency of consideration of amendments to the local comprehensive plan.

~~(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.~~

~~(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.~~

~~(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.~~

~~(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.~~

~~(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177(12) and future land use map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.~~

~~(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.~~

~~(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).~~

~~(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(p) Any local government comprehensive plan amendment that is consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government.~~

~~(q) Any local government plan amendment to designate an urban service area as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3. and an area exempt from the development of regional impact process under s. 380.06(29).~~

~~(4)(2) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2). Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.~~

~~(3)(a) The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy the requirements of paragraph (1)(e).~~

~~(5)(a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment and, shall serve a copy of the petition on the local government, and shall furnish a copy to the state land planning agency. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative~~

law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection, The state land planning agency may not intervene in any proceeding initiated pursuant to this section.

(b)1. If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to the state land planning agency.

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments may shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments may shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.

(d) In all challenges under this subsection, when a determination of compliance as defined in s. 163.3184(1)(b) is made, consideration shall be given to the plan amendment as a whole and whether the plan amendment furthers the intent of this part.

~~(4) Each governing body shall transmit to the state land planning agency a current copy of its comprehensive plan not later than December 1, 1985. Each governing body shall also transmit copies of any amendments it adopts to its comprehensive plan so as to continually update the plans on file with the state land planning agency.~~

~~(5) Nothing in this part is intended to prohibit or limit the authority of local governments to require that a person requesting an amendment pay some or all of the cost of public notice.~~

~~(6)(a) No local government may amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (1)(b) or paragraph (1)(h).~~

~~(b) A local government may amend its comprehensive plan after it has submitted its adopted evaluation and appraisal report and for a period of 1 year after the initial determination of sufficiency regardless of whether the report has been determined to be insufficient.~~

~~(c) A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (1)(b), if the 1 year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient.~~

~~(d) When the state land planning agency has determined that the report has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c).~~

~~(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.~~

Section 19. Section 163.3189, Florida Statutes, is repealed.

Section 20. Section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) *At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.*

(2) *If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.*

(3) *Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed in accordance with s. 163.3184.*

(4) *If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.*

~~(1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:~~

~~(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.~~

~~(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.~~

~~(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.~~

~~(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:~~

~~(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.~~

~~(b) The extent of vacant and developable land.~~

~~(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.~~

~~(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.~~

~~(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.~~

~~(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.~~

~~(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.~~

~~(h) A brief assessment of successes and shortcomings related to each element of the plan.~~

~~(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning time frames, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.~~

~~(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.~~

~~(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1012.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.~~

~~(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.~~

~~(m) If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.~~

~~(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.~~

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (2). If scoping meetings are held, the local government shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

(4) The local planning agency shall prepare the evaluation and appraisal report and shall make recommendations to the governing body regarding adoption of the proposed report. The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. During the preparation of the proposed report and prior to making any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.

(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.

(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.

(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land

planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).

(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)-(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.

(9) The state land planning agency may establish a phased schedule for adoption of reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for a report and shall allot approximately one seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule municipal report adoption dates between 1 year and 18 months later than the report adoption date for the county in which those municipalities are located. A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by chapter 9J-33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6 month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government

shall be a party to any such proceeding. The commission may implement this subsection by rule.

(5)(12) The state land planning agency *may* ~~shall~~ not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

(13) ~~The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.~~

(14) ~~The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.~~

Section 21. Paragraph (b) of subsection (2) of section 163.3217, Florida Statutes, is amended to read:

163.3217 Municipal overlay for municipal incorporation.—

(2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL OVERLAY.—

(b) ~~A~~ A municipal overlay shall be adopted as an amendment to the local government comprehensive plan as prescribed by s. 163.3184.

~~2. A county may consider the adoption of a municipal overlay without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.~~

Section 22. Subsection (3) of section 163.3220, Florida Statutes, is amended to read:

163.3220 Short title; legislative intent.—

(3) In conformity with, in furtherance of, and to implement the *Community Local Government Comprehensive Planning and Land Development Regulation Act* and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Section 23. Subsections (2) and (11) of section 163.3221, Florida Statutes, are amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(2) “Comprehensive plan” means a plan adopted pursuant to the *Community Local Government Comprehensive Planning and Land Development Regulation Act*.<sup>2</sup>

(11) “Local planning agency” means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the *Community Florida Local Government Comprehensive Planning and Land Development Regulation Act*.<sup>2</sup>

Section 24. Section 163.3229, Florida Statutes, is amended to read:

163.3229 Duration of a development agreement and relationship to local comprehensive plan.—The duration of a development agreement *may* ~~shall~~ not exceed 30 ~~20~~ years, *unless it is*. ~~It may be extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government’s comprehensive plan and plan amendments implementing or related to the agreement are found in compliance by the state land planning agency in accordance with s. 163.3184, s. 163.3187, or s. 163.3189.~~

Section 25. Section 163.3235, Florida Statutes, is amended to read:

163.3235 Periodic review of a development agreement.—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. ~~For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency. The state land planning agency shall adopt rules regarding the contents of the report, provided that the report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement. If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.~~

Section 26. Section 163.3239, Florida Statutes, is amended to read:

163.3239 Recording and effectiveness of a development agreement.—Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. ~~A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded. A development agreement is shall not be effective until it is properly recorded in the public records of the county and until 30 days after having been received by the state land planning agency pursuant to this section. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.~~

Section 27. Section 163.3243, Florida Statutes, is amended to read:

163.3243 Enforcement.—Any party *or, any* aggrieved or adversely affected person as defined in s. 163.3215(2), ~~or the state land planning agency~~ may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development agreement or to challenge compliance of the agreement with ~~the provisions of ss. 163.3220-163.3243.~~

Section 28. Section 163.3245, Florida Statutes, is amended to read:

163.3245 ~~Optional~~ Sector plans.—

(1) In recognition of the benefits of ~~conceptual~~ long-range planning for the ~~buildout of an area, and detailed planning for specific areas, as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five local governments or combinations of local governments may which~~ adopt into *their* the comprehensive *plans a plan-an optional* sector plan in accordance with this section. This section is intended to *promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part, and part I of chapter 380; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors;* and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. ~~Optional~~ Sector plans are intended for substantial geographic areas *that include including* at least 15,000 ~~5,000~~ acres of one or more local gov-

environmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. ~~The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional sector plan may not be adopted authorized in an area of critical state concern.~~

(2) ~~Upon the request of a local government having jurisdiction, The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i), the applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(1)(c)(4) before preparation of the sector plan execution of the agreement authorized by this section. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of the sector plan subsequent plan amendments. If a scoping meeting is conducted, the regional planning council shall make written recommendations to the state land planning agency and affected local governments on the issues requested by the local government. The scoping meeting shall be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to, including whether a sustainable sector plan would be appropriate. The agreement must define the geographic area to be subject to the sector plan, the planning issues that will be emphasized, procedures requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation, or other issues. An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.~~

(3) ~~Optional Sector planning encompasses two levels: adoption pursuant to under s. 163.3184 of a conceptual long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of detailed specific area plans that implement the conceptual long-term master plan buildout overlay and authorize issuance of development orders, and within which s. 380.06 is waived. Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.~~

(a) In addition to the other requirements of this chapter, a long-term master plan pursuant to this section ~~conceptual long-term buildout overlay~~ must include maps, illustrations, and text supported by data and analysis to address the following:

1. ~~A long range conceptual framework map that, at a minimum, generally depicts identifies anticipated areas of urban, agricultural, rural, and conservation land use, identifies allowed uses in various parts of the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components.~~

2. ~~A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.~~

3. ~~A general identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility.~~

4. ~~A general identification of other regionally significant public facilities consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction necessary to support buildout of the anticipated future land uses, which may include central utilities provided onsite within the planning area, and policies setting forth the procedures to be used to mitigate the impacts of future land uses on public facilities.~~

5. ~~A general identification of regionally significant natural resources within the planning area based on the best available data and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area consistent with chapter 9J-2, Florida Administrative Code.~~

6. ~~General principles and guidelines addressing that address the urban form and the interrelationships of anticipated future land uses; the protection and, as appropriate, restoration and management of lands identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which shall be phased or staged in coordination with detailed specific area plans to reflect phased or staged development within the planning area; and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment; limiting urban sprawl; providing a range of housing types; protecting wildlife and natural areas; advancing the efficient use of land and other resources; and creating quality communities of a design that promotes travel by multiple transportation modes; and enhancing the prospects for the creation of jobs.~~

7. ~~Identification of general procedures and policies to facilitate ensure intergovernmental coordination to address extrajurisdictional impacts from the future land uses long range conceptual framework map.~~

~~A long-term master plan adopted pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan, shall specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.~~

(b) In addition to the other requirements of this chapter, ~~including those in paragraph (a),~~ the detailed specific area plans shall be consistent with the long-term master plan and must include conditions and commitments that provide for:

1. ~~Development or conservation of an area of adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass at least 1,000 acres consistent with the long-term master plan. The local government state land planning agency may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the detailed specific area plan furthers the purposes of this part and part I of chapter 380.~~

2. ~~Detailed identification and analysis of the maximum and minimum densities and intensities of use and the distribution, extent, and location of future land uses.~~

3. ~~Detailed identification of water resource development and water supply development projects and related infrastructure and water conservation measures to address water needs of development in the detailed specific area plan.~~

4. ~~Detailed identification of the transportation facilities to serve the future land uses in the detailed specific area plan.~~

5. ~~Detailed identification of other regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, anticipated impacts of future land uses on those facilities,~~

and required improvements consistent with the long-term master plan ~~chapter 9J-2, Florida Administrative Code.~~

6.4. Public facilities necessary to serve development in the detailed specific area plan ~~for the short term~~, including developer contributions in a financially feasible 5-year capital improvement schedule of the affected local government.

7.5. Detailed analysis and identification of specific measures to ensure ~~assure~~ the protection and, as appropriate, restoration and management of lands within the boundary of the detailed specific area plan identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which easements shall be effective before or concurrent with the effective date of the detailed specific area plan of regionally significant natural resources and other important resources both within and outside the host jurisdiction, ~~including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code.~~

8.6. Detailed principles and guidelines addressing ~~that address~~ the urban form and the interrelationships of anticipated future land uses; and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems; achieving a more clean, healthy environment; limiting urban sprawl; providing a range of housing types; protecting wildlife and natural areas; advancing the efficient use of land and other resources; ~~and~~ creating quality communities of a design that promotes travel by multiple transportation modes; and enhancing the prospects for the creation of jobs.

9.7. Identification of specific procedures to facilitate ~~ensure~~ inter-governmental coordination to address extrajurisdictional impacts from ~~of~~ the detailed specific area plan.

A detailed specific area plan adopted by local development order pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan and shall specify the projected population within the specific planning area during the chosen planning period. A detailed specific area plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis. All lands identified in the long-term master plan for permanent preservation shall be subject to a recorded conservation easement consistent with s. 704.06 before or concurrent with the effective date of the final detailed specific area plan to be approved within the planning area.

(c) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the applicable water management district regarding the design of areas for protection and conservation of regionally significant natural resources and for the protection and, as appropriate, restoration and management of lands identified for permanent preservation.

(d) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Transportation, the applicable metropolitan planning organization, and any urban transit agency regarding the location, capacity, design, and phasing or staging of major transportation facilities in the planning area.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission

and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an order approving a detailed specific area plan shall be conducted consistent with s. 380.07(6). The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(f)(e) This subsection ~~does may not be construed to~~ prevent preparation and approval of the ~~optional~~ sector plan and detailed specific area plan concurrently or in the same submission.

(4) Upon the long-term master plan becoming legally effective:

(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan, including, but not limited to, the projected population and the approved uses and densities and intensities of use and their distribution within the planning area. The transportation facilities identified in adopted plans pursuant to subparagraphs (3)(a)3. and (b)4. must be developed in coordination with the adopted M.P.O. long-range transportation plan.

(b) The water needs, sources and water resource development, and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan or detailed specific area plan, considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The permitting criteria in s. 373.223 shall be applied based upon the projected population and the approved densities and intensities of use and their distribution in the long-term master plan; however, the allocation of the water may be phased over the permit duration to correspond to actual projected needs. This paragraph does not supersede the public interest test set forth in s. 373.223. ~~The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.~~

(5) When a plan amendment adopting a detailed specific area plan has become effective for a portion of the planning area governed by a long-term master plan adopted pursuant to this section ~~under ss. 163.3184 and 163.3189(2), the provisions of s. 380.06 does do not apply to~~ development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced pursuant to ~~under~~ s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments ~~may shall~~ not issue any permits or approvals or provide any extensions of services to development that are not consistent with the detailed specific ~~sector~~ area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan, ~~or of any agreement entered into under this section,~~ has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving a ~~an optional~~ sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7), ~~except as provided by paragraph (3)(e).~~

(d) The detailed specific area plan shall establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can

demonstrate that implementation of the plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

~~(6) Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.~~

(7) A developer within an area subject to a long-term master plan that meets the requirements of paragraph (3)(a) and subsection (6) or a detailed specific area plan that meets the requirements of paragraph (3)(b) may enter into a development agreement with a local government pursuant to ss. 163.3220-163.3243. The duration of such a development agreement may be through the planning period of the long-term master plan or the detailed specific area plan, as the case may be, notwithstanding the limit on the duration of a development agreement pursuant to s. 163.3229.

(8) Any owner of property within the planning area of a proposed long-term master plan may withdraw his consent to the master plan at any time prior to local government adoption, and the local government shall exclude such parcels from the adopted master plan. Thereafter, the long-term master plan, any detailed specific area plan, and the exemption from development-of-regional-impact review under this section do not apply to the subject parcels. After adoption of a long-term master plan, an owner may withdraw his or her property from the master plan only with the approval of the local government by plan amendment adopted and reviewed pursuant to s. 163.3184.

(9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

(10) The state land planning agency may enter into an agreement with a local government that, on or before July 1, 2011, adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres that meets the requirements for a long-term master plan in paragraph (3)(a), after notice and public hearing by the local government, and thereafter, notwithstanding s. 380.06, this part, or any planning agreement or plan policy, the large-area plan shall be implemented through detailed specific area plans that meet the requirements of paragraph (3)(b) and shall otherwise be subject to this section.

(11) Notwithstanding this section, a detailed specific area plan to implement a conceptual long-term buildout overlay, adopted by a local government and found in compliance before July 1, 2011, shall be governed by this section.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a

master development-of-regional-impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

(13)(7) This section may not be construed to abrogate the rights of any person under this chapter.

Section 29. Subsections (9), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in s. ~~ss. 163.3184(5)-(11)(1), (2), (7), (14), (15), and (16) and 163.3187~~, such that state and regional agency review is eliminated. Plan amendments that qualify as small scale development amendments may follow the small scale review process in s. 163.3187. The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3184(5) ~~163.3187(3)(a)~~ to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. 163.3248 ~~163.3177(1)(d)~~; propose a an optional sector plan pursuant to s. 163.3245; propose a school facilities element; update a comprehensive plan based on an evaluation and appraisal review report; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to s. ~~ss. 163.3184 and 163.3187~~.

(12) A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation and appraisal report found to be sufficient, or failure to timely adopt necessary amendments to update its comprehensive plan based on an evaluation and appraisal, which are report found to be in compliance by the department, shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

~~(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.~~

Section 30. Section 163.32465, Florida Statutes, is repealed.

Section 31. Subsection (6) is added to section 163.3247, Florida Statutes, to read:

163.3247 Century Commission for a Sustainable Florida.—

(6) EXPIRATION.—This section is repealed and the commission is abolished June 30, 2013.

Section 32. Section 163.3248, Florida Statutes, is created to read:

163.3248 Rural land stewardship areas.—

(1) Rural land stewardship areas are designed to establish a long-term incentive based strategy to balance and guide the allocation of land so as to accommodate future land uses in a manner that protects the natural environment, stimulate economic growth and diversification, and encourage the retention of land for agriculture and other traditional rural land uses.

(2) Upon written request by one or more landowners of the subject lands to designate lands as a rural land stewardship area, or pursuant to a private-sector-initiated comprehensive plan amendment filed by, or with the consent of the owners of the subject lands, local governments may adopt a future land use overlay to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques to support a diverse economic and employment base. The future land use overlay may not require a demonstration of need based on population projections or any other factors.

(3) Rural land stewardship areas may be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion and diversification of economic activity and employment opportunities within the rural areas; maintenance of the viability of the state's agricultural economy; and protection of private property rights in rural areas of the state. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

(4) A local government or one or more property owners may request assistance and participation in the development of a plan for the rural land stewardship area from the state land planning agency, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the appropriate water management district, the Department of Transportation, the regional planning council, private land owners, and stakeholders.

(5) A rural land stewardship area shall be not less than 10,000 acres, shall be located outside of municipalities and established urban service areas, and shall be designated by plan amendment by each local government with jurisdiction over the rural land stewardship area. The plan amendment or amendments designating a rural land stewardship area are subject to review pursuant to s. 163.3184 and shall provide for the following:

(a) Criteria for the designation of receiving areas which shall, at a minimum, provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with significant environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; and the establishment of receiving area service boundaries that provide for a transition from receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services.

(b) Innovative planning and development strategies to be applied within rural land stewardship areas pursuant to this section.

(c) A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection, which provide for a functional mix of land uses through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

(d) A mix of densities and intensities that would not be characterized as urban sprawl through the use of innovative strategies and creative land use techniques.

(6) A receiving area may be designated only pursuant to procedures established in the local government's land development regulations. If receiving area designation requires the approval of the county board of county commissioners, such approval shall be by resolution with a simple majority vote. Before the commencement of development within a stewardship receiving area, a listed species survey must be performed for the area proposed for development. If listed species occur on the receiving area development site, the applicant must coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the potential impacts and protective measures

taken within areas to be developed as receiving areas shall be considered in conjunction with and compensated by lands set aside and protective measures taken within the designated sending areas.

(7) Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish a rural land stewardship overlay zoning district, which shall provide the methodology for the creation, conveyance, and use of transferable rural land use credits, hereinafter referred to as stewardship credits, the assignment and application of which does not constitute a right to develop land or increase the density of land, except as provided by this section. The total amount of stewardship credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. The estimated amount of receiving area shall be projected based on available data, and the development potential represented by the stewardship credits created within the rural land stewardship area must correlate to that amount.

(8) Stewardship credits are subject to the following limitations:

(a) Stewardship credits may exist only within a rural land stewardship area.

(b) Stewardship credits may be created only from lands designated as stewardship sending areas and may be used only on lands designated as stewardship receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

(c) Stewardship credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

(d) Neither the creation of the rural land stewardship area by plan amendment nor the adoption of the rural land stewardship zoning overlay district by the local government may displace the underlying permitted uses or the density or intensity of land uses assigned to a parcel of land within the rural land stewardship area that existed before adoption of the plan amendment or zoning overlay district; however, once stewardship credits have been transferred from a designated sending area for use within a designated receiving area, the underlying density assigned to the designated sending area ceases to exist.

(e) The underlying permitted uses, density, or intensity on each parcel of land located within a rural land stewardship area may not be increased or decreased by the local government, except as a result of the conveyance or stewardship credits, as long as the parcel remains within the rural land stewardship area.

(f) Stewardship credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is used.

(g) An increase in the density or intensity of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of stewardship credits and do not require a plan amendment. A change in the type of agricultural use on property within a rural land stewardship area is not considered a change in use or intensity of use and does not require any transfer of stewardship credits.

(h) A change in the density or intensity of land use on parcels located within receiving areas shall be specified in a development order that reflects the total number of stewardship credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

(i) Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

(j) Stewardship credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining after the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

(k) Stewardship credits may be transferred from a sending area only after a stewardship easement is placed on the sending area land with

assigned stewardship credits. A stewardship easement is a covenant or restrictive easement running with the land which specifies the allowable uses and development restrictions for the portion of a sending area from which stewardship credits have been transferred. The stewardship easement must be jointly held by the county and the Department of Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(9) Owners of land within rural land stewardship sending areas should be provided other incentives, in addition to the use or conveyance of stewardship credits, to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, the Fish and Wildlife Conservation Commission, and local governments to achieve mutually agreed upon objectives. Such incentives may include, but are not limited to, the following:

(a) Opportunity to accumulate transferable wetland and species habitat mitigation credits for use or sale.

(b) Extended permit agreements.

(c) Opportunities for recreational leases and ecotourism.

(d) Compensation for the achievement of specified land management activities of public benefit, including, but not limited to, facility siting and corridors, recreational leases, water conservation and storage, water reuse, wastewater recycling, water supply and water resource development, nutrient reduction, environmental restoration and mitigation, public recreation, listed species protection and recovery, and wildlife corridor management and enhancement.

(e) Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of specified conservation objectives.

(10) This section constitutes an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas to conserve and manage vast areas of land for the benefit of the state's citizens and natural environment while maintaining and enhancing the asset value of their landholdings. It is the intent of the Legislature that this section be implemented pursuant to law and rulemaking is not authorized.

(11) It is the intent of the Legislature that the rural land stewardship area located in Collier County, which was established pursuant to the requirements of a final order by the Governor and Cabinet, duly adopted as a growth management plan amendment by Collier County, and found in compliance with this chapter, be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

Section 33. Paragraph (a) of subsection (2) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~.

Section 34. Paragraph (a) of subsection (3) and subsection (8) of section 163.516, Florida Statutes, are amended to read:

163.516 Safe neighborhood improvement plans.—

(3) The safe neighborhood improvement plan shall:

(a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~. No district plan shall be implemented unless the local governing body has determined said plan is consistent.

(8) Pursuant to s. ~~ss. 163.3184, 163.3187, and 163.3189~~, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an

amendment or modification to the municipality's or county's adopted local comprehensive plan.

Section 35. Paragraph (f) of subsection (6), subsection (9), and paragraph (c) of subsection (11) of section 171.203, Florida Statutes, are amended to read:

171.203 Interlocal service boundary agreement.—The governing body of a county and one or more municipalities or independent special districts within the county may enter into an interlocal service boundary agreement under this part. The governing bodies of a county, a municipality, or an independent special district may develop a process for reaching an interlocal service boundary agreement which provides for public participation in a manner that meets or exceeds the requirements of subsection (13), or the governing bodies may use the process established in this section.

(6) An interlocal service boundary agreement may address any issue concerning service delivery, fiscal responsibilities, or boundary adjustment. The agreement may include, but need not be limited to, provisions that:

(f) Establish a process for land use decisions consistent with part II of chapter 163, including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land use changes consistent with part II of chapter 163 for areas that are scheduled to be annexed within the term of the interlocal agreement; however, the county comprehensive plan and land development regulations shall control until the municipality annexes the property and amends its comprehensive plan accordingly. ~~Comprehensive plan amendments to incorporate the process established by this paragraph are exempt from the twice-per-year limitation under s. 163.3187.~~

(9) Each local government that is a party to the interlocal service boundary agreement shall amend the intergovernmental coordination element of its comprehensive plan, as described in s. 163.3177(6)(h)1., no later than 6 months following entry of the interlocal service boundary agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments required by this subsection are exempt from the twice-per-year limitation under s. 163.3187.~~

(11)

~~(e) Any amendment required by paragraph (a) is exempt from the twice-per-year limitation under s. 163.3187.~~

Section 36. Section 186.513, Florida Statutes, is amended to read:

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164(20) and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.

Section 37. Section 186.515, Florida Statutes, is amended to read:

186.515 Creation of regional planning councils under chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164(19) and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164(19) or s. 380.031(15).

Section 38. Subsection (1) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans

under the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~, pursuant to part II of chapter 163.

Section 39. Subsection (3) of section 190.004, Florida Statutes, is amended to read:

190.004 Preemption; sole authority.—

(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

Section 40. Paragraph (a) of subsection (1) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 1,000 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but ~~are shall~~ not be binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

Section 41. Paragraph (i) of subsection (6) of section 193.501, Florida Statutes, is amended to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—

(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:

(i) “Qualified as environmentally endangered” means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~; or surface waters and wetlands, as determined by the methodology ratified in s. 373.4211.

Section 42. Subsection (15) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(15) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies.

(a) Each agency that has been appropriated or has existing funds for such purchase, shall, upon contract award by the department, transfer their portion of the funds into the department’s Operating Trust Fund for payment by the department. The funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

(b) Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency’s available funds. The Chief Financial Officer shall report these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 43. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project’s location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; and the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 44. Paragraph (a) of subsection (2), subsection (10), and paragraph (d) of subsection (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(2) As used in this section, the term:

(a) “Affected local government” means a local government adjoining the host local government and any other unit of local government that is not a host local government but that is identified in a proposed military base reuse plan as providing, operating, or maintaining one or more public facilities as defined in s. 163.3164(24) on lands within or serving a military base designated for closure by the Federal Government.

(10) Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than 180 days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184(11)(15) to ensure full public participation in this planning process.

(12) Following receipt of a petition, the petitioning party or parties and the host local government shall seek resolution of the issues in dispute. The issues in dispute shall be resolved as follows:

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, any requests for a formal administrative hearing pursuant to chapter 120, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. ~~Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(1), and A public hearing on such amendment or amendments pursuant to s. 163.3184(11)(15)(b)1. is shall not be required.~~ The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan shall be tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Section 45. Subsection (4) of section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications received for funding under all program categories shall be rejected without scoring only in the event that any of the following circumstances arise:

(4) The application is not consistent with the local government’s comprehensive plan adopted pursuant to s. 163.3184(7).

Section 46. Paragraph (c) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.~~

Section 47. Subsection (1) of section 331.319, Florida Statutes, is amended to read:

331.319 Comprehensive planning; building and safety codes.—The board of directors may:

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipality or municipalities adopted pursuant to the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.~~

Section 48. Paragraph (e) of subsection (5) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. ~~The level of service standards for facilities to be funded under this subsection shall be adopted by the appropriate local government in accordance with s. 163.3180(10).~~ The projects shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 49. Paragraph (a) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.—

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005, ~~or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3180(9).~~ Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

Section 50. Subsection (5) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(5) “Land development regulation” means a regulation covered by the definition in s. 163.3164(23) and any of the types of regulations described in s. 163.3202.

Section 51. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Community Affairs pursuant to s. 163.3184, ~~and shall be exempt from the provisions of s. 163.3187(1).~~

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code, using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 52. Subsection (1) of section 378.021, Florida Statutes, is amended to read:

378.021 Master reclamation plan.—

(1) The Department of Environmental Protection shall amend the master reclamation plan that provides guidelines for the reclamation of lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. In amending the master reclamation plan, the Department of Environmental Protection shall continue to conduct an onsite evaluation of all lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. The master reclamation plan when amended by the Department of Environmental Protection shall be consistent with local government plans prepared pursuant to the *Community Local Government Comprehensive Planning and Land Development Regulation Act*.

Section 53. Subsection (10) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(10) “Local comprehensive plan” means any or all local comprehensive plans or portions thereof prepared, adopted, or amended pursuant to the *Community Local Government Comprehensive Planning and Land Development Regulation Act*, as amended.

Section 54. Paragraph (d) of subsection (2), paragraph (b) of subsection (6), paragraphs (c), (e), and (f) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section 380.06, Florida Statutes, are amended, and subsection (30) is added to that section, to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area’s economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multi-use projects other than residential, as described in s. 380.0651(3)(c), ~~(d)~~, and ~~(f)(4)~~, are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

Section 55. Paragraph (b) of subsection (6), paragraph (g) of subsection (15), paragraphs (b), (c), and (e) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of

subsection (29) of section 380.06, Florida Statutes, are amended, and subsection (30) is added to that section, to read:

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without regard to ~~statutory or~~ local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. ~~Nothing in~~ This paragraph *does not shall be deemed to* require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184~~(4)(b)-(d)(3)-(6)~~ must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184~~(4)(d)(6)~~. ~~The 60 day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.~~

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(g) A local government shall not issue permits for development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than ~~40~~ **20** percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an “essentially built-out” development of regional impact means:

a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered “essentially built out” if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered “essentially built out” if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners.

#### (19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by ~~15~~ **10** percent or ~~500~~ **300** spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by ~~15~~ **10** percent or ~~1,500~~ **1,100** spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

~~3. An increase in industrial development area by 10 percent or 35 acres, whichever is greater.~~

~~4. An increase in the average annual acreage mined by 10 percent or 11 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 10 percent or 330,000 gallons, whichever is greater. A net increase in the size of the mine by 10 percent or 825 acres, whichever is less. For purposes of calculating any net increases in size, only additions and deletions of lands that have not been mined shall be considered. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial de-~~

~~viation if the average annual acreage mined is more than 550 acres and consumes more than 3.3 million gallons of water per day.~~

~~3.5. An increase in land area for office development by 15~~ **10** percent or an increase of gross floor area of office development by ~~15~~ **10** percent or ~~100,000~~ **66,000** gross square feet, whichever is greater.

~~4.6. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.~~

~~5.7. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term “affordable workforce housing” means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term “statewide median purchase price of a single-family existing home” means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

~~6.8. An increase in commercial development by 60,000~~ **55,000** square feet of gross floor area or of parking spaces provided for customers for ~~425~~ **330** cars or a 10-percent increase of either of these, whichever is greater.

~~9. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.~~

~~7.10. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.~~

~~8.11. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.~~

~~9.12. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.~~

~~10.13. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.~~

~~11.14. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.~~

The substantial deviation numerical standards in subparagraphs 3., 6., and ~~5., 8., 9., and 12.~~, excluding residential uses, and in subparagraph ~~10. 13.,~~ are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area’s economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4. 5., 6., ~~7., 8., 9., 12.,~~ and ~~10. 13.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an area-wide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

2. *In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, prior to December 1, 2011, a governmental entity notifies a developer which has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.*

For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. ~~In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.~~

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1-10, 1-13, and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
- c. Changes to minimum lot sizes.
- d. Changes in the configuration of internal roads that do not affect external access points.
- e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as

significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11.14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

6. *If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an*

*adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan shall not be considered an additional regional transportation impact.*

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development

order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), and (e), ~~and (f)~~ and residential use.

(19) (f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. *The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.*

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and storm-water drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of~~ this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of~~ this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of~~ this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, ~~and has adopted a proportionate share methodology pursuant to s. 163.3180(16).~~

(m) Any proposed development within a rural land stewardship area created under s. 163.3248 ~~163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).~~

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a *detailed* specific area plan which is prepared and adopted pursuant to s. 163.3245 ~~and adopted into the comprehensive plan~~ is exempt from this section.

(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in 380.06(19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights is not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s. 380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review.

(v) Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(u) ~~(v)-(s)~~, but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

#### (28) PARTIAL STATUTORY EXEMPTIONS.—

(e) The vesting provision of s. 163.3167(5) ~~(8)~~ relating to an authorized development of regional impact ~~does~~ shall not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

#### (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that *has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000* ~~qualifies as a dense urban land area as defined in s. 163.3164;~~

2. Any proposed development within a county, *including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area* ~~qualifies as a dense urban land area as defined in s. 163.3164 and that~~ is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; ~~or~~

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, *that has an average of at least 1,000 people per square mile of land area* ~~which qualifies as a dense urban land area under s. 163.3164,~~ but which does not have an urban service area designated in the comprehensive plan; ~~or~~

4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is

*located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.*

*The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before the effective date of this act shall remain on the list in accordance with the provisions of this paragraph.*

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. *However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.*

(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). ~~A development that has a pending application for a comprehensive plan amendment and that elects not to continue development of regional impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.~~

Section 56. Subsection (3) and paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, are amended to read:

#### 380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

##### (a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However,

expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

1. For single performance facilities:
  - a. Provides parking spaces for more than 2,500 cars; or
  - b. Provides more than 10,000 permanent seats for spectators.
2. For serial performance facilities:
  - a. Provides parking spaces for more than 1,000 cars; or
  - b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, “serial performance facilities” means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

~~3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:~~

- ~~a. Provides parking spaces for more than 1,500 cars; or~~
- ~~b. Provides more than 6,000 permanent seats for spectators.~~

~~(c) Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities. Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:~~

- ~~1. Provides parking for more than 2,500 motor vehicles; or~~
- ~~2. Occupies a site greater than 320 acres.~~

(c)(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or
2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

(d)(e) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or
2. Provides parking spaces for more than 2,500 cars.

~~(f) Hotel or motel development.—~~

~~1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or~~

~~2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000.~~

(e)(g) Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(f)(h) Multiuse development.—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(g)(i) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within areas designated as rural areas of critical economic concern.

(h)(j) Workforce housing.—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term “affordable workforce housing” means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term “statewide median purchase price of a single-family existing home” means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

~~(i)(k) Schools.—~~

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, “full-time equivalent student” means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be

part of a unified plan of development and are physically proximate to one other.

(a) The criteria of ~~three~~ <sup>two</sup> of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

~~4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general purpose government; water management district; the Department of Environmental Protection; the Division of Florida Condominiums, Timeshares, and Mobile Homes; or the Public Service Commission.~~

4.5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Section 57. Subsection (17) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(17) "Spaceport launch facilities" means industrial facilities as described in s. 380.0651(3)(c), *Florida Statutes 2010*, and include any launch pad, launch control center, and fixed launch-support equipment.

Section 58. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, *or a development that is exempt pursuant to s. 380.06(29)* shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed prior to a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent.

The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

Section 59. Paragraph (a) of subsection (8) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval, ~~using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan.~~ Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.

Section 60. Paragraph (a) of subsection (2) and subsection (10) of section 380.065, Florida Statutes, are amended to read:

380.065 Certification of local government review of development.—

(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with ss. 163.3161-163.3215, the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act.~~

~~(10) The department shall submit an annual progress report to the President of the Senate and the Speaker of the House of Representatives by March 1 on the certification of local governments, stating which local governments have been certified. For those local governments which have applied for certification but for which certification has been denied, the department shall specify the reasons certification was denied.~~

Section 61. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of Environmental Protection shall impose and collect a surcharge of 50 cents per person per day, or \$5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of \$2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of Environmental Protection that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of Environmental Protection for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be

transmitted to that municipality for use by the municipality for land acquisition or for beach renourishment or restoration, including, but not limited to, costs associated with any design, permitting, monitoring, and mitigation of such work, as well as the work itself. However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration. The surcharges levied under this section shall remain imposed as long as the land authority is in existence.

Section 62. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of a ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 63. Subsection (1) of section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.—

(1) The applicant shall include in the application a statement on the consistency of the site and any associated facilities that constitute a “development,” as defined in s. 380.04, with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency. This information shall include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under the provisions of the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~ provisions of chapter 163 and s. 380.04(3).

Section 64. Subsection (13) and paragraph (a) of subsection (14) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(13) Notwithstanding any other provisions of law:

~~(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice a year limits provision in s. 163.3187; and~~

~~(b)~~ Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project’s significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge’s decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and ~~do shall~~ not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 working days after receipt of the administrative law judge’s recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 working days after receipt of the administrative law judge’s

recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge’s decision to constitute the final agency action. ~~If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.~~

Section 65. Subsections (9) and (10) of section 420.5095, Florida Statutes, are amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(9) Notwithstanding s. 163.3184(4)(b)-(d)(~~3~~)(6), any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(11)(15)(b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(4)(e)(7). ~~The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by s. ss. 163.3184(5)-(13)(9)-(16). Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.~~

(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164(7) and ~~(8)~~, for innovative community workforce housing projects shall be expedited.

Section 66. Subsection (5) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, is not subject to the requirements of s. 163.3184(4)(b)-(d)(3)(6), and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187.

Section 67. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) “Local housing incentive strategies” means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164(7) and ~~(8)~~ for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 68. Paragraph (a) of subsection (4) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

Section 69. Subsection (1) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~, homeowners are encouraged to preserve existing residential communities, promote available and affordable housing, protect structural and aesthetic elements of their residential community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the residential community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

Section 70. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(11)(15) to ensure full public participation in this planning process. The informal public information session must be held before the

first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 71. Section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.

(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.

(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be updated and executed pursuant to the requirements of subsections (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3)

and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections (2)-(7) ~~(2)-(9)~~, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. 163.31777 and, if applicable, s. 163.3180(6)(13)(g), ~~except for exempt local governments as provided in s. 163.3177(12)~~, and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(4)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state that the interlocal agreement is con-

sistent or inconsistent with the requirements of subsection (3) and this subsection as appropriate.

(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (3) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the district school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (3) and this subsection, the interlocal agreement must be determined to be consistent with subsection (3) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (3) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (3) or this subsection, the state land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a notice to show cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of subsections (2)-(6) ~~(2)-(8)~~ if the element is adopted prior to or within 1 year after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and remains in effect.

~~(7) Except as provided in subsection (9), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (2), (3), and (4).~~

~~(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of subsections (2) (8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

(7)(9) A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating con-

ferences pursuant to s. 216.136 when preparing the district educational facilities plan pursuant to s. 1013.35, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities, in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 1013.35 unless the failure is corrected.

~~(8)~~(10) The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

~~(9)~~(11) To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land consistent with an interlocal agreement entered pursuant to subsections ~~(2)-(6)~~ ~~(2)-(8)~~ at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection ~~(10)~~ ~~(12)~~.

~~(10)~~(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections ~~(2)-(6)~~ ~~(2)-(8)~~, but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

~~(11)~~(13) A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections ~~(2)-(6)~~ ~~(2)-(8)~~.

~~(12)~~(14) This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections ~~(2)-(6)~~ ~~(2)-(8)~~.

~~(13)~~(15) Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed. Local government review or approval is not required for:

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with subsections ~~(2)-(6)~~ ~~(8)~~.

Section 72. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33~~(10)~~, ~~(11)~~, and ~~(12)~~, ~~(13)~~, and ~~(14)~~ and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

Section 73. *Rules 9J-5 and 9J-11.023, Florida Administrative Code, are repealed, and the Department of State is directed to remove those rules from the Florida Administrative Code.*

Section 74. (1) *Any permit or any other authorization that was extended, under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. Permits that were extended by a total of 4 years, pursuant to section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and by section 46 of chapter 2010-147, Laws of Florida, cannot be further extended under this provision.*

(2) *The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.*

(3) *The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.*

(4) *The extension provided for in subsection (1) does not apply to:*

(a) *A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.*

(b) *A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.*

(c) *A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.*

(5) *Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This subsection applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.*

(6) *This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.*

Section 75. (1) *The state land planning agency, within 60 days after the effective date of this act, shall review any administrative or judicial proceeding filed by the agency and pending on the effective date of this act to determine whether the issues raised by the state land planning agency are consistent with the revised provisions of part II of chapter 163, Florida Statutes. For each proceeding, if the agency determines that issues have been raised that are not consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall dismiss the proceeding. If the state land planning agency determines that one or more issues have been raised that are consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall amend its petition within 30 days after the determination to plead with particularity as to the manner in which the plan or plan amendment fails to meet the revised provisions of part II of chapter 163, Florida Statutes. If the agency fails to timely file such amended petition, the proceeding shall be dismissed.*

(2) *In all proceedings that were initiated by the state land planning agency before the effective date of this act, and continue after that date, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.*

Section 76. *All local governments shall be governed by the revised provisions of s. 163.3191, Florida Statutes, notwithstanding a local government's previous failure to timely adopt its evaluation and appraisal report or evaluation and appraisal report-based amendments by the due dates previously established by the state land planning agency.*

Section 77. *A comprehensive plan amendment adopted pursuant to s. 163.32465, subject to voter referendum by local charter, and found in compliance prior to the effective date of this act, may be readopted by ordinance, and shall become effective upon approval by the local government and is not subject to review or challenge pursuant to the provisions of s.163.32465 or s. 163.3184.*

Section 78. *The Department of Transportation shall develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 15, 2011, a report on recommended changes to or alternatives to the calculation of the proportionate share contribution in 163.3180(5)(h)3. The department's recommendations, if any, shall be designed to ensure development contributions to mitigate impacts on the transportation system are assessed in predictable, equitable and fair manner and shall be developed in consultation with developers and representatives of local governments.*

Section 79. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 80. (1) *Except as provided in subsection (4), and in recognition of 2011 real estate market conditions, any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2012, through January 1, 2014, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order or building permit including certificates of levels of service. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to any existing permit extension. Extensions granted pursuant to this section, section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, section 46 of chapter 2010-147, Laws of Florida, or section 74 of this act shall not exceed 4 years in total. Further, specific development order extensions granted pursuant to s. 380.06(19)(c)2., cannot be further extended by this section.*

(2) *The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.*

(3) *The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.*

(4) *The extension provided for in subsection (1) does not apply to:*

(a) *A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.*

(b) *A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.*

(c) *A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.*

(5) *Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.*

(6) *This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.*

Section 81. *The Division of Statutory Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.*

Section 82. *This act shall take effect upon becoming a law.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing that certain comments, underlying studies, and reports provided by a military installation's commanding officer are not binding on local governments; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination

elements; amending s. 163.3177, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation deficiency plans and projects; amending s. 163.3184, F.S.; providing a definition; providing requirements for comprehensive plans and plan amendments; providing an expedited state review process for adoption of comprehensive plan amendments; providing requirements for the adoption of comprehensive plan amendments; creating the state-coordinated review process; providing and revising provisions relating to the review process; revising requirements relating to local government transmittal of proposed plan or amendments; providing for comment by reviewing agencies; deleting provisions relating to regional, county, and municipal review; revising provisions relating to state land planning agency review; revising provisions relating to local government review of comments; deleting and revising provisions relating to notice of intent and processes for compliance and noncompliance; providing procedures for administrative challenges to plans and plan amendments; providing for compliance agreements; providing for mediation and expeditious resolution; revising powers and duties of the administration commission; revising provisions relating to areas of critical state concern; providing for concurrent zoning; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; repealing s. 163.3189, F.S., relating to process for amendment of adopted comprehensive plan; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3229, F.S.; revising limitations on duration of development agreements; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3246, F.S.; revising provisions relating to the local government comprehensive planning certification program; conforming provisions to changes made by the act; deleting reporting requirements of the Office of Program Policy Analysis and Government Accountability; repealing s. 163.32465, F.S., relating to state review of local comprehensive plans in urban areas; amending s. 163.3247, F.S.; providing for future repeal and abolition of the Century Commission for a Sustainable Florida; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitation relating to such credits; providing for incentives; providing eligibility for incentives; providing legislative intent; amending s. 380.06, F.S.; revising requirements relating to the issuance of permits for development by local governments; revising criteria for the determination of substantial deviation; providing for extension of certain expiration dates; revising exemptions governing developments of regional impact; revising provisions to conform to changes made by this act; amending s. 380.0651, F.S.; revising provisions relating to statewide guidelines and standards for certain multiscreen movie theaters, industrial plants, industrial parks, distribution, warehousing and wholesaling facilities, and hotels and motels; revising criteria for the determination of when to treat two or more developments as a single development; amending s. 331.303, F.S.; conforming a cross-reference; amending s. 380.115, F.S.; subjecting certain developments required to

undergo development-of-regional-impact review to certain procedures; amending s. 380.065, F.S.; deleting certain reporting requirements; conforming provisions to changes made by the act; amending s. 380.0685, F.S., relating to use of surcharges for beach renourishment and restoration; repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031, 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35, F.S.; revising provisions to conform to changes made by this act; extending permits and other authorizations extended under s. 14, ch. 2009-96, Laws of Florida; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; providing that all local governments shall be governed by certain provisions of general law; allowing specified amendments to be adopted upon approval by the local government; directing the Department of Transportation to report on the calculation of proportionate share; providing for severability; creating a 2-year permit extension; providing a directive of the Division of Statutory Revision; providing an effective date.

Senator Bennett moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1A (603424)**—Delete lines 63-85 and insert:

(4) It is the intent of this act that ~~its adoption is necessary so that~~ local governments *have the ability to* ~~can~~ preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; ~~prevent the over-crowding of land and avoid undue concentration of population;~~ facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(5)(4) It is the intent of this act to encourage and ~~ensure~~ *assure* cooperation between and among municipalities and counties and to encourage and ~~ensure~~ *assure* coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

**Amendment 1B (865646)**—Delete lines 456 and 457 and insert:

(43)(20) “State land planning agency” means the Department of Community Affairs.

**Amendment 1** as amended was adopted.

On motion by Senator Bennett, by two-thirds vote **CS for HB 7129** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dean	Gaetz
Alexander	Detert	Garcia
Benacquisto	Diaz de la Portilla	Gardiner
Bennett	Evers	Hays
Bogdanoff	Fasano	Hill
Braynon	Flores	Jones

Lynn	Oelrich	Smith
Margolis	Richter	Thrasher
Montford	Ring	Wise
Negron	Simmons	
Norman	Siplin	

Nays—8

Altman	Latvala	Sobel
Dockery	Rich	Storms
Joyner	Sachs	

**DISCLOSURE**

I am filing this disclosure of my minority ownership in a pending license of ownership in a Class I landfill in Sumter County, Florida.

I bring this to your attention as this may bring about conflicts with House Bill 7129 or House Bill 399 and possibly other bills or amendments being discussed and voted upon by this body in the 2011 Legislative Session.

Please contact me if I can provide you with further information.

*Senator Charles S. “Charlie” Dean, Sr., 3rd District*

**MOTIONS**

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 1:00 p.m.

On motion by Senator Thrasher, by two-thirds vote **SB 16** and **CS for SB 1736** were placed on the Special Order Calendar.

**CS for CS for SB 818**—A bill to be entitled An act relating to controlled substances; amending s. 400.9905, F.S.; redefining the terms “clinic” and “portable equipment provider” within the Health Care Clinic Act; amending s. 456.013, F.S.; authorizing certain health care practitioners to complete a continuing education course relating to the prescription drug monitoring program; providing requirements for the course; requiring the Department of Health or a board that is authorized to exercise regulatory or rulemaking functions within the department to approve the course offered through a facility licensed under ch. 395, F.S., under certain circumstances; providing for application of the course requirements; requiring a board or the Department of Health to adopt rules; amending s. 458.305, F.S.; defining the term “dispensing physician” as it relates to the practice of medicine in this state; prohibiting certain persons from using titles or displaying signs that would lead the public to believe that they engage in the dispensing of controlled substances; prohibiting certain persons, firms, or corporations from using a trade name, sign, letter, or advertisement that implies that the persons, firms, or corporations are licensed or registered to dispense prescription drugs; prohibiting certain persons, firms, or corporations from holding themselves out to the public as licensed or registered to dispense controlled substances; providing penalties; amending s. 458.3191, F.S.; revising the information in the physician survey that is submitted by persons who apply for licensure renewal as a physician under ch. 458 or ch. 459, F.S.; amending s. 458.3192, F.S.; requiring the Department of Health to provide nonidentifying information to the prescription drug monitoring program’s Implementation and Oversight Task Force regarding the number of physicians that are registered with the prescription drug monitoring program and that use the database from the program in their practice; amending s. 458.3265, F.S.; redefining the term “pain-management clinic” and defining the term “chronic non-malignant pain”; revising the list of entities that are not required to register as a pain-management clinic; authorizing the department to revoke the certificate of registration of a pain-management clinic based upon a finding by a probable cause panel of a board that the clinic does not meet certain requirements; authorizing the department to revoke a clinic’s certificate of registration and prohibit all physicians associated with that clinic from practicing at that clinic location based upon an annual inspection and evaluation and upon a final determination by the probable cause panel of the appropriate board that any physician associated with that pain-management clinic knew or should have known of certain violations; prohibiting the department from revoking or sus-

pending a clinic's registration if the clinic appoints another designated physician; prohibiting persons owning or operating a pain-management clinic that has a revoked registration from applying to operate another pain-management clinic within a specified number of years upon a finding by the probable cause panel of the appropriate board, and an opportunity to be heard, that the persons operating such clinic knew or should have known of violations causing such revocation; deleting certain requirements for a physician to practice medicine in a pain-management clinic; requiring a physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring a physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for any person to register or attempt to register a pain-management clinic through misrepresentation or fraud; amending s. 458.327, F.S.; providing additional penalties; amending s. 458.331, F.S.; providing additional grounds for disciplinary action by the Board of Medicine; amending s. 459.003, F.S.; defining the term "dispensing physician" as it relates to the practice of osteopathic medicine in this state; amending s. 459.0081, F.S.; revising the information that must be furnished in a physician survey to the Department of Health in order to renew a license to practice osteopathic medicine; amending s. 459.0082, F.S.; requiring the department to provide certain nonidentifying information to the Implementation and Oversight Task Force of the prescription drug monitoring program; amending s. 459.013, F.S.; providing additional penalties; amending s. 459.0137, F.S.; redefining the term "pain-management clinic" and defining the term "chronic nonmalignant pain"; providing an exemption from the requirement that all privately owned pain-management clinics, facilities, or offices that advertise in any medium for any type of pain-management services, or employ an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, must register with the Department of Health; authorizing the department to revoke the certificate of registration of a pain-management clinic based upon a finding by a probable cause panel of a board that the clinic does not meet certain requirements; authorizing the department to revoke a clinic's certificate of registration and prohibit all physicians associated with that clinic from practicing at that clinic location based upon an annual inspection and evaluation and upon a final determination by the probable cause panel of the appropriate board that any physician associated with that pain-management clinic knew or should have known of certain violations; prohibiting the department from revoking or suspending a clinic's registration if the clinic appoints another designated physician; prohibiting persons owning or operating a pain-management clinic that has a revoked registration from applying to operate another pain-management clinic within a specified number of years upon a finding by the probable cause panel of the appropriate board, and an opportunity to be heard, when the persons operating such clinic knew or should have known of violations causing such revocation; revising the responsibilities of an osteopathic physician who provides professional services in a pain-management clinic; requiring an osteopathic physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring an osteopathic physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for a licensee or other person who serves as the designated physician of a pain-management clinic to register a pain-management clinic through misrepresentation or fraud; amending s. 459.015, F.S.; providing additional grounds for disciplinary action by the Board of Osteopathic Medicine; amending s. 465.015, F.S.; prohibiting a licensed pharmacist from knowingly failing to report to the local county sheriff's office the commission of a felony involving a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge under certain conditions; providing penalties; providing suggested criteria for reporting the commission of a felony that involves a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; providing that a licensed pharmacist is not subject to disciplinary action for reporting; amending s. 465.0276, F.S.; requiring a practitioner to register as a dispensing practitioner in order to dispense controlled substances; amending s. 499.01, F.S.; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.;

amending s. 766.101, F.S.; conforming a cross-reference; amending s. 810.02, F.S.; redefining the offense of burglary to include the theft of a controlled substance within a structure or conveyance; amending s. 812.014, F.S.; redefining the offense of theft to include the theft of a controlled substance; creating s. 893.021, F.S.; providing conditions in which a drug is considered adulterated; providing that a physician is not prevented from directing or prescribing a change to the recognized manufactured recommendations for use of any controlled substance for a patient under certain circumstances; requiring a prescribing physician to indicate on the original prescription any deviation of the recognized manufacturer's recommended use of a controlled substance; requiring a pharmacist or physician to indicate such deviation on the label of the prescription upon dispensing; amending s. 893.04, F.S.; revising the required information that must appear on the face of a prescription or written record of a controlled substance before it is dispensed by a pharmacist; amending s. 893.055, F.S.; requiring that the prescription drug monitoring program comply with the minimum requirements established by the Department of Health; requiring the Department of Health to establish a method to allow corrections to the database of the prescription drug monitoring program; requiring the number of refills ordered and whether the drug was dispensed as a refill or a first-time request to be included in the database of the prescription drug monitoring program; revising the number of days in which a dispensed controlled substance must be reported to the department through the prescription drug monitoring program; revising the list of acts of dispensing or administering which are exempt from reporting; requiring a pharmacy, prescriber, practitioner, or dispenser to register with the department by submitting a registering document in order to have access to certain information in the prescription drug monitoring program's database; requiring the department to approve the registering document before granting access to information in the prescription drug monitoring program's database; requiring criminal background screening for those persons who have direct access to the prescription drug monitoring program's database; authorizing the Attorney General to obtain confidential and exempt information for Medicaid fraud cases and Medicaid investigations; requiring certain documentation to be provided to the program manager in order to release confidential and exempt information from the prescription drug monitoring program's database to a patient, legal guardian, or a designated health care surrogate; authorizing the Agency for Health Care Administration to obtain confidential and exempt information from the prescription drug monitoring program's database for Medicaid fraud cases and Medicaid investigations involving controlled substances; deleting a provision requiring that administrative costs of the prescription drug monitoring program be funded through federal grants and private sources; requiring the State Surgeon General to enter into reciprocal agreements for the sharing of information in the prescription drug monitoring program with other states that have a similar prescription drug monitoring program; requiring the State Surgeon General to annually review a reciprocal agreement to determine its compatibility; providing requirements for compatibility; prohibiting the sharing of certain information; providing an appropriation; amending s. 893.0551, F.S.; requiring the Department of Health to disclose confidential and exempt information pertaining to the prescription drug monitoring program to the Attorney General and designee when working on Medicaid fraud cases and Medicaid investigations involving prescribed controlled substances or when the Attorney General has initiated a review of specific identifiers that warrant a Medicaid investigation regarding prescribed controlled substances; prohibiting the Attorney General's Medicaid investigators from direct access to the prescription drug monitoring program's database; authorizing the Department of Health to disclose certain confidential and exempt information in the prescription drug monitoring program's database under certain circumstances involving reciprocal agreements with other states; prohibiting the sharing of information from the prescription drug monitoring program's database which is not for the purpose that is statutorily authorized or according to the State Surgeon General's determination of compatibility; amending s. 893.07, F.S.; requiring that a person report to the local sheriff's office the theft or significant loss of a controlled substance within a specified time; providing penalties; providing legislative intent; amending s. 893.13, F.S.; prohibiting a person from obtaining or attempting to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a health care provider from providing a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a person from adulterating a con-

trolled substance for certain use without authorization by a prescribing physician; authorizing a law enforcement officer to seize as evidence the adulteration or off-label use of a prescribed controlled substance; providing that such adulterated or off-label use of the controlled substance may be returned to its owner only under certain conditions; providing penalties; prohibiting a prescribing practitioner from writing a prescription for a controlled substance and authorizing or directing the adulteration of the dispensed form of the controlled substance for the purpose of ingestion by means not medically necessary; amending s. 893.138, F.S.; providing circumstances in which a pain-management clinic may be declared a public nuisance; amending s. 465.025, F.S.; requiring the Board of Pharmacy to create a list of opioid analgesic drugs; providing requirements for the list of opioid analgesic drugs; prohibiting a pharmacist from substituting an opioid analgesic drug for an opioid analgesic drug that incorporates a tamper-resistant technology; providing an effective date.

—as amended April 28 was read the third time by title.

Pending further consideration of **CS for CS for SB 818** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for HB 7095** was withdrawn from the Committees on Health Regulation; Criminal Justice; and Budget.

On motion by Senator Fasano, the rules were waived and by two-thirds vote—

**CS for CS for HB 7095**—A bill to be entitled An act relating to controlled substances; amending s. 456.072, F.S.; making failure to comply with the requirements of s. 456.44, F.S., grounds for disciplinary action; providing mandatory administrative penalties for certain violations related to prescribing; amending s. 456.42, F.S.; requiring prescriptions for controlled substances to be written on a counterfeit-resistant pad produced by an approved vendor or electronically prescribed; providing conditions for being an approved vendor; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; amending s. 458.3265, F.S., relating to regulation of pain-management clinics and medical doctors; amending the definition of a pain-management clinic; providing definitions; providing an exemption from registration for clinics owned and operated by physicians or medical specialists meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 458.327, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 458.331, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 459.0137, F.S., relating to regulation of pain-management clinics and osteopathic physicians; providing definitions; providing an exemption from registration for clinics owned and operated by physicians meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring osteopathic physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 459.013, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 459.015, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 465.015, F.S.; re-

quiring a pharmacist to report to the sheriff within a specified period any instance in which a person fraudulently obtained or attempted to fraudulently obtain a controlled substance; providing criminal penalties; providing requirements for reports; amending s. 465.016, F.S.; providing additional grounds for denial of or disciplinary action against a pharmacist license; amending s. 465.018, F.S.; providing grounds for permit denial or discipline; requiring applicants to pay or make arrangements to pay amounts owed to the Department of Health; requiring an inspection; requiring permittees to maintain certain records; requiring community pharmacies to obtain a permit under chapter 465, F.S., as amended by the act by March 1, 2012, in order to dispense Schedule II and III controlled substances; amending s. 465.022, F.S.; requiring the Department of Health to adopt rules related to procedures for dispensing controlled substances; providing requirements for the issuance of a pharmacy permit; requiring disclosure of financial interests; requiring submission of policies and procedures and providing for grounds for permit denial based on them; allowing the Department of Health to phase-in the policies and procedures requirement over an 18-month period beginning July 1, 2011; requiring the Department of Health to deny a permit to applicants under certain circumstances; requiring permittees to provide notice of certain management changes; requiring prescription department managers to meet certain criteria; imposing duties on prescription department managers; limiting the number of locations a prescription department manager may manage; requiring the board to adopt rules related to recordkeeping; providing that permits are not transferable; increasing the fee for a change of location; amending s. 465.0276, F.S.; prohibiting registered dispensing practitioners from dispensing certain controlled substances; providing an exception for dispensing controlled substances in the health care system of the Department of Corrections; providing an exception for dispensing within 7 days after surgery which used general anesthesia; deleting a provision establishing a 72-hour supply limit on dispensing certain controlled substances to certain patients in registered pain-management clinics; amending s. 499.0051, F.S.; providing criminal penalties for violations of certain provisions of s. 499.0121, F.S.; amending s. 499.012, F.S.; requiring wholesale distributor permit applicants to submit documentation of credentialing policies; amending s. 499.0121, F.S.; providing reporting requirements for wholesale distributors of certain controlled substances; requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors; requiring distributors to identify suspicious transactions; requiring distributors to determine the reasonableness of orders for controlled substances over certain amounts; requiring distributors to report certain transactions to the Department of Health; prohibiting distribution to entities with certain criminal histories; limiting monthly distribution amounts of certain controlled substances to retail pharmacies; requiring the department to assess data; requiring the department to report certain data to the Governor, President of the Senate, and Speaker of the House of Representatives by certain dates; prohibiting distribution to entities with certain criminal backgrounds; amending s. 499.05, F.S.; authorizing rulemaking concerning specified controlled substance wholesale distributor reporting requirements and credentialing requirements; amending s. 499.067, F.S.; authorizing the Department of Health to take disciplinary action against wholesale distributors failing to comply with specified credentialing or reporting requirements; amending s. 810.02, F.S.; authorizing separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 812.014, F.S.; authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 893.055, F.S., relating to the prescription drug monitoring program; deleting obsolete dates; deleting references to the Office of Drug Control; requiring reports to the prescription drug monitoring system to be made in 7 days rather than 15 days; prohibiting the use of certain funds to implement the program; requiring the State Surgeon General to appoint a board of directors for the direct-support organization; conforming provisions to changes made by the act; amending s. 893.065, F.S.; conforming provisions to changes made by the act; amending s. 893.07, F.S.; providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records; requiring reporting of the discovery

of the theft or loss of controlled substances to the sheriff within a specified period; providing criminal penalties; repealing s. 2 of chapter 2009-198, Laws of Florida, relating to the Program Implementation and Oversight Task Force in the Executive Office of the Governor concerning the electronic system established for the prescription drug monitoring program; providing a buyback program for undispensed controlled substance inventory held by specified licensed physicians; requiring certain certifications by the physician returning inventory to a distributor; providing an exemption to pedigree paper requirements; requiring reports of the program; providing for a declaration of a public health emergency; requiring certain actions relating to dispensing practitioners identified as posing the greatest threat to public health; providing an appropriation; providing for future repeal of program provisions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 818** as amended and read the second time by title.

#### MOTION

On motion by Senator Fasano, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Fasano moved the following amendment which was adopted:

**Amendment 1 (486424) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (mm) is added to subsection (1) of section 456.072, Florida Statutes, subsection (7) is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(mm) *Failure to comply with controlled substance prescribing requirements of s. 456.44.*

(7) *Notwithstanding subsection (2), upon a finding that a physician has prescribed or dispensed a controlled substance, or caused a controlled substance to be prescribed or dispensed, in a manner that violates the standard of practice set forth in s. 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o) or (s), or s. 466.028(1)(p) or (x), the physician shall be suspended for a period of not less than 6 months and pay a fine of not less than \$10,000 per count. Repeated violations shall result in increased penalties.*

Section 2. Section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(1) A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug must be legibly printed or typed so as to be capable of being understood by the pharmacist filling the prescription; must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed, and the directions for use of the drug; must be dated; and must be signed by the prescribing practitioner on the day when issued. ~~A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats and must be dated with the abbreviated month written out on the face of the prescription.~~ However, a prescription that is electronically generated and transmitted must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed in numerical format, and the directions for use of the drug and must be dated and signed by the prescribing practitioner only on the day issued, which signature may be in an electronic format as defined in s. 668.003(4).

(2) *A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats, must be dated with the abbreviated month written out on the face of the prescription, and must be either written on a standardized counterfeit-proof prescription pad produced by a vendor approved by the department or electronically prescribed as that term is used in s. 408.0611. As a condition of being an approved vendor, a prescription pad*

*vendor must submit a monthly report to the department which, at a minimum, documents the number of prescription pads sold and identifies the purchasers. The department may, by rule, require the reporting of additional information.*

Section 3. Section 456.44, Florida Statutes, is created to read:

456.44 *Controlled substance prescribing.*—

(1) **DEFINITIONS.**—

(a) *“Addiction medicine specialist” means a board-certified psychiatrist with a subspecialty certification in addiction medicine or who is eligible for such subspecialty certification in addiction medicine, an addiction medicine physician certified or eligible for certification by the American Society of Addiction Medicine, or an osteopathic physician who holds a certificate of added qualification in Addiction Medicine through the American Osteopathic Association.*

(b) *“Adverse incident” means any incident set forth in s. 458.351(4)(a)-(e) or s. 459.026(4)(a)-(e).*

(c) *“Board-certified pain management physician” means a physician who possesses board certification in pain medicine by the American Board of Pain Medicine, board certification by the American Board of Interventional Pain Physicians, or board certification or subspecialty certification in pain management by a specialty board recognized by the American Association of Physician Specialists or an osteopathic physician who holds a certificate in Pain Management by the American Osteopathic Association.*

(d) *“Chronic nonmalignant pain” means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.*

(e) *“Mental health addiction facility” means a facility licensed under chapter 394 or chapter 397.*

(2) **REGISTRATION.**—Effective January 1, 2012, a physician licensed under chapter 458, chapter 459, chapter 461, or chapter 466 who prescribes any controlled substance, as defined in s. 893.03, for the treatment of chronic nonmalignant pain, must:

(a) *Designate himself or herself as a controlled substance prescribing practitioner on the physician’s practitioner profile.*

(b) *Comply with the requirements of this section and applicable board rules.*

(3) **STANDARDS OF PRACTICE.**—*The standards of practice in this section do not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.*

(a) *A complete medical history and a physical examination must be conducted before beginning any treatment and must be documented in the medical record. The exact components of the physical examination shall be left to the judgment of the clinician who is expected to perform a physical examination proportionate to the diagnosis that justifies a treatment. The medical record must, at a minimum, document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, a review of previous medical records, previous diagnostic studies, and history of alcohol and substance abuse. The medical record shall also document the presence of one or more recognized medical indications for the use of a controlled substance. Each registrant must develop a written plan for assessing each patient’s risk of aberrant drug-related behavior, which may include patient drug testing. Registrants must assess each patient’s risk for aberrant drug-related behavior and monitor that risk on an ongoing basis in accordance with the plan.*

(b) *Each registrant must develop a written individualized treatment plan for each patient. The treatment plan shall state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and shall indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician shall adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including a rehabilitation program, shall be considered depending on the etiology of the*

pain and the extent to which the pain is associated with physical and psychosocial impairment. The interdisciplinary nature of the treatment plan shall be documented.

(c) The physician shall discuss the risks and benefits of the use of controlled substances, including the risks of abuse and addiction, as well as physical dependence and its consequences, with the patient, persons designated by the patient, or the patient's surrogate or guardian if the patient is incompetent. The physician shall use a written controlled substance agreement between the physician and the patient outlining the patient's responsibilities, including, but not limited to:

1. Number and frequency of controlled substance prescriptions and refills.
2. Patient compliance and reasons for which drug therapy may be discontinued, such as a violation of the agreement.
3. An agreement that controlled substances for the treatment of chronic nonmalignant pain shall be prescribed by a single treating physician unless otherwise authorized by the treating physician and documented in the medical record.

(d) The patient shall be seen by the physician at regular intervals, not to exceed 3 months, to assess the efficacy of treatment, ensure that controlled substance therapy remains indicated, evaluate the patient's progress toward treatment objectives, consider adverse drug effects, and review the etiology of the pain. Continuation or modification of therapy shall depend on the physician's evaluation of the patient's progress. If treatment goals are not being achieved, despite medication adjustments, the physician shall reevaluate the appropriateness of continued treatment. The physician shall monitor patient compliance in medication usage, related treatment plans, controlled substance agreements, and indications of substance abuse or diversion at a minimum of 3-month intervals.

(e) The physician shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention shall be given to those patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation and requires consultation with or referral to an addictionologist or psychiatrist.

(f) A physician registered under this section must maintain accurate, current, and complete records that are accessible and readily available for review and comply with the requirements of this section, the applicable practice act, and applicable board rules. The medical records must include, but are not limited to:

1. The complete medical history and a physical examination, including history of drug abuse or dependence.
2. Diagnostic, therapeutic, and laboratory results.
3. Evaluations and consultations.
4. Treatment objectives.
5. Discussion of risks and benefits.
6. Treatments.
7. Medications, including date, type, dosage, and quantity prescribed.
8. Instructions and agreements.
9. Periodic reviews.
10. Results of any drug testing.
11. A photocopy of the patient's government-issued photo identification.
12. If a written prescription for a controlled substance is given to the patient, a duplicate of the prescription.
13. The physician's full name presented in a legible manner.

(g) Patients with signs or symptoms of substance abuse

shall be immediately referred to a board-certified pain management physician, an addiction medicine specialist, or a mental health addiction facility as it pertains to drug abuse or addiction unless the physician is board-certified or board-eligible in pain management. Throughout the period of time before receiving the consultant's report, a prescribing physician shall clearly and completely document medical justification for continued treatment with controlled substances and those steps taken to ensure medically appropriate use of controlled substances by the patient. Upon receipt of the consultant's written report, the prescribing physician shall incorporate the consultant's recommendations for continuing, modifying, or discontinuing controlled substance therapy. The resulting changes in treatment shall be specifically documented in the patient's medical record. Evidence or behavioral indications of diversion shall be followed by discontinuation of controlled substance therapy and the patient shall be discharged and all results of testing and actions taken by the physician shall be documented in the patient's medical record.

This subsection does not apply to a board-certified anesthesiologist, psychiatrist, or neurologist, or to a board-certified physician who has surgical privileges at a hospital or ambulatory surgery center and primarily provides surgical services. This subsection does not apply to a board-certified medical specialist who has also completed a fellowship in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who is board certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and performs interventional pain procedures of the type routinely billed using surgical codes.

Section 4. Section 458.3265, Florida Statutes, is amended to read:

458.3265 Pain-management clinics.—

(1) REGISTRATION.—

(a)1. As used in this section, the term:

a. "Chronic nonmalignant pain" means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

b. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain. ~~All privately owned pain management clinics, facilities, or offices, hereinafter referred to as "clinics," which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications;~~

2. Each pain-management clinic must register with the department unless:

a.1. That clinic is licensed as a facility pursuant to chapter 395;

b.2. The majority of the physicians who provide services in the clinic primarily provide surgical services;

c.3. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;

d.4. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

e.5. The clinic does not prescribe or dispense controlled substances for the treatment of pain; or

f.6. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3);-

g. The clinic is wholly owned and operated by one or more board-certified anesthesiologists, physiatrists, or neurologists; or

h. The clinic is wholly owned and operated by one or more board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education, or who are also board-certified in pain medicine by a board approved by the American Board of Medical Specialties and perform interventional pain procedures of the type routinely billed using surgical codes.

(b) Each clinic location shall be registered separately regardless of whether the clinic is operated under the same business name or management as another clinic.

(c) As a part of registration, a clinic must designate a physician who is responsible for complying with all requirements related to registration and operation of the clinic in compliance with this section. Within 10 days after termination of a designated physician, the clinic must notify the department of the identity of another designated physician for that clinic. The designated physician shall have a full, active, and unencumbered license under this chapter or chapter 459 and shall practice at the clinic location for which the physician has assumed responsibility. Failing to have a licensed designated physician practicing at the location of the registered clinic may be the basis for a summary suspension of the clinic registration certificate as described in s. 456.073(8) for a license or s. 120.60(6).

(d) The department shall deny registration to any clinic that is not fully owned by a physician licensed under this chapter or chapter 459 or a group of physicians, each of whom is licensed under this chapter or chapter 459; or that is not a health care clinic licensed under part X of chapter 400.

(e) The department shall deny registration to any pain-management clinic owned by or with any contractual or employment relationship with a physician:

1. Whose Drug Enforcement Administration number has ever been revoked.

2. Whose application for a license to prescribe, dispense, or administer a controlled substance has been denied by any jurisdiction.

3. Who has been convicted of or pleaded guilty or nolo contendere to, regardless of adjudication, an offense that constitutes a felony for receipt of illicit and diverted drugs, including a controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in this state, any other state, or the United States.

(f) If the department finds that a pain-management clinic does not meet the requirement of paragraph (d) or is owned, directly or indirectly, by a person meeting any criteria listed in paragraph (e), the department shall revoke the certificate of registration previously issued by the department. As determined by rule, the department may grant an exemption to denying a registration or revoking a previously issued registration if more than 10 years have elapsed since adjudication. As used in this subsection, the term "convicted" includes an adjudication of guilt following a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

(g) The department may revoke the clinic's certificate of registration and prohibit all physicians associated with that pain-management clinic from practicing at that clinic location based upon an annual inspection and evaluation of the factors described in subsection (3).

(h) If the registration of a pain-management clinic is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the pain-management clinic property, the manager, and the proprietor shall cease to operate the facility as a pain-management clinic as of the effective date of the suspension or revocation.

(i) If a pain-management clinic registration is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the clinic property, the manager, or the proprietor is responsible for removing all signs and symbols identifying the premises as a pain-management clinic.

(j) Upon the effective date of the suspension or revocation, the designated physician of the pain-management clinic shall advise the department of the disposition of the medicinal drugs located on the premises. The disposition is subject to the supervision and approval of the department. Medicinal drugs that are purchased or held by a pain-management clinic that is not registered may be deemed adulterated pursuant to s. 499.006.

(k) If the clinic's registration is revoked, any person named in the registration documents of the pain-management clinic, including persons owning or operating the pain-management clinic, may not, as an individual or as a part of a group, apply to operate a pain-management clinic for 5 years after the date the registration is revoked.

(l) The period of suspension for the registration of a pain-management clinic shall be prescribed by the department, but may not exceed 1 year.

(m) A change of ownership of a registered pain-management clinic requires submission of a new registration application.

(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(a) A physician may not practice medicine in a pain-management clinic, as described in subsection (4), if:

1. The pain-management clinic is not registered with the department as required by this section; ~~or~~

2. ~~Effective July 1, 2012, the physician has not successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education or a pain medicine residency that is accredited by the Accreditation Council for Graduate Medical Education or, prior to July 1, 2012, does not comply with rules adopted by the board.~~

Any physician who qualifies to practice medicine in a pain-management clinic pursuant to rules adopted by the Board of Medicine as of July 1, 2012, may continue to practice medicine in a pain-management clinic as long as the physician continues to meet the qualifications set forth in the board rules. A physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(b) A person may not dispense any medication, ~~including a controlled substance~~, on the premises of a registered pain-management clinic unless he or she is a physician licensed under this chapter or chapter 459.

(c) A physician, a physician assistant, or an advanced registered nurse practitioner must perform a physical examination of a patient on the same day that the physician ~~he or she dispenses or~~ prescribes a controlled substance to a patient at a pain-management clinic. If the physician prescribes ~~or dispenses~~ more than a 72-hour dose of controlled substances for the treatment of chronic nonmalignant pain, the physician must document in the patient's record the reason for prescribing ~~or dispensing~~ that quantity.

(d) A physician authorized to prescribe controlled substances who practices at a pain-management clinic is responsible for maintaining the control and security of his or her prescription blanks and any other method used for prescribing controlled substance pain medication. The physician shall comply with the requirements for counterfeit-resistant prescription blanks in s. 893.065 and the rules adopted pursuant to that section. The physician shall notify, in writing, the department within 24 hours following any theft or loss of a prescription blank or breach of any other method for prescribing pain medication.

(e) The designated physician of a pain-management clinic shall notify the applicable board in writing of the date of termination of employment within 10 days after terminating his or her employment with a pain-management clinic that is required to be registered under subsection (1). *Each physician practicing in a pain-management clinic shall advise the Board of Medicine, in writing, within 10 calendar days after beginning or ending his or her practice at a pain-management clinic.*

(f) *Each physician practicing in a pain-management clinic is responsible for ensuring compliance with the following facility and physical operations requirements:*

1. A pain-management clinic shall be located and operated at a publicly accessible fixed location and must:

- a. Display a sign that can be viewed by the public that contains the clinic name, hours of operations, and a street address.
- b. Have a publicly listed telephone number and a dedicated phone number to send and receive faxes with a fax machine that shall be operational 24 hours per day.
- c. Have emergency lighting and communications.
- d. Have a reception and waiting area.
- e. Provide a restroom.
- f. Have an administrative area, including room for storage of medical records, supplies, and equipment.
- g. Have private patient examination rooms.
- h. Have treatment rooms, if treatment is being provided to the patients.
- i. Display a printed sign located in a conspicuous place in the waiting room viewable by the public with the name and contact information of the clinic's designated physician and the names of all physicians practicing in the clinic.
- j. If the clinic stores and dispenses prescription drugs, comply with ss. 499.0121 and 893.07.

2. This section does not excuse a physician from providing any treatment or performing any medical duty without the proper equipment and materials as required by the standard of care. This section does not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.

(g) Each physician practicing in a pain-management clinic is responsible for ensuring compliance with the following infection control requirements.

1. The clinic shall maintain equipment and supplies to support infection prevention and control activities.
2. The clinic shall identify infection risks based on the following:
  - a. Geographic location, community, and population served.
  - b. The care, treatment, and services it provides.
  - c. An analysis of its infection surveillance and control data.
3. The clinic shall maintain written infection prevention policies and procedures that address the following:
  - a. Prioritized risks.
  - b. Limiting unprotected exposure to pathogens.
  - c. Limiting the transmission of infections associated with procedures performed in the clinic.
  - d. Limiting the transmission of infections associated with the clinic's use of medical equipment, devices, and supplies.

(h) Each physician practicing in a pain-management clinic is responsible for ensuring compliance with the following health and safety requirements:

1. The clinic, including its grounds, buildings, furniture, appliances, and equipment shall be structurally sound, in good repair, clean, and free from health and safety hazards.
2. The clinic shall have evacuation procedures in the event of an emergency, which shall include provisions for the evacuation of disabled patients and employees.
3. The clinic shall have a written facility-specific disaster plan setting forth actions that will be taken in the event of clinic closure due to un-

foreseen disasters and shall include provisions for the protection of medical records and any controlled substances.

4. Each clinic shall have at least one employee on the premises during patient care hours who is certified in Basic Life Support and is trained in reacting to accidents and medical emergencies until emergency medical personnel arrive.

(i) The designated physician is responsible for ensuring compliance with the following quality assurance requirements. Each pain-management clinic shall have an ongoing quality assurance program that objectively and systematically monitors and evaluates the quality and appropriateness of patient care, evaluates methods to improve patient care, identifies and corrects deficiencies within the facility, alerts the designated physician to identify and resolve recurring problems, and provides for opportunities to improve the facility's performance and to enhance and improve the quality of care provided to the public. The designated physician shall establish a quality assurance program that includes the following components:

1. The identification, investigation, and analysis of the frequency and causes of adverse incidents to patients.
2. The identification of trends or patterns of incidents.
3. The development of measures to correct, reduce, minimize, or eliminate the risk of adverse incidents to patients.
4. The documentation of these functions and periodic review no less than quarterly of such information by the designated physician.

(j) The designated physician is responsible for ensuring compliance with the following data collection and reporting requirements:

1. The designated physician for each pain-management clinic shall report all adverse incidents to the department as set forth in s. 458.351.
2. The designated physician shall also report to the Board of Medicine, in writing, on a quarterly basis the following data:
  - a. Number of new and repeat patients seen and treated at the clinic who are prescribed controlled substance medications for the treatment of chronic, nonmalignant pain.
  - b. The number of patients discharged due to drug abuse.
  - c. The number of patients discharged due to drug diversion.
  - d. The number of patients treated at the pain clinic whose domicile is located somewhere other than in this state. A patient's domicile is the patient's fixed or permanent home to which he or she intends to return even though he or she may temporarily reside elsewhere.

### (3) INSPECTION.—

(a) The department shall inspect the pain-management clinic annually, including a review of the patient records, to ensure that it complies with this section and the rules of the Board of Medicine adopted pursuant to subsection (4) unless the clinic is accredited by a nationally recognized accrediting agency approved by the Board of Medicine.

(b) During an onsite inspection, the department shall make a reasonable attempt to discuss each violation with the owner or designated physician of the pain-management clinic before issuing a formal written notification.

(c) Any action taken to correct a violation shall be documented in writing by the owner or designated physician of the pain-management clinic and verified by followup visits by departmental personnel.

### (4) RULEMAKING.—

(a) The department shall adopt rules necessary to administer the registration and inspection of pain-management clinics which establish the specific requirements, procedures, forms, and fees.

~~(b) The department shall adopt a rule defining what constitutes practice by a designated physician at the clinic location for which the physician has assumed responsibility, as set forth in subsection (1).~~

When adopting the rule, the department shall consider the number of clinic employees, the location of the pain management clinic, the clinic's hours of operation, and the amount of controlled substances being prescribed, dispensed, or administered at the pain management clinic.

~~(c) The Board of Medicine shall adopt a rule establishing the maximum number of prescriptions for Schedule II or Schedule III controlled substances or the controlled substance Alprazolam which may be written at any one registered pain management clinic during any 24 hour period.~~

~~(b)(d) The Board of Medicine shall adopt rules setting forth standards of practice for physicians practicing in privately owned pain management clinics that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications. Such rules shall address, but need not be limited to:~~

- ~~1. Facility operations;~~
- ~~2. Physical operations;~~
- ~~3. Infection control requirements;~~
- ~~4. Health and safety requirements;~~
- ~~5. Quality assurance requirements;~~
- ~~6. Patient records;~~
- 7. training requirements for all facility health care practitioners who are not regulated by another board;
- ~~8. Inspections; and~~
- ~~9. Data collection and reporting requirements.~~

~~A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain or more than 90 days after surgery.~~

(5) PENALTIES; ENFORCEMENT.—

(a) The department may impose an administrative fine on the clinic of up to \$5,000 per violation for violating the requirements of this section; chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Comprehensive Drug Abuse Prevention and Control Act; chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act; or the rules of the department. In determining whether a penalty is to be imposed, and in fixing the amount of the fine, the department shall consider the following factors:

- 1. The gravity of the violation, including the probability that death or serious physical or emotional harm to a patient has resulted, or could have resulted, from the pain-management clinic's actions or the actions of the physician, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.
- 2. What actions, if any, the owner or designated physician took to correct the violations.
- 3. Whether there were any previous violations at the pain-management clinic.
- 4. The financial benefits that the pain-management clinic derived from committing or continuing to commit the violation.

(b) Each day a violation continues after the date fixed for termination of the violation as ordered by the department constitutes an additional, separate, and distinct violation.

(c) The department may impose a fine and, in the case of an owner-operated pain-management clinic, revoke or deny a pain-management

clinic's registration, if the clinic's designated physician knowingly and intentionally misrepresents actions taken to correct a violation.

(d) An owner or designated physician of a pain-management clinic who concurrently operates an unregistered pain-management clinic is subject to an administrative fine of \$5,000 per day.

(e) If the owner of a pain-management clinic that requires registration fails to apply to register the clinic upon a change of ownership and operates the clinic under the new ownership, the owner is subject to a fine of \$5,000.

(6) EXPIRATION.—*This section expires January 1, 2016.*

Section 5. Paragraph (f) is added to subsection (1) of section 458.327, Florida Statutes, to read:

458.327 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(f) *Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.*

Section 6. Paragraph (rr) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(rr) *Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.*

Section 7. Section 459.0137, Florida Statutes, is amended to read:

459.0137 Pain-management clinics.—

(1) REGISTRATION.—

(a)1. *As used in this section, the term:*

a. *“Chronic nonmalignant pain” means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.*

b. *“Pain-management clinic” or “clinic” means any publicly or privately owned facility:*

(I) *That advertises in any medium for any type of pain-management services; or*

(II) *Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain. All privately owned pain management clinics, facilities, or offices, hereinafter referred to as “clinics,” which advertise in any medium for any type of pain management services, or employ an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications;*

2. *Each pain-management clinic must register with the department unless:*

a.1. *That clinic is licensed as a facility pursuant to chapter 395;*

b.2. *The majority of the physicians who provide services in the clinic primarily provide surgical services;*

c.3. *The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;*

d.4. *The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;*

~~e.5.~~ The clinic does not prescribe or dispense controlled substances for the treatment of pain; ~~or~~

~~f.6.~~ The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3);~~r~~

*g. The clinic is wholly owned and operated by one or more board-certified anesthesiologists, physiatrists, or neurologists; or*

*h. The clinic is wholly owned and operated by one or more board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who are also board-certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and perform interventional pain procedures of the type routinely billed using surgical codes.*

(b) Each clinic location shall be registered separately regardless of whether the clinic is operated under the same business name or management as another clinic.

(c) As a part of registration, a clinic must designate an osteopathic physician who is responsible for complying with all requirements related to registration and operation of the clinic in compliance with this section. Within 10 days after termination of a designated osteopathic physician, the clinic must notify the department of the identity of another designated physician for that clinic. The designated physician shall have a full, active, and unencumbered license under chapter 458 or this chapter and shall practice at the clinic location for which the physician has assumed responsibility. Failing to have a licensed designated osteopathic physician practicing at the location of the registered clinic may be the basis for a summary suspension of the clinic registration certificate as described in s. 456.073(8) for a license or s. 120.60(6).

(d) The department shall deny registration to any clinic that is not fully owned by a physician licensed under chapter 458 or this chapter or a group of physicians, each of whom is licensed under chapter 458 or this chapter; or that is not a health care clinic licensed under part X of chapter 400.

(e) The department shall deny registration to any pain-management clinic owned by or with any contractual or employment relationship with a physician:

1. Whose Drug Enforcement Administration number has ever been revoked.

2. Whose application for a license to prescribe, dispense, or administer a controlled substance has been denied by any jurisdiction.

3. Who has been convicted of or pleaded guilty or nolo contendere to, regardless of adjudication, an offense that constitutes a felony for receipt of illicit and diverted drugs, including a controlled substance listed in Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in this state, any other state, or the United States.

(f) If the department finds that a pain-management clinic does not meet the requirement of paragraph (d) or is owned, directly or indirectly, by a person meeting any criteria listed in paragraph (e), the department shall revoke the certificate of registration previously issued by the department. As determined by rule, the department may grant an exemption to denying a registration or revoking a previously issued registration if more than 10 years have elapsed since adjudication. As used in this subsection, the term "convicted" includes an adjudication of guilt following a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

(g) The department may revoke the clinic's certificate of registration and prohibit all physicians associated with that pain-management clinic from practicing at that clinic location based upon an annual inspection and evaluation of the factors described in subsection (3).

(h) If the registration of a pain-management clinic is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the pain-management clinic property, the manager, and the proprietor shall cease to operate the facility as a pain-management clinic as of the effective date of the suspension or revocation.

(i) If a pain-management clinic registration is revoked or suspended, the designated physician of the pain-management clinic, the owner or lessor of the clinic property, the manager, or the proprietor is responsible for removing all signs and symbols identifying the premises as a pain-management clinic.

(j) Upon the effective date of the suspension or revocation, the designated physician of the pain-management clinic shall advise the department of the disposition of the medicinal drugs located on the premises. The disposition is subject to the supervision and approval of the department. Medicinal drugs that are purchased or held by a pain-management clinic that is not registered may be deemed adulterated pursuant to s. 499.006.

(k) If the clinic's registration is revoked, any person named in the registration documents of the pain-management clinic, including persons owning or operating the pain-management clinic, may not, as an individual or as a part of a group, make application for a permit to operate a pain-management clinic for 5 years after the date the registration is revoked.

(l) The period of suspension for the registration of a pain-management clinic shall be prescribed by the department, but may not exceed 1 year.

(m) A change of ownership of a registered pain-management clinic requires submission of a new registration application.

(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any osteopathic physician who provides professional services in a pain-management clinic that is required to be registered in subsection (1).

(a) An osteopathic physician may not practice medicine in a pain-management clinic, as described in subsection (4), if:

~~1.~~ the pain-management clinic is not registered with the department as required by this section;~~or~~

~~2. Effective July 1, 2012, the physician has not successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or a pain medicine residency that is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or, prior to July 1, 2012, does not comply with rules adopted by the board.~~

Any physician who qualifies to practice medicine in a pain-management clinic pursuant to rules adopted by the Board of Osteopathic Medicine as of July 1, 2012, may continue to practice medicine in a pain-management clinic as long as the physician continues to meet the qualifications set forth in the board rules. An osteopathic physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(b) A person may not dispense any medication, ~~including a controlled substance,~~ on the premises of a registered pain-management clinic unless he or she is a physician licensed under this chapter or chapter 458.

(c) An osteopathic physician, a physician assistant, or an advanced registered nurse practitioner must perform a physical examination of a patient on the same day that the physician ~~he or she dispenses or~~ prescribes a controlled substance to a patient at a pain-management clinic. If the osteopathic physician prescribes ~~or dispenses~~ more than a 72-hour dose of controlled substances for the treatment of chronic nonmalignant pain, the osteopathic physician must document in the patient's record the reason for prescribing ~~or dispensing~~ that quantity.

(d) An osteopathic physician authorized to prescribe controlled substances who practices at a pain-management clinic is responsible for maintaining the control and security of his or her prescription blanks and any other method used for prescribing controlled substance pain medication. The osteopathic physician shall comply with the requirements for counterfeit-resistant prescription blanks in s. 893.065 and the rules adopted pursuant to that section. The osteopathic physician shall notify, in writing, the department within 24 hours following any theft or loss of a prescription blank or breach of any other method for prescribing pain medication.

(e) The designated osteopathic physician of a pain-management clinic shall notify the applicable board in writing of the date of termination of employment within 10 days after terminating his or her employment with a pain-management clinic that is required to be registered under subsection (1). *Each osteopathic physician practicing in a pain-management clinic shall advise the Board of Osteopathic Medicine in writing within 10 calendar days after beginning or ending his or her practice at a pain-management clinic.*

(f) *Each osteopathic physician practicing in a pain-management clinic is responsible for ensuring compliance with the following facility and physical operations requirements:*

1. *A pain-management clinic shall be located and operated at a publicly accessible fixed location and must:*

a. *Display a sign that can be viewed by the public that contains the clinic name, hours of operations, and a street address.*

b. *Have a publicly listed telephone number and a dedicated phone number to send and receive faxes with a fax machine that shall be operational 24 hours per day.*

c. *Have emergency lighting and communications.*

d. *Have a reception and waiting area.*

e. *Provide a restroom.*

f. *Have an administrative area including room for storage of medical records, supplies and equipment.*

g. *Have private patient examination rooms.*

h. *Have treatment rooms, if treatment is being provided to the patient.*

i. *Display a printed sign located in a conspicuous place in the waiting room viewable by the public with the name and contact information of the clinic-designated physician and the names of all physicians practicing in the clinic.*

j. *If the clinic stores and dispenses prescription drug, comply with ss. 499.0121 and 893.07.*

2. *This section does not excuse an osteopathic physician from providing any treatment or performing any medical duty without the proper equipment and materials as required by the standard of care. This section does not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.*

(g) *Each osteopathic physician practicing in a pain-management clinic is responsible for ensuring compliance with the following infection control requirements.*

1. *The clinic shall maintain equipment and supplies to support infection prevention and control activities.*

2. *The clinic shall identify infection risks based on the following:*

a. *Geographic location, community, and population served.*

b. *The care, treatment and services it provides.*

c. *An analysis of its infection surveillance and control data.*

3. *The clinic shall maintain written infection prevention policies and procedures that address the following:*

a. *Prioritized risks.*

b. *Limiting unprotected exposure to pathogen.*

c. *Limiting the transmission of infections associated with procedures performed in the clinic.*

d. *Limiting the transmission of infections associated with the clinic's use of medical equipment, devices, and supplies.*

(h) *Each osteopathic physician practicing in a pain-management clinic is responsible for ensuring compliance with the following health and safety requirements.*

1. *The clinic, including its grounds, buildings, furniture, appliances, and equipment shall be structurally sound, in good repair, clean, and free from health and safety hazards.*

2. *The clinic shall have evacuation procedures in the event of an emergency which shall include provisions for the evacuation of disabled patients and employees.*

3. *The clinic shall have a written facility-specific disaster plan which sets forth actions that will be taken in the event of clinic closure due to unforeseen disasters and shall include provisions for the protection of medical records and any controlled substances.*

4. *Each clinic shall have at least one employee on the premises during patient care hours who is certified in Basic Life Support and is trained in reacting to accidents and medical emergencies until emergency medical personnel arrive.*

(i) *The designated physician is responsible for ensuring compliance with the following quality assurance requirements. Each pain-management clinic shall have an ongoing quality assurance program that objectively and systematically monitors and evaluates the quality and appropriateness of patient care, evaluates methods to improve patient care, identifies and corrects deficiencies within the facility, alerts the designated physician to identify and resolve recurring problems, and provides for opportunities to improve the facility's performance and to enhance and improve the quality of care provided to the public. The designated physician shall establish a quality assurance program that includes the following components:*

1. *The identification, investigation, and analysis of the frequency and causes of adverse incidents to patients.*

2. *The identification of trends or patterns of incidents.*

3. *The development of measures to correct, reduce, minimize, or eliminate the risk of adverse incidents to patients.*

4. *The documentation of these functions and periodic review no less than quarterly of such information by the designated physician.*

(j) *The designated physician is responsible for ensuring compliance with the following data collection and reporting requirements:*

1. *The designated physician for each pain-management clinic shall report all adverse incidents to the department as set forth in s. 459.026.*

2. *The designated physician shall also report to the Board of Osteopathic Medicine, in writing, on a quarterly basis, the following data:*

a. *Number of new and repeat patients seen and treated at the clinic who are prescribed controlled substance medications for the treatment of chronic, nonmalignant pain.*

b. *The number of patients discharged due to drug abuse.*

c. *The number of patients discharged due to drug diversion.*

d. *The number of patients treated at the pain clinic whose domicile is located somewhere other than in this state. A patient's domicile is the patient's fixed or permanent home to which he or she intends to return even though he or she may temporarily reside elsewhere.*

(3) INSPECTION.—

(a) *The department shall inspect the pain-management clinic annually, including a review of the patient records, to ensure that it complies with this section and the rules of the Board of Osteopathic Medicine adopted pursuant to subsection (4) unless the clinic is accredited by a nationally recognized accrediting agency approved by the Board of Osteopathic Medicine.*

(b) *During an onsite inspection, the department shall make a reasonable attempt to discuss each violation with the owner or designated*

physician of the pain-management clinic before issuing a formal written notification.

(c) Any action taken to correct a violation shall be documented in writing by the owner or designated physician of the pain-management clinic and verified by followup visits by departmental personnel.

(4) RULEMAKING.—

(a) The department shall adopt rules necessary to administer the registration and inspection of pain-management clinics which establish the specific requirements, procedures, forms, and fees.

~~(b) The department shall adopt a rule defining what constitutes practice by a designated osteopathic physician at the clinic location for which the physician has assumed responsibility, as set forth in subsection (1). When adopting the rule, the department shall consider the number of clinic employees, the location of the pain management clinic, the clinic's hours of operation, and the amount of controlled substances being prescribed, dispensed, or administered at the pain management clinic.~~

~~(c) The Board of Osteopathic Medicine shall adopt a rule establishing the maximum number of prescriptions for Schedule II or Schedule III controlled substances or the controlled substance Alprazolam which may be written at any one registered pain management clinic during any 24-hour period.~~

~~(b)(4) The Board of Osteopathic Medicine shall adopt rules setting forth standards of practice for osteopathic physicians practicing in privately owned pain management clinics that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications. Such rules shall address, but need not be limited to:~~

- ~~1. Facility operations;~~
- ~~2. Physical operations;~~
- ~~3. Infection control requirements;~~
- ~~4. Health and safety requirements;~~
- ~~5. Quality assurance requirements;~~
- ~~6. Patient records;~~
7. training requirements for all facility health care practitioners who are not regulated by another board.;
- ~~8. Inspections; and~~
- ~~9. Data collection and reporting requirements.~~

~~An osteopathic physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain or more than 90 days after surgery.~~

(5) PENALTIES; ENFORCEMENT.—

(a) The department may impose an administrative fine on the clinic of up to \$5,000 per violation for violating the requirements of this section; chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Comprehensive Drug Abuse Prevention and Control Act; chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act; or the rules of the department. In determining whether a penalty is to be imposed, and in fixing the amount of the fine, the department shall consider the following factors:

1. The gravity of the violation, including the probability that death or serious physical or emotional harm to a patient has resulted, or could have resulted, from the pain-management clinic's actions or the actions of the osteopathic physician, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

2. What actions, if any, the owner or designated osteopathic physician took to correct the violations.

3. Whether there were any previous violations at the pain-management clinic.

4. The financial benefits that the pain-management clinic derived from committing or continuing to commit the violation.

(b) Each day a violation continues after the date fixed for termination of the violation as ordered by the department constitutes an additional, separate, and distinct violation.

(c) The department may impose a fine and, in the case of an owner-operated pain-management clinic, revoke or deny a pain-management clinic's registration, if the clinic's designated osteopathic physician knowingly and intentionally misrepresents actions taken to correct a violation.

(d) An owner or designated osteopathic physician of a pain-management clinic who concurrently operates an unregistered pain-management clinic is subject to an administrative fine of \$5,000 per day.

(e) If the owner of a pain-management clinic that requires registration fails to apply to register the clinic upon a change of ownership and operates the clinic under the new ownership, the owner is subject to a fine of \$5,000.

(6) EXPIRATION.—*This section expires January 1, 2016.*

Section 8. Paragraph (f) is added to subsection (1) of section 459.013, Florida Statutes, to read:

459.013 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(f) *Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.*

Section 9. Paragraph (tt) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(tt) *Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.*

Section 10. Subsections (3) and (4) of section 465.015, Florida Statutes, are renumbered as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and present subsection (4) of that section is amended, to read:

465.015 Violations and penalties.—

(3) *It is unlawful for any pharmacist to knowingly fail to report to the sheriff or other chief law enforcement agency of the county where the pharmacy is located within 24 hours after learning of any instance in which a person obtained or attempted to obtain a controlled substance, as defined in s. 893.02, or at the close of business on the next business day, whichever is later, that the pharmacist knew or believed was obtained or attempted to be obtained through fraudulent methods or representations from the pharmacy at which the pharmacist practiced pharmacy. Any pharmacist who knowingly fails to make such a report within 24 hours after learning of the fraud or attempted fraud or at the close of business on the next business day, whichever is later, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A sufficient report of the fraudulent obtaining of controlled substances under this subsection must contain, at a minimum, a copy of the prescription used or presented and a narrative, including all information available to the pharmacist concerning the transaction, such as the name and telephone number of the prescribing physician; the name, description, and any personal identification information pertaining to the person who*

presented the prescription; and all other material information, such as photographic or video surveillance of the transaction.

(5)(4) Any person who violates any provision of subsection (1) or subsection (4) (3) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates any provision of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In any warrant, information, or indictment, it shall not be necessary to negative any exceptions, and the burden of any exception shall be upon the defendant.

Section 11. Paragraph (t) is added to subsection (1) of section 465.016, Florida Statutes, to read:

465.016 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(t) Committing an error or omission during the performance of a specific function of prescription drug processing, which includes, for purposes of this paragraph:

1. Receiving, interpreting, or clarifying a prescription.
2. Entering prescription data into the pharmacy's record.
3. Verifying or validating a prescription.
4. Performing pharmaceutical calculations.
5. Performing prospective drug review as defined by the board.
6. Obtaining refill and substitution authorizations.
7. Interpreting or acting on clinical data.
8. Performing therapeutic interventions.
9. Providing drug information concerning a patient's prescription.
10. Providing patient counseling.

Section 12. Section 465.018, Florida Statutes, is amended to read:

465.018 Community pharmacies; permits.—

(1) Any person desiring a permit to operate a community pharmacy shall apply to the department.

(2) If the board office certifies that the application complies with the laws of the state and the rules of the board governing pharmacies, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated as the prescription department manager responsible for maintaining all drug records, providing for the security of the prescription department, and following such other rules as relate to the practice of the profession of pharmacy. The permittee and the newly designated prescription department manager shall notify the department within 10 days of any change in prescription department manager.

(3) The board may suspend or revoke the permit of, or may refuse to issue a permit to:

(a) Any person who has been disciplined or who has abandoned a permit or allowed a permit to become void after written notice that disciplinary proceedings had been or would be brought against the permit;

(b) Any person who is an officer, director, or person interested directly or indirectly in a person or business entity that has had a permit disciplined or abandoned or become void after written notice that disciplinary proceedings had been or would be brought against the permit; or

(c) Any person who is or has been an officer of a business entity, or who was interested directly or indirectly in a business entity, the permit of which has been disciplined or abandoned or become null and void after written notice that disciplinary proceedings had been or would be brought against the permit.

(4) In addition to any other remedies provided by law, the board may deny the application or suspend or revoke the license, registration, or certificate of any entity regulated or licensed by it if the applicant, licensee, registrant, or licenseholder, or, in the case of a corporation, partnership, or other business entity, if any officer, director, agent, or managing employee of that business entity or any affiliated person, partner, or shareholder having an ownership interest equal to 5 percent or greater in that business entity, has failed to pay all outstanding fines, liens, or overpayments assessed by final order of the department, unless a repayment plan is approved by the department, or has failed to comply with any repayment plan.

(5) In reviewing any application requesting a change of ownership or a change of licensee or registrant, the transferor shall, before board approval of the change, repay or make arrangements to repay any amounts owed to the department. If the transferor fails to repay or make arrangements to repay the amounts owed to the department, the license or registration may not be issued to the transferee until repayment or until arrangements for repayment are made.

(6) Passing an onsite inspection is a prerequisite to the issuance of an initial permit or a permit for a change of location. The department must make the inspection within 90 days before issuance of the permit.

(7) Community pharmacies that dispense controlled substances must maintain a record of all controlled substance dispensing consistent with the requirements of s. 893.07 and must make the record available to the department and law enforcement agencies upon request.

Section 13. In order to dispense controlled substances listed in Schedule II or Schedule III, as provided in s. 893.03, Florida Statutes, on or after July 1, 2012, a community pharmacy permittee must be permitted pursuant to chapter 465, Florida Statutes, as amended by this act and any rules adopted thereunder.

Section 14. Section 465.022, Florida Statutes, is amended to read:

465.022 Pharmacies; general requirements; fees.—

(1) The board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Such rules shall include, but shall not be limited to, rules relating to:

- (a) General drug safety measures.
- (b) Minimum standards for the physical facilities of pharmacies.
- (c) Safe storage of floor-stock drugs.
- (d) Functions of a pharmacist in an institutional pharmacy, consistent with the size and scope of the pharmacy.
- (e) Procedures for the safe storage and handling of radioactive drugs.
- (f) Procedures for the distribution and disposition of medicinal drugs distributed pursuant to s. 499.028.
- (g) Procedures for transfer of prescription files and medicinal drugs upon the change of ownership or closing of a pharmacy.
- (h) Minimum equipment which a pharmacy shall at all times possess to fill prescriptions properly.
- (i) Procedures for the dispensing of controlled substances to minimize dispensing based on fraudulent representations or invalid practitioner-patient relationships.

(2) A pharmacy permit may ~~shall~~ be issued only to a natural person who is at least 18 years of age, to a partnership comprised of at least one natural person and all of whose partners are ~~all~~ at least 18 years of age, to a governmental agency, or to a business entity that is properly registered with the Secretary of State, if required by law, and has been issued a federal employer tax identification number ~~corporation that is registered pursuant to chapter 607 or chapter 617 whose officers, directors, and shareholders are at least 18 years of age.~~ Permits issued to business entities may be issued only to entities whose affiliated persons, members, partners, officers, directors, and agents, including persons required to be fingerprinted under subsection (3), are not less than 18 years of age.

(3) Any person or business entity, partnership, or corporation before engaging in the operation of a pharmacy, shall file with the board a sworn application on forms provided by the department. For purposes of this section, any person required to provide fingerprints under this subsection is an affiliated person within the meaning of s. 465.023(1).

(a) An application for a pharmacy permit must include a set of fingerprints from each person having an ownership interest of 5 percent or greater and from any person who, directly or indirectly, manages, oversees, or controls the operation of the applicant, including officers and members of the board of directors of an applicant that is a corporation. The applicant must provide payment in the application for the cost of state and national criminal history records checks.

1. For corporations having more than \$100 million of business taxable assets in this state, in lieu of these fingerprint requirements, the department shall require the prescription department manager or consultant pharmacist of record who will be directly involved in the management and operation of the pharmacy to submit a set of fingerprints.

2. A representative of a corporation described in subparagraph 1. satisfies the requirement to submit a set of his or her fingerprints if the fingerprints are on file with the department or the Agency for Health Care Administration, meet the fingerprint specifications for submission by the Department of Law Enforcement, and are available to the department.

(b) The department shall annually submit the fingerprints provided by the applicant to the Department of Law Enforcement for a state criminal history records check. The Department of Law Enforcement shall annually forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. The department shall report the results of annual criminal history records checks to wholesale distributors permitted under chapter 499 for the purposes of s. 499.0121(15).

(c) In addition to those documents required by the department or board, each applicant having any financial or ownership interest greater than 5 percent in the subject of the application must submit a signed affidavit disclosing any financial or ownership interest greater than 5 percent in any pharmacy permitted in the past 5 years, which pharmacy has closed voluntarily or involuntarily, has filed a voluntary relinquishment of its permit, has had its permit suspended or revoked, or has had an injunction issued against it by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntary or involuntary.

(4) An application for a pharmacy permit must include the applicant's written policies and procedures for preventing controlled substance dispensing based on fraudulent representations or invalid practitioner-patient relationships. The board must review the policies and procedures and may deny a permit if the policies and procedures are insufficient to reasonably prevent such dispensing. The department may phase in the submission and review of policies and procedures over one 18-month period beginning July 1, 2011.

(5)(4) The department or board shall deny an application for a pharmacy permit if the applicant or an affiliated person, partner, officer, director, or prescription department manager or consultant pharmacist of record of the applicant has:

- (a) Has obtained a permit by misrepresentation or fraud.;
- (b) Has attempted to procure, or has procured, a permit for any other person by making, or causing to be made, any false representation.;
- (c) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of pharmacy.;
- (d) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.;
- (e) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction, since July 1, 2009. ~~Been terminated for cause, pursuant to~~

~~the appeals procedures established by the state or Federal Government, from any state Medicaid program or the federal Medicare program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years ago; or~~

(f) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970 or 42 U.S.C. ss. 1395-1396 since July 1, 2009.

(g) Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5-year period.

(h) Has been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program for the most recent 5-year period and the termination occurred at least 20 years before the date of the application.

(i) Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

(j)(4) Has dispensed any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

For felonies in which the defendant entered a plea of guilty or nolo contendere in an agreement with the court to enter a pretrial intervention or drug diversion program, the department shall deny the application if upon final resolution of the case the licensee has failed to successfully complete the program.

(6) The department or board may deny an application for a pharmacy permit if the applicant or an affiliated person, partner, officer, director, or prescription department manager or consultant pharmacist of record of the applicant has violated or failed to comply with any provision of this chapter; chapter 499, the Florida Drug and Cosmetic Act; chapter 893; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Comprehensive Drug Abuse Prevention and Control Act; or any rules or regulations promulgated thereunder unless the violation or noncompliance is technical.

(7)(5) After the application has been filed with the board and the permit fee provided in this section has been received, the board shall cause the application to be fully investigated, both as to the qualifications of the applicant and the prescription department manager or consultant pharmacist designated to be in charge and as to the premises and location described in the application.

(8)(6) The Board of Pharmacy shall have the authority to determine whether a bona fide transfer of ownership is present and that the sale of a pharmacy is not being accomplished for the purpose of avoiding an administrative prosecution.

(9)(7) Upon the completion of the investigation of an application, the board shall approve or deny ~~disapprove~~ the application. If approved, the permit shall be issued by the department.

(10)(8) A permittee must notify the department, on a form approved by the board, within 10 days after any change in prescription department manager or consultant pharmacist of record. ~~Permits issued by the department are not transferable.~~

(11) A permittee must notify the department of the identity of the prescription department manager within 10 days after employment. The prescription department manager must comply with the following requirements:

(a) The prescription department manager of a permittee must obtain and maintain all drug records required by any state or federal law to be obtained by a pharmacy, including, but not limited to, records required by

or under this chapter, chapter 499, or chapter 893. The prescription department manager must ensure the permittee's compliance with all rules adopted under those chapters as they relate to the practice of the profession of pharmacy and the sale of prescription drugs.

(b) The prescription department manager must ensure the security of the prescription department. The prescription department manager must notify the board of any theft or significant loss of any controlled substances within 1 business day after discovery of the theft or loss.

(c) A registered pharmacist may not serve as the prescription department manager in more than one location unless approved by the board.

(12) The board shall adopt rules that require the keeping of such records of prescription drugs as are necessary for the protection of public health, safety, and welfare.

(a) All required records documenting prescription drug distributions shall be readily available or immediately retrievable during an inspection by the department.

(b) The records must be maintained for 4 years after the creation or receipt of the record, whichever is later.

(13) Permits issued by the department are not transferable.

(14)(9) The board shall set the fees for the following:

(a) Initial permit fee not to exceed \$250.

(b) Biennial permit renewal not to exceed \$250.

(c) Delinquent fee not to exceed \$100.

(d) Change of location fee not to exceed \$250 ~~\$100~~.

Section 15. Paragraph (b) of subsection (1) of section 465.0276, Florida Statutes, is amended to read:

465.0276 Dispensing practitioner.—

(1)

(b)1. A practitioner registered under this section may not dispense ~~more than a 72-hour supply of a controlled substance listed in Schedule II or; Schedule III as provided in, Schedule IV, or Schedule V of s. 893.03 for any patient who pays for the medication by cash, check, or credit card in a clinic registered under s. 458.3265 or s. 459.0137. A practitioner who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ This paragraph does not apply to:

~~1. A practitioner who dispenses medication to a workers' compensation patient pursuant to chapter 440.~~

~~2. A practitioner who dispenses medication to an insured patient who pays by cash, check, or credit card to cover any applicable copayment or deductible.~~

~~1.3.~~ The dispensing of complimentary packages of medicinal drugs which are labeled as a drug sample or complimentary drug as defined in s. 499.028 to the practitioner's own patients in the regular course of her or his practice without the payment of a fee or remuneration of any kind, whether direct or indirect, as provided in subsection (5).

2. The dispensing of controlled substances in the health care system of the Department of Corrections.

3. The dispensing of a controlled substance listed in Schedule II or Schedule III in connection with the performance of a surgical procedure. The amount dispensed pursuant to the subparagraph may not exceed a 14-day supply. This exception does not allow for the dispensing of a controlled substance listed in Schedule II or Schedule III more than 14 days after the performance of the surgical procedure. For purposes of this subparagraph, the term "surgical procedure" means any procedure in any setting which involves, or reasonably should involve:

a. Perioperative medication and sedation that allows the patient to tolerate unpleasant procedures while maintaining adequate cardio-

spiratory function and the ability to respond purposefully to verbal or tactile stimulation and makes intra- and post-operative monitoring necessary; or

b. The use of general anesthesia or major conduction anesthesia and preoperative sedation.

4. The dispensing of a controlled substance listed in Schedule II or Schedule III pursuant to an approved clinical trial. For purposes of this subparagraph, the term "approved clinical trial" means a clinical research study or clinical investigation that, in whole or in part, is state or federally funded or is conducted under an investigational new drug application that is reviewed by the United States Food and Drug Administration.

5. The dispensing of methadone in a facility licensed under s. 397.427 where medication-assisted treatment for opiate addiction is provided.

6. The dispensing of a controlled substance listed in Schedule II or Schedule III to a patient of a facility licensed under part IV of chapter 400.

Section 16. Subsections (16) and (17) are added to section 499.0051, Florida Statutes, to read:

499.0051 Criminal acts.—

(16) FALSE REPORT.—Any person who submits a report required by s. 499.0121(14) knowing that such report contains a false statement commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(17) CONTROLLED SUBSTANCE DISTRIBUTION.—Any person who engages in the wholesale distribution of prescription drugs and who knowingly distributes controlled substances in violation of s. 499.0121(14) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition to any other fine that may be imposed, a person convicted of such a violation may be sentenced to pay a fine that does not exceed three times the gross monetary value gained from such violation, plus court costs and the reasonable costs of investigation and prosecution.

Section 17. Paragraph (o) is added to subsection (8) of section 499.012, Florida Statutes, to read:

499.012 Permit application requirements.—

(8) An application for a permit or to renew a permit for a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor submitted to the department must include:

(o) Documentation of the credentialing policies and procedures required by s. 499.0121(14).

Section 18. Subsections (14) and (15) are added to section 499.0121, Florida Statutes, to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.—The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(14) DISTRIBUTION REPORTING.—Each prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, retail pharmacy drug wholesale distributor, manufacturer, or repackager that engages in the wholesale distribution of controlled substances as defined in s. 893.02 shall submit a report to the department of its receipts and distributions of controlled substances listed in Schedule II, Schedule III, Schedule IV, or Schedule V as provided in s. 893.03. Wholesale distributor facilities located within this state shall report all transactions involving controlled substances, and wholesale distributor facilities located outside this state shall report all distributions to entities located in this state. If the prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, retail pharmacy drug wholesale distributor, manufacturer, or repackager does not have any controlled substance distributions for the month, a report shall be sent indicating that no distributions occurred in the period. The report shall be

submitted monthly by the 20th of the next month, in the electronic format used for controlled substance reporting to the Automation of Reports and Consolidated Orders System division of the federal Drug Enforcement Administration. Submission of electronic data must be made in a secured Internet environment that allows for manual or automated transmission. Upon successful transmission, an acknowledgement page must be displayed to confirm receipt. The report must contain the following information:

- (a) The federal Drug Enforcement Administration registration number of the wholesale distributing location.
- (b) The federal Drug Enforcement Administration registration number of the entity to which the drugs are distributed or from which the drugs are received.
- (c) The transaction code that indicates the type of transaction.
- (d) The National Drug Code identifier of the product and the quantity distributed or received.
- (e) The Drug Enforcement Administration Form 222 number or Controlled Substance Ordering System Identifier on all schedule II transactions.
- (f) The date of the transaction.

The department must share the reported data with the Department of Law Enforcement and local law enforcement agencies upon request and must monitor purchasing to identify purchasing levels that are inconsistent with the purchasing entity's clinical needs. The Department of Law Enforcement shall investigate purchases at levels that are inconsistent with the purchasing entity's clinical needs to determine whether violations of chapter 893 have occurred.

**(15) DUE DILIGENCE OF PURCHASERS.—**

(a) Each prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, and retail pharmacy drug wholesale distributor must establish and maintain policies and procedures to credential physicians licensed under chapter 458, chapter 459, chapter 461, or chapter 466 and pharmacies that purchase or otherwise receive from the wholesale distributor controlled substances listed in Schedule II or Schedule III as provided in s. 893.03. The prescription drug wholesale distributor, out-of-state prescription drug wholesale distributor, or retail pharmacy drug wholesale distributor shall maintain records of such credentialing and make the records available to the department upon request. Such credentialing must, at a minimum, include:

1. A determination of the clinical nature of the receiving entity, including any specialty practice area.
2. A review of the receiving entity's history of Schedule II and Schedule III controlled substance purchasing from the wholesale distributor.
3. A determination that the receiving entity's Schedule II and Schedule III controlled substance purchasing history, if any, is consistent with and reasonable for that entity's clinical business needs.

(b) A wholesale distributor must take reasonable measures to identify its customers, understand the normal and expected transactions conducted by those customers, and identify those transactions that are suspicious in nature. A wholesale distributor must establish internal policies and procedures for identifying suspicious orders and preventing suspicious transactions. A wholesale distributor must assess orders for greater than 5,000 unit doses of any one controlled substance in any one month to determine whether the purchase is reasonable. In making such assessments, a wholesale distributor may consider the purchasing entity's clinical business needs, location, and population served, in addition to other factors established in the distributor's policies and procedures. A wholesale distributor must report to the department any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of the law. The wholesale distributor shall maintain records that document the report submitted to the department in compliance with this paragraph.

(c) A wholesale distributor may not distribute controlled substances to an entity if any criminal history record check for any person associated with that entity shows that the person has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction related to controlled substances, the practice of pharmacy, or the dispensing of medicinal drugs.

(d) The department shall assess national data from the Automation of Reports and Consolidated Orders System of the federal Drug Enforcement Administration, excluding Florida data, and identify the national average of grams of hydrocodone, morphine, oxycodone, and methadone distributed per pharmacy registrant per month in the most recent year for which data is available. The department shall report the average for each of these drugs to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011. The department shall assess the data reported pursuant to subsection (14) and identify the statewide average of grams of each benzodiazepine distributed per community pharmacy per month. The department shall report the average for each benzodiazepine to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011.

Section 19. Paragraphs (o) and (p) are added to subsection (1) of section 499.05, Florida Statutes, to read:

**499.05 Rules.—**

(1) The department shall adopt rules to implement and enforce this part with respect to:

- (o) Wholesale distributor reporting requirements of s. 499.0121(14).
- (p) Wholesale distributor credentialing and distribution requirements of s. 499.0121(15).

Section 20. Subsections (8) and (9) are added to section 499.067, Florida Statutes, to read:

**499.067 Denial, suspension, or revocation of permit, certification, or registration.—**

(8) The department may deny, suspend, or revoke a permit if it finds the permittee has not complied with the credentialing requirements of s. 499.0121(15).

(9) The department may deny, suspend, or revoke a permit if it finds the permittee has not complied with the reporting requirements of, or knowingly made a false statement in a report required by, s. 499.0121(14).

Section 21. Paragraph (f) is added to subsection (3) of section 810.02, Florida Statutes, to read:

**810.02 Burglary.—**

(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary within a county that is subject

to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 22. Paragraph (c) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$300 or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).
7. Any commercially farmed animal, including any animal of the equine, bovine, or swine class, or other grazing animal, and including aquaculture species raised at a certified aquaculture facility. If the property stolen is aquaculture species raised at a certified aquaculture facility, then a \$10,000 fine shall be imposed.
8. Any fire extinguisher.
9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.
10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).
11. Any stop sign.
12. Anhydrous ammonia.
13. *Any amount of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for theft of a controlled substance under this subparagraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.*

However, if the property is stolen within a county that is subject to a state of emergency declared by the Governor under chapter 252, the property is stolen after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property is valued at \$5,000 or more, but less than \$10,000, as provided under subparagraph 2., or if the property is valued at \$10,000 or more, but less than \$20,000, as provided under subparagraph 3. As used in this paragraph, the term “conditions arising from the emergency” means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or the response time for first responders or homeland security personnel. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 23. Section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(1) As used in this section, the term:

(a) “Patient advisory report” or “advisory report” means information provided by the department in writing, or as determined by the de-

partment, to a prescriber, dispenser, pharmacy, or patient concerning the dispensing of controlled substances. All advisory reports are for informational purposes only and impose no obligations of any nature or any legal duty on a prescriber, dispenser, pharmacy, or patient. The patient advisory report shall be provided in accordance with s. 893.13(7)(a)8. The advisory reports issued by the department are not subject to discovery or introduction into evidence in any civil or administrative action against a prescriber, dispenser, pharmacy, or patient arising out of matters that are the subject of the report; and a person who participates in preparing, reviewing, issuing, or any other activity related to an advisory report may not be permitted or required to testify in any such civil action as to any findings, recommendations, evaluations, opinions, or other actions taken in connection with preparing, reviewing, or issuing such a report.

(b) “Controlled substance” means a controlled substance listed in Schedule II, Schedule III, or Schedule IV in s. 893.03.

(c) “Dispenser” means a pharmacy, dispensing pharmacist, or dispensing health care practitioner.

(d) “Health care practitioner” or “practitioner” means any practitioner who is subject to licensure or regulation by the department under chapter 458, chapter 459, chapter 461, chapter 462, chapter 464, chapter 465, or chapter 466.

(e) “Health care regulatory board” means any board for a practitioner or health care practitioner who is licensed or regulated by the department.

(f) “Pharmacy” means any pharmacy that is subject to licensure or regulation by the department under chapter 465 and that dispenses or delivers a controlled substance to an individual or address in this state.

(g) “Prescriber” means a prescribing physician, prescribing practitioner, or other prescribing health care practitioner.

(h) “Active investigation” means an investigation that is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

(i) “Law enforcement agency” means the Department of Law Enforcement, a Florida sheriff’s department, a Florida police department, or a law enforcement agency of the Federal Government which enforces the laws of this state or the United States relating to controlled substances, and which its agents and officers are empowered by law to conduct criminal investigations and make arrests.

(j) “Program manager” means an employee of or a person contracted by the Department of Health who is designated to ensure the integrity of the prescription drug monitoring program in accordance with the requirements established in paragraphs (2)(a) and (b).

(2)(a) ~~By December 1, 2010,~~ The department shall design and establish a comprehensive electronic database system that has controlled substance prescriptions provided to it and that provides prescription information to a patient’s health care practitioner and pharmacist who inform the department that they wish the patient advisory report provided to them. Otherwise, the patient advisory report will not be sent to the practitioner, pharmacy, or pharmacist. The system shall be designed to provide information regarding dispensed prescriptions of controlled substances and shall not infringe upon the legitimate prescribing or dispensing of a controlled substance by a prescriber or dispenser acting in good faith and in the course of professional practice. The system shall be consistent with standards of the American Society for Automation in Pharmacy (ASAP). The electronic system shall also comply with the Health Insurance Portability and Accountability Act (HIPAA) as it pertains to protected health information (PHI), electronic protected health information (EPHI), and all other relevant state and federal privacy and security laws and regulations. The department shall establish policies and procedures as appropriate regarding the reporting, accessing the database, evaluation, management, development, implementation, operation, storage, and security of information within the system. The reporting of prescribed controlled substances shall include a dispensing transaction with a dispenser pursuant to chapter 465 or through a dispensing transaction to an individual or address in this state

with a pharmacy that is not located in this state but that is otherwise subject to the jurisdiction of this state as to that dispensing transaction. The reporting of patient advisory reports refers only to reports to patients, pharmacies, and practitioners. Separate reports that contain patient prescription history information and that are not patient advisory reports are provided to persons and entities as authorized in paragraphs (7)(b) and (c) and s. 893.0551.

(b) The department, when the direct support organization receives at least \$20,000 in nonstate moneys or the state receives at least \$20,000 in federal grants for the prescription drug monitoring program, ~~and in consultation with the Office of Drug Control,~~ shall adopt rules as necessary concerning the reporting, accessing the database, evaluation, management, development, implementation, operation, security, and storage of information within the system, including rules for when patient advisory reports are provided to pharmacies and prescribers. The patient advisory report shall be provided in accordance with s. 893.13(7)(a)8. The department shall work with the professional health care licensure boards, such as the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Pharmacy; other appropriate organizations, such as the Florida Pharmacy Association, ~~the Office of Drug Control,~~ the Florida Medical Association, the Florida Retail Federation, and the Florida Osteopathic Medical Association, including those relating to pain management; and the Attorney General, the Department of Law Enforcement, and the Agency for Health Care Administration to develop rules appropriate for the prescription drug monitoring program.

(c) All dispensers and prescribers subject to these reporting requirements shall be notified by the department of the implementation date for such reporting requirements.

(d) The program manager shall work with professional health care licensure boards and the stakeholders listed in paragraph (b) to develop rules appropriate for identifying indicators of controlled substance abuse.

(3) The pharmacy dispensing the controlled substance and each prescriber who directly dispenses a controlled substance shall submit to the electronic system, by a procedure and in a format established by the department and consistent with an ASAP-approved format, the following information for inclusion in the database:

(a) The name of the prescribing practitioner, the practitioner's federal Drug Enforcement Administration registration number, the practitioner's National Provider Identification (NPI) or other appropriate identifier, and the date of the prescription.

(b) The date the prescription was filled and the method of payment, such as cash by an individual, insurance coverage through a third party, or Medicaid payment. This paragraph does not authorize the department to include individual credit card numbers or other account numbers in the database.

(c) The full name, address, and date of birth of the person for whom the prescription was written.

(d) The name, national drug code, quantity, and strength of the controlled substance dispensed.

(e) The full name, federal Drug Enforcement Administration registration number, and address of the pharmacy or other location from which the controlled substance was dispensed. If the controlled substance was dispensed by a practitioner other than a pharmacist, the practitioner's full name, federal Drug Enforcement Administration registration number, and address.

(f) The name of the pharmacy or practitioner, other than a pharmacist, dispensing the controlled substance and the practitioner's National Provider Identification (NPI).

(g) Other appropriate identifying information as determined by department rule.

(4) Each time a controlled substance is dispensed to an individual, the controlled substance shall be reported to the department through the system as soon thereafter as possible, but not more than 7 ~~15~~ days after the date the controlled substance is dispensed unless an extension is approved by the department for cause as determined by rule. A dis-

penser must meet the reporting requirements of this section by providing the required information concerning each controlled substance that it dispensed in a department-approved, secure methodology and format. Such approved formats may include, but are not limited to, submission via the Internet, on a disc, or by use of regular mail.

(5) When the following acts of dispensing or administering occur, the following are exempt from reporting under this section for that specific act of dispensing or administration:

(a) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.

(b) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled which is licensed in this state.

(c) A practitioner when administering or dispensing a controlled substance in the health care system of the Department of Corrections.

(d) A practitioner when administering a controlled substance in the emergency room of a licensed hospital.

(e) A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16.

(f) A pharmacist or a dispensing practitioner when dispensing a one-time, 72-hour emergency resupply of a controlled substance to a patient.

(6) The department may establish when to suspend and when to resume reporting information during a state-declared or nationally declared disaster.

(7)(a) A practitioner or pharmacist who dispenses a controlled substance must submit the information required by this section in an electronic or other method in an ASAP format approved by rule of the department unless otherwise provided in this section. The cost to the dispenser in submitting the information required by this section may not be material or extraordinary. Costs not considered to be material or extraordinary include, but are not limited to, regular postage, electronic media, regular electronic mail, and facsimile charges.

(b) A pharmacy, prescriber, or dispenser shall have access to information in the prescription drug monitoring program's database which relates to a patient of that pharmacy, prescriber, or dispenser in a manner established by the department as needed for the purpose of reviewing the patient's controlled substance prescription history. Other access to the program's database shall be limited to the program's manager and to the designated program and support staff, who may act only at the direction of the program manager or, in the absence of the program manager, as authorized. Access by the program manager or such designated staff is for prescription drug program management only or for management of the program's database and its system in support of the requirements of this section and in furtherance of the prescription drug monitoring program. Confidential and exempt information in the database shall be released only as provided in paragraph (c) and s. 893.0551. *The program manager, designated program and support staff who act at the direction of or in the absence of the program manager, and any individual who has similar access regarding the management of the database from the prescription drug monitoring program shall submit fingerprints to the department for background screening. The department shall follow the procedure established by the Department of Law Enforcement to request a statewide criminal history record check and to request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check.*

(c) The following entities shall not be allowed direct access to information in the prescription drug monitoring program database but may request from the program manager and, when authorized by the program manager, the program manager's program and support staff, information that is confidential and exempt under s. 893.0551. Prior to release, the request shall be verified as authentic and authorized with the requesting organization by the program manager, the program manager's program and support staff, or as determined in rules by the

department as being authentic and as having been authorized by the requesting entity:

1. The department or its relevant health care regulatory boards responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons who are authorized to prescribe, administer, or dispense controlled substances and who are involved in a specific controlled substance investigation involving a designated person for one or more prescribed controlled substances.

2. The Attorney General for Medicaid fraud cases involving prescribed controlled substances.

3. A law enforcement agency during active investigations regarding potential criminal activity, fraud, or theft regarding prescribed controlled substances.

4. A patient or the legal guardian or designated health care surrogate of an incapacitated patient as described in s. 893.0551 who, for the purpose of verifying the accuracy of the database information, submits a written and notarized request that includes the patient's full name, address, and date of birth, and includes the same information if the legal guardian or health care surrogate submits the request. The request shall be validated by the department to verify the identity of the patient and the legal guardian or health care surrogate, if the patient's legal guardian or health care surrogate is the requestor. Such verification is also required for any request to change a patient's prescription history or other information related to his or her information in the electronic database.

Information in the database for the electronic prescription drug monitoring system is not discoverable or admissible in any civil or administrative action, except in an investigation and disciplinary proceeding by the department or the appropriate regulatory board.

(d) The following entities shall not be allowed direct access to information in the prescription drug monitoring program database but may request from the program manager and, when authorized by the program manager, the program manager's program and support staff, information that contains no identifying information of any patient, physician, health care practitioner, prescriber, or dispenser and that is not confidential and exempt:

1. Department staff for the purpose of calculating performance measures pursuant to subsection (8).

2. The Program Implementation and Oversight Task Force for its reporting to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the prescription drug monitoring program. This subparagraph expires July 1, 2012.

(e) All transmissions of data required by this section must comply with relevant state and federal privacy and security laws and regulations. However, any authorized agency or person under s. 893.0551 receiving such information as allowed by s. 893.0551 may maintain the information received for up to 24 months before purging it from his or her records or maintain it for longer than 24 months if the information is pertinent to ongoing health care or an active law enforcement investigation or prosecution.

(f) The program manager, upon determining a pattern consistent with the rules established under paragraph (2)(d) and having cause to believe a violation of s. 893.13(7)(a)8., (8)(a), or (8)(b) has occurred, may provide relevant information to the applicable law enforcement agency.

(8) To assist in fulfilling program responsibilities, performance measures shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives by the department each December 1, beginning in 2011. Data that does not contain patient, physician, health care practitioner, prescriber, or dispenser identifying information may be requested during the year by department employees so that the department may undertake public health care and safety initiatives that take advantage of observed trends. Performance measures may include, but are not limited to, efforts to achieve the following outcomes:

(a) Reduction of the rate of inappropriate use of prescription drugs through department education and safety efforts.

(b) Reduction of the quantity of pharmaceutical controlled substances obtained by individuals attempting to engage in fraud and deceit.

(c) Increased coordination among partners participating in the prescription drug monitoring program.

(d) Involvement of stakeholders in achieving improved patient health care and safety and reduction of prescription drug abuse and prescription drug diversion.

(9) Any person who willfully and knowingly fails to report the dispensing of a controlled substance as required by this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) All costs incurred by the department in administering the prescription drug monitoring program shall be funded through federal grants or private funding applied for or received by the state. The department may not commit funds for the monitoring program without ensuring funding is available. The prescription drug monitoring program and the implementation thereof are contingent upon receipt of the nonstate funding. The department and state government shall cooperate with the direct-support organization established pursuant to subsection (11) in seeking federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department so long as the costs of doing so are not considered material. Nonmaterial costs for this purpose include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. Notwithstanding the exemptions to competitive-solicitation requirements under s. 287.057(3)(f), the department shall comply with the competitive-solicitation requirements under s. 287.057 for the procurement of any goods or services required by this section. *Funds provided, directly or indirectly, by prescription drug manufacturers may not be used to implement the program.*

(11) ~~The Office of Drug Control, in coordination with the~~ department, may establish a direct-support organization that has a board consisting of at least five members to provide assistance, funding, and promotional support for the activities authorized for the prescription drug monitoring program.

(a) As used in this subsection, the term "direct-support organization" means an organization that is:

1. A Florida corporation not for profit incorporated under chapter 617, exempted from filing fees, and approved by the Department of State.

2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, and invest, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures or provide funding to or for the direct or indirect benefit of the department in the furtherance of the prescription drug monitoring program.

(b) The direct-support organization is not considered a lobbying firm within the meaning of s. 11.045.

(c) ~~The State Surgeon General~~ ~~director of the Office of Drug Control~~ shall appoint a board of directors for the direct-support organization. ~~The director may designate employees of the Office of Drug Control, state employees other than state employees from the department, and any other nonstate employees as appropriate, to serve on the board.~~ Members of the board shall serve at the pleasure of ~~the director of the State Surgeon General~~ ~~Office of Drug Control~~. ~~The State Surgeon General~~ ~~director~~ shall provide guidance to members of the board to ensure that moneys received by the direct-support organization are not received from inappropriate sources. Inappropriate sources include, but are not limited to, donors, grantors, persons, or organizations that may monetarily or substantively benefit from the purchase of goods or services by the department in furtherance of the prescription drug monitoring program.

(d) The direct-support organization shall operate under written contract with the ~~department~~ ~~Office of Drug Control~~. The contract must, at a minimum, provide for:

1. Approval of the articles of incorporation and bylaws of the direct-support organization by the ~~department~~ ~~Office of Drug Control~~.

2. Submission of an annual budget for the approval of the ~~department~~ ~~Office of Drug Control~~.

3. Certification by the ~~department~~ ~~Office of Drug Control~~ in consultation with the department that the direct-support organization is complying with the terms of the contract in a manner consistent with and in furtherance of the goals and purposes of the prescription drug monitoring program and in the best interests of the state. Such certification must be made annually and reported in the official minutes of a meeting of the direct-support organization.

4. The reversion, without penalty, to ~~the Office of Drug Control, or to the state if the Office of Drug Control ceases to exist~~, of all moneys and property held in trust by the direct-support organization for the benefit of the prescription drug monitoring program if the direct-support organization ceases to exist or if the contract is terminated.

5. The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

6. The disclosure of the material provisions of the contract to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications, and an explanation to such donors of the distinction between the ~~department~~ ~~Office of Drug Control~~ and the direct-support organization.

7. The direct-support organization's collecting, expending, and providing of funds to the department for the development, implementation, and operation of the prescription drug monitoring program as described in this section and s. 2, chapter 2009-198, Laws of Florida, as long as the task force is authorized. The direct-support organization may collect and expend funds to be used for the functions of the direct-support organization's board of directors, as necessary and approved by the ~~department~~ ~~director of the Office of Drug Control~~. In addition, the direct-support organization may collect and provide funding to the department in furtherance of the prescription drug monitoring program by:

a. Establishing and administering the prescription drug monitoring program's electronic database, including hardware and software.

b. Conducting studies on the efficiency and effectiveness of the program to include feasibility studies as described in subsection (13).

c. Providing funds for future enhancements of the program within the intent of this section.

d. Providing user training of the prescription drug monitoring program, including distribution of materials to promote public awareness and education and conducting workshops or other meetings, for health care practitioners, pharmacists, and others as appropriate.

e. Providing funds for travel expenses.

f. Providing funds for administrative costs, including personnel, audits, facilities, and equipment.

g. Fulfilling all other requirements necessary to implement and operate the program as outlined in this section.

(e) The activities of the direct-support organization must be consistent with the goals and mission of the ~~department~~ ~~Office of Drug Control~~, as determined by the ~~office in consultation with the~~ department, and in the best interests of the state. The direct-support organization must obtain a written approval from the ~~department~~ ~~director of the Office of Drug Control~~ for any activities in support of the prescription drug monitoring program before undertaking those activities.

(f) The ~~Office of Drug Control, in consultation with the~~ department, may permit, without charge, appropriate use of administrative services, property, and facilities of the ~~Office of Drug Control and the~~ department by the direct-support organization, subject to this section. The use must be directly in keeping with the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere with opportunities for the public to use such facilities for established purposes. Any moneys received from rentals of facilities and properties managed by the ~~Office of Drug Control and the~~

department may be held by the ~~Office of Drug Control or~~ in a separate depository account in the name of the direct-support organization and subject to the provisions of the letter of agreement with the ~~department~~ ~~Office of Drug Control~~. The letter of agreement must provide that any funds held in the separate depository account in the name of the direct-support organization must revert to the ~~department~~ ~~Office of Drug Control~~ if the direct-support organization is no longer approved by the ~~department~~ ~~Office of Drug Control~~ to operate in the best interests of the state.

(g) The ~~Office of Drug Control, in consultation with the~~ department, may adopt rules under s. 120.54 to govern the use of administrative services, property, or facilities of the department or office by the direct-support organization.

(h) The ~~department~~ ~~Office of Drug Control~~ may not permit the use of any administrative services, property, or facilities of the state by a direct-support organization if that organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(i) The direct-support organization shall provide for an independent annual financial audit in accordance with s. 215.981. Copies of the audit shall be provided to the ~~department~~ ~~Office of Drug Control~~ and the Office of Policy and Budget in the Executive Office of the Governor.

(j) The direct-support organization may not exercise any power under s. 617.0302(12) or (16).

(12) A prescriber or dispenser may have access to the information under this section which relates to a patient of that prescriber or dispenser as needed for the purpose of reviewing the patient's controlled drug prescription history. A prescriber or dispenser acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for receiving or using information from the prescription drug monitoring program. This subsection does not create a private cause of action, and a person may not recover damages against a prescriber or dispenser authorized to access information under this subsection for accessing or failing to access such information.

(13) To the extent that funding is provided for such purpose through federal or private grants or gifts and other types of available moneys, the department, ~~in collaboration with the Office of Drug Control~~, shall study the feasibility of enhancing the prescription drug monitoring program for the purposes of public health initiatives and statistical reporting that respects the privacy of the patient, the prescriber, and the dispenser. Such a study shall be conducted in order to further improve the quality of health care services and safety by improving the prescribing and dispensing practices for prescription drugs, taking advantage of advances in technology, reducing duplicative prescriptions and the over-prescribing of prescription drugs, and reducing drug abuse. The requirements of the National All Schedules Prescription Electronic Reporting (NASPER) Act are authorized in order to apply for federal NASPER funding. In addition, the direct-support organization shall provide funding for the department, ~~in collaboration with the Office of Drug Control~~, to conduct training for health care practitioners and other appropriate persons in using the monitoring program to support the program enhancements.

(14) A pharmacist, pharmacy, or dispensing health care practitioner or his or her agent, before releasing a controlled substance to any person not known to such dispenser, shall require the person purchasing, receiving, or otherwise acquiring the controlled substance to present valid photographic identification or other verification of his or her identity to the dispenser. If the person does not have proper identification, the dispenser may verify the validity of the prescription and the identity of the patient with the prescriber or his or her authorized agent. Verification of health plan eligibility through a real-time inquiry or adjudication system will be considered to be proper identification. This subsection does not apply in an institutional setting or to a long-term care facility, including, but not limited to, an assisted living facility or a hospital to which patients are admitted. As used in this subsection, the term "proper identification" means an identification that is issued by a state or the Federal Government containing the person's photograph, printed name, and signature or a document considered acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

(15) The Agency for Health Care Administration shall continue the promotion of electronic prescribing by health care practitioners, health care facilities, and pharmacies under s. 408.0611.

(16) ~~By October 1, 2010,~~ The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section, which shall include as necessary the reporting, accessing, evaluation, management, development, implementation, operation, and storage of information within the monitoring program's system.

Section 24. Section 893.065, Florida Statutes, is amended to read:

893.065 Counterfeit-resistant prescription blanks for controlled substances listed in Schedule II, Schedule III, or Schedule IV.—The Department of Health shall develop and adopt by rule the form and content for a counterfeit-resistant prescription blank which ~~must~~ ~~may~~ be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, ~~or~~ Schedule IV, ~~or~~ *Schedule V pursuant to s. 456.42*. The Department of Health may require the prescription blanks to be printed on distinctive, watermarked paper and to bear the preprinted name, address, and category of professional licensure of the practitioner and that practitioner's federal registry number for controlled substances. The prescription blanks may not be transferred.

Section 25. Subsections (4) and (5) of section 893.07, Florida Statutes, are amended to read:

893.07 Records.—

(4) Every inventory or record required by this chapter, including prescription records, shall be maintained:

(a) Separately from all other records of the registrant, or

(b) Alternatively, in the case of Schedule III, IV, or V controlled substances, in such form that information required by this chapter is readily retrievable from the ordinary business records of the registrant.

In either case, *the records described in this subsection shall be kept and made available for a period of at least 2 years for inspection and copying by law enforcement officers whose duty it is to enforce the laws of this state relating to controlled substances. Law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of such records.*

(5) Each person *described in subsection (1) shall:*

(a) Maintain a record which shall contain a detailed list of controlled substances lost, destroyed, or stolen, if any; the kind and quantity of such controlled substances; and the date of the discovering of such loss, destruction, or theft.

(b) *In the event of the discovery of the theft or significant loss of controlled substances, report such theft or significant loss to the sheriff of that county within 24 hours after discovery. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(3), (4), or (5) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who fails to report a theft or significant loss of a substance listed in s. 893.03(2) within 24 hours after discovery as required in this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 26. Subsection (7) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(7)(a) ~~It is unlawful for any person may not:~~

1. ~~To~~ Distribute or dispense a controlled substance in violation of this chapter.

2. ~~To~~ Refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter.

3. ~~To~~ Refuse ~~an~~ entry into any premises for any inspection or ~~to~~ refuse to allow any inspection authorized by this chapter.

4. ~~To~~ Distribute a controlled substance named or described in s. 893.03(1) or (2) except pursuant to an order form as required by s. 893.06.

5. ~~To~~ Keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

6. ~~To~~ Use to his or her own personal advantage, or ~~to~~ reveal, any information obtained in enforcement of this chapter except in a prosecution or administrative hearing for a violation of this chapter.

7. ~~To~~ Possess a prescription form which has not been completed and signed by the practitioner whose name appears printed thereon, unless the person is that practitioner, is an agent or employee of that practitioner, is a pharmacist, or is a supplier of prescription forms who is authorized by that practitioner to possess those forms.

8. ~~To~~ Withhold information from a practitioner from whom the person seeks to obtain a controlled substance or a prescription for a controlled substance that the person making the request has received a controlled substance or a prescription for a controlled substance of like therapeutic use from another practitioner within the previous 30 days.

9. ~~To~~ Acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

10. ~~To~~ Affix any false or forged label to a package or receptacle containing a controlled substance.

11. ~~To~~ Furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter.

12. ~~To~~ Store anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia or is not constructed in accordance with sound engineering, agricultural, or commercial practices.

13. *With the intent to obtain a controlled substance or combination of controlled substances that are not medically necessary for the person or an amount of a controlled substance or substances that are not medically necessary for the person, obtain or attempt to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this subparagraph, a material fact includes whether the person has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph 8.*

(b) *A health care practitioner, with the intent to provide a controlled substance or combination of controlled substances that are not medically necessary to his or her patient or an amount of controlled substances that are not medically necessary for his or her patient, may not provide a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. For purposes of this paragraph, a material fact includes whether the patient has an existing prescription for a controlled substance issued for the same period of time by another practitioner or as described in subparagraph (a)8.*

(c)~~(b)~~ Any person who violates the provisions of subparagraphs (a)1.-7. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; except that, upon a second or subsequent violation, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d)~~(c)~~ Any person who violates the provisions of subparagraphs (a)8.-12. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person or health care practitioner who violates the provisions of paragraph (b) or subparagraph (a)13. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if any controlled substance that is the subject of the offense is listed in Schedule II, Schedule III, or Schedule IV.

Section 27. Present subsections (3) through (10) of section 893.138, Florida Statutes, are redesignated as subsections (4) through (11), respectively, and a new subsection (3) is added to that section, to read:

893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity.—

(3) Any pain-management clinic, as described in s. 458.3265 or s. 459.0137, which has been used on more than two occasions within a 6-month period as the site of a violation of:

(a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045, relating to assault and battery;

(b) Section 810.02, relating to burglary;

(c) Section 812.014, relating to dealing in theft;

(d) Section 812.131, relating to robbery by sudden snatching; or

(e) Section 893.13, relating to the unlawful distribution of controlled substances,

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

Section 28. (1) **DISPOSITION OF CONTROLLED SUBSTANCES.**—

(a) Within 10 days after the effective date of this act, each physician licensed under chapter 458, chapter 459, chapter 461, or chapter 466, Florida Statutes, unless he or she meets one of the exceptions for physician who dispenses under s. 465.0276, Florida Statutes, shall ensure that the undispensed inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, purchased under the physician's Drug Enforcement Administration number for dispensing is:

1. Returned in compliance with the laws and rules adopted under chapter 499, Florida Statutes, to the wholesale distributor, as defined in s. 499.003, Florida Statutes, which distributed the controlled substances to the physician; or

2. Turned in to local law enforcement agencies and abandoned.

(b) Wholesale distributors shall buy back the undispensed inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, which are in the manufacturer's original packing, unopened, and in date, in accordance with the established policies of the wholesale distributor or the contractual terms between the wholesale distributor and the physician concerning returns.

(2) **PUBLIC HEALTH EMERGENCY.**—

(a) The Legislature finds that:

1. Prescription drug overdose has been declared a public health epidemic by the United States Centers for Disease Control and Prevention.

2. Prescription drug abuse results in an average of seven deaths in this state each day.

3. Physicians in this state purchased more than 85 percent of the oxycodone purchased by all practitioners in the United States in 2006.

4. Physicians in this state purchased more than 93 percent of the methadone purchased by all practitioners in the United States in 2006.

5. Some physicians in this state dispense medically unjustifiable amounts of controlled substances to addicts and to people who intend to illegally sell the drugs.

6. Physicians in this state who have purchased large quantities of controlled substances may have significant inventory 30 days after the effective date of this act.

7. Thirty days after the effective date of this act, the only legal method for a dispensing practitioner to sell or otherwise transfer controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, purchased for dispensing, is through the abandonment procedures of subsection (1) or as authorized under s. 465.0276, Florida Statutes.

8. It is likely that the same physicians who purchase and dispense medically unjustifiable amounts of drugs will not legally dispose of the remaining inventory.

9. The actions of such dispensing practitioners may result in substantial injury to the public health.

(b) Immediately upon the effective date of this act, the State Health Officer shall declare a public health emergency pursuant to s. 381.00315, Florida Statutes. Pursuant to that declaration, the Department of Health, the Attorney General, the Department of Law Enforcement, and local law enforcement agencies shall take the following actions:

1. Within 2 days after the effective date of this act, in consultation with wholesale distributors as defined in s. 499.003, Florida Statutes, the Department of Health shall identify dispensing practitioners who purchased more than an average of 2,000 unit doses of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, per month in the previous 6 months, and shall identify the dispensing practitioners in that group who pose the greatest threat to the public health based on an assessment of:

a. The risk of noncompliance with subsection (1).

b. The purchase amounts.

c. The manner of medical practice.

d. Any other factor set by the State Health Officer.

The Attorney General shall consult and coordinate with federal law enforcement agencies. The Department of Law Enforcement shall coordinate the efforts of local law enforcement agencies.

2. On the 3rd day after the effective date of this act, the Department of Law Enforcement or local law enforcement agencies shall enter the business premises of the dispensing practitioners identified as posing the greatest threat to public health and quarantine any inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, of such dispensing practitioners on site.

3. The Department of Law Enforcement or local law enforcement agencies shall ensure the security of such inventory 24 hours a day until the inventory is seized as contraband or deemed to be lawfully possessed for dispensing by the physician in accordance with s. 465.0276, Florida Statutes.

4. On the 31st day after the effective date of this act, any remaining inventory of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, purchased for dispensing by practitioners is deemed contraband under s. 893.12, Florida Statutes. The Department of Law Enforcement or local law enforcement agencies shall seize the inventory and comply with the provisions of s. 893.12, Florida Statutes, to destroy it.

(c) In order to implement this subsection, the sum of \$3 million of nonrecurring funds from the General Revenue Fund is appropriated to the Department of Law Enforcement for the 2010-2011 fiscal year. The Department of Law Enforcement shall expend the appropriation by reimbursing local law enforcement agencies for the overtime-hour costs associated with securing the quarantined controlled substance inventory as provided in paragraph (b) and activities related to investigation and prosecution of crimes related to prescribed controlled substances. If requests for reimbursement exceed the amount appropriated, the reimbursements shall be prorated by the hours of overtime per requesting agency at a maximum of one law enforcement officer per quarantine site.

(3) **REPEAL.**—This section expires January 1, 2013.

Section 29. *The Department of Health shall establish a practitioner profile for dentists licensed under chapter 466, Florida Statutes, for a practitioner's designation as a controlled substance prescribing practitioner as provided in s. 456.44, Florida Statutes.*

Section 30. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 31. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to prescription drugs; amending s. 456.072, F.S.; making failure to comply with the requirements of s. 456.44, F.S., grounds for disciplinary action; providing mandatory administrative penalties for certain violations related to prescribing; amending s. 456.42, F.S.; requiring prescriptions for controlled substances to be written on a counterfeit-resistant pad produced by an approved vendor or electronically prescribed; providing conditions for being an approved vendor; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; amending s. 458.3265, F.S., relating to regulation of pain-management clinics and medical doctors; redefining the term "pain-management clinic"; providing definitions; providing an exemption from registration for clinics owned and operated by physicians or medical specialists meeting certain criteria; revising responsibilities of physicians in pain-management clinics; allowing physician assistants and advanced registered nurse practitioners to perform physical examinations; requiring physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; revising rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 458.327, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 458.331, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 459.0137, F.S., relating to regulation of pain-management clinics and osteopathic physicians; providing definitions; providing an exemption from registration for clinics owned and operated by physicians meeting certain criteria; revising responsibilities of osteopathic physicians in pain-management clinics; allowing physician assistants and advanced registered nurse practitioners to perform physical examinations; requiring osteopathic physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; revising rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 459.013, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 459.015, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 465.015, F.S.; requiring a pharmacist to report to the sheriff within a specified period any instance in which a person fraudulently obtained or attempted to fraudulently obtain a controlled substance; providing criminal penalties; providing suggested criteria for the reports; amending s. 465.016, F.S.; providing additional grounds for denial of or disciplinary action against a pharmacist license; amending s. 465.018, F.S.; providing grounds for permit denial or discipline; requiring applicants to pay or make arrangements to pay amounts owed to the Department of Health; requiring an inspection; requiring permittees to maintain certain records; requiring a community pharmacy to be permitted under ch.

465, F.S., on or after a specified date in order to dispense Schedule II or Schedule III controlled substances; amending s. 465.022, F.S.; requiring the Department of Health to adopt rules related to procedures for dispensing controlled substances; providing requirements for the issuance of a pharmacy permit; requiring disclosure of financial interests; requiring submission of policies and procedures and providing for grounds for permit denial based on such policies and procedures; authorizing the Department of Health to phase in the policies and procedures requirement over an 18-month period beginning July 1, 2011; requiring the Department of Health to deny a permit to applicants under certain circumstances; requiring permittees to provide notice of certain management changes; requiring prescription department managers to meet certain criteria; imposing duties on prescription department managers; limiting the number of locations a prescription department manager may manage; requiring the board to adopt rules related to recordkeeping; providing that permits are not transferable; increasing the fee for a change of location; amending s. 465.0276, F.S.; deleting a provision establishing a 72-hour supply limit on dispensing certain controlled substances; prohibiting registered dispensing practitioners from dispensing certain controlled substances; revising the list of exceptions that allow registered dispensing practitioners to dispense certain controlled substances; amending s. 499.0051, F.S.; providing criminal penalties for violations of certain provisions of s. 499.0121, F.S.; amending s. 499.012, F.S.; requiring wholesale distributor permit applicants to submit documentation of credentialing policies; amending s. 499.0121, F.S.; providing reporting requirements regarding certain controlled substances for prescription drug wholesale distributors, out-of-state prescription drug wholesale distributors, retail pharmacy drug wholesale distributors, manufacturers, or repackagers that engage in the wholesale distribution of controlled substances to a retail pharmacy; requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors; requiring distributors to identify suspicious transactions; requiring distributors to determine the reasonableness of orders for controlled substances over certain amounts; requiring distributors to maintain documents that support the report submitted to the Department of Health; requiring the department to assess data; requiring the department to report certain data to the Governor, President of the Senate, and Speaker of the House of Representatives by certain dates; prohibiting distribution to entities with certain criminal backgrounds; amending s. 499.05, F.S.; authorizing rulemaking concerning specified controlled substance wholesale distributor reporting requirements and credentialing requirements; amending s. 499.067, F.S.; authorizing the Department of Health to take disciplinary action against wholesale distributors failing to comply with specified credentialing or reporting requirements; amending s. 810.02, F.S.; authorizing separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 812.014, F.S.; authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 893.055, F.S., relating to the prescription drug monitoring program; deleting obsolete dates; deleting references to the Office of Drug Control; requiring reports to the prescription drug monitoring system to be made in 7 days rather than 15 days; prohibiting the use of certain funds to implement the program; requiring criminal background screening for those persons who have direct access to the prescription drug monitoring program's database; requiring the State Surgeon General to appoint a board of directors for the direct-support organization; conforming provisions to changes made by the act; amending s. 893.065, F.S.; conforming provisions to changes made by the act; amending s. 893.07, F.S.; providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records; requiring reporting of the discovery of the theft or loss of controlled substances to the sheriff within a specified period; providing criminal penalties; amending s. 893.13, F.S.; prohibiting a person from obtaining or attempting to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a health care provider from providing a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohi-

biting a person from adulterating a controlled substance for certain use without authorization by a prescribing physician; providing penalties; amending s. 893.138, F.S.; providing circumstances in which a pain-management clinic may be declared a public nuisance; providing for the disposition of certain controlled substance inventory held by specified licensed physicians; providing certain requirements for a physician returning inventory to a distributor; requiring wholesale distributors to buy back certain undispensed inventory of controlled substances; providing for a declaration of a public health emergency; requiring certain actions relating to dispensing practitioners identified as posing the greatest threat to public health; providing an appropriation; providing for future expiration of program provisions; requiring the Department of Health to establish a practitioner profile for dentists; providing for severability; providing an effective date.

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 7095** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Flores, Norman, Alexander, Gaetz, Oelrich, Altman, Garcia, Rich, Benacquisto, Gardiner, Richter, Bennett, Hays, Ring, Bogdanoff, Hill, Sachs, Braynon, Jones, Simmons, Dean, Joyner, Siplin, Detert, Latvala, Smith, Diaz de la Portilla, Lynn, Sobel, Dockery, Margolis, Storms, Evers, Montford, Thrasher, Fasano, Negron, Wise

Nays—None

SPECIAL GUESTS

President Haridopolos recognized Attorney General Pam Bondi; and the First Lady of the Senate, Dr. Stephanie Haridopolos, both of whom were present in the chamber.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 1 and 3 to House amendment 2, and has amended Senate amendment 2 to House amendment 2, and concurred in the same as amended, and passed CS for CS for CS for SB 88 as further amended, and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

CS for CS for CS for SB 88—A bill to be entitled An act relating to public employee compensation; amending s. 215.425, F.S.; revising provisions relating to the prohibition against the payment of extra compensation; providing for bonuses; specifying the conditions for paying bonuses; requiring contracts that provide for severance pay to include certain provisions after a certain date; allowing for severance pay under specified circumstances; defining the term "severance pay"; prohibiting a contract provision that provides for extra compensation to limit the ability to discuss the contract; amending s. 166.021, F.S.; deleting a provision that allows a municipality to pay extra compensation; amending s. 112.061, F.S.; conforming cross-references; repealing s. 125.01(1)(bb), F.S., relating to the power of a local government to pay extra compensation; repealing s. 373.0795, F.S., relating to a prohibition against severance pay for officers or employees of water management districts; providing an effective date.

House Amendment 1 (257371) to Senate Amendment 2 to House Amendment 2 —Remove line 5 and insert: exceed an amount greater than 20 weeks of compensation.

On motion by Senator Gaetz, the Senate concurred in the House amendment to the Senate amendment to the House amendment.

CS for CS for CS for SB 88 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Flores, Norman, Alexander, Gaetz, Oelrich, Altman, Garcia, Rich, Benacquisto, Gardiner, Richter, Bennett, Hays, Ring, Bogdanoff, Hill, Sachs, Braynon, Jones, Simmons, Dean, Joyner, Siplin, Detert, Latvala, Smith, Diaz de la Portilla, Lynn, Sobel, Dockery, Margolis, Storms, Evers, Montford, Thrasher, Fasano, Negron, Wise

Nays—None

SPECIAL RECOGNITION

Senator Gaetz recognized Senator Chris Smith as Minority Leader designate for 2012-2014.

CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Altman, by two-thirds vote CS for HB 1463 was withdrawn from the Committees on Health Regulation; and Budget.

On motions by Senator Altman, by unanimous consent—

CS for HB 1463—A bill to be entitled An act relating to crisis stabilization units; amending s. 394.875, F.S.; directing the Department of Children and Family Services to implement a demonstration project in circuit 18 to test the impact of expanding the maximum number of crisis stabilization unit beds; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Altman, by two-thirds vote CS for HB 1463 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Flores, Norman, Alexander, Gaetz, Oelrich, Altman, Garcia, Rich, Benacquisto, Gardiner, Richter, Bennett, Hays, Ring, Bogdanoff, Hill, Sachs, Braynon, Jones, Simmons, Dean, Joyner, Siplin, Detert, Latvala, Smith, Diaz de la Portilla, Lynn, Sobel, Dockery, Margolis, Storms, Evers, Montford, Thrasher, Fasano, Negron, Wise

Nays—None

**BILLS ON THIRD READING**

**SENATOR BENNETT PRESIDING**

**CS for CS for CS for HB 883**—A bill to be entitled An act relating to public lodging establishments and public food service establishments; amending s. 509.013, F.S.; excluding nonprofit organizations providing certain housing from the definition of “public lodging establishment”; amending s. 509.032, F.S.; conforming provisions to changes made by the act; prohibiting local governments from regulating, restricting, or prohibiting vacation rentals based solely on their classification, use, or occupancy; providing exceptions; revising authority preempted to the state with regard to regulation of public lodging establishments and public food service establishments; amending ss. 509.221 and 509.241, F.S.; conforming provisions to changes made by the act; amending s. 509.242, F.S.; providing that public lodging establishments formerly classified as resort condominiums and resort dwellings are classified as vacation rentals; defining the term “vacation rental”; amending s. 509.251, F.S.; conforming provisions to changes made by the act; amending s. 509.261, F.S.; revising penalties for public lodging establishments and public food service establishments operating without a valid license; amending s. 509.291, F.S.; revising membership of the advisory council of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; requiring the Florida Vacation Rental Managers Association to designate a member to serve on the advisory council; amending ss. 381.008 and 386.203, F.S.; conforming provisions to changes made by the act; providing a short title; amending s. 509.144, F.S.; revising definitions; providing additional penalties for the offense of unlawfully distributing handbills in a public lodging establishment; specifying that certain items used in committing such offense are subject to seizure and forfeiture under the Florida Contraband Forfeiture Act; creating s. 901.1503, F.S.; authorizing a law enforcement officer to give a notice to appear to a person without a warrant when there is probable cause to believe the person violated s. 509.144, F.S., and the owner or manager of the public lodging establishment and one additional affiant sign an affidavit containing information supporting the determination of probable cause; amending s. 932.701, F.S.; revising the definition of the term “contraband article”; providing that specified portions of the act do not affect or impede specified statutory provisions or any protection or right guaranteed by the Second Amendment to the United States Constitution; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **CS for CS for CS for HB 883** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

**CS for SB 1246**—A bill to be entitled An act relating to farms; prohibiting a person from entering onto a farm and making any audio record, photograph, or video record at the farm without the owner’s written consent; providing exceptions; providing definitions; providing penalties; providing an effective date.

—as amended May 4 was read the third time by title.

Senator Norman moved the following amendments which were adopted by two-thirds vote:

**Amendment 1 (692944)**—Delete line 18 and insert: *surveyors and mappers, and their subordinates, agents, and employees, as necessary for any activities under chapter 472, Florida*

**Amendment 2 (849774)**—Delete lines 21-35 and insert: *farm as defined in s. 823.14(3)(a) or other property, where legal farm operations are being conducted and farm products are produced, and produces audio or video records without the written consent of the owner or an authorized representative of the owner, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.*

(2) *As used in this section, the term “audio or video records” means any audio or video recording, regardless of the recording medium or format, including, but not limited to, photographs, audio or videotapes, cd’s, dvd’s, or streaming media, whether stored on film stock, hard disks, solid state storage, or any electrical, magnetic, or optical or other form of data storage.*

On motion by Senator Norman, **CS for SB 1246** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—25

Alexander	Gaetz	Oelrich
Altman	Garcia	Richter
Bennett	Gardiner	Simmons
Dean	Hays	Siplin
Detert	Hill	Storms
Dockery	Jones	Thrasher
Evers	Lynn	Wise
Fasano	Montford	
Flores	Norman	

Nays—10

Bogdanoff	Negron	Smith
Braynon	Rich	Sobel
Joyner	Ring	
Margolis	Sachs	

**SPECIAL ORDER CALENDAR**

On motion by Senator Flores, by unanimous consent—

**CS for SB 1622**—A bill to be entitled An act relating to family support; amending s. 88.1011, F.S.; revising and defining terms; amending s. 88.1021, F.S.; designating the courts and other entities as the tribunals of the state and designating the Department of Revenue as the support enforcement agency of the state; amending s. 88.1031, F.S.; clarifying that the Uniform Interstate Family Support Act is not the exclusive method to establish or enforce a support order in this state; creating s. 88.1041, F.S.; providing for the application of certain parts of ch. 88, F.S., to a foreign support order, a foreign tribunal, or an obligee, obligor, or child residing in a foreign country; amending s. 88.2011, F.S.; providing a basis for personal jurisdiction over nonresidents in support cases; amending s. 88.2021, F.S.; providing that personal jurisdiction acquired by a tribunal of this state in a proceeding under ch. 88, F.S., or other law of this state relating to a support order continues under certain circumstances; amending s. 88.2031, F.S.; authorizing a tribunal of this state to serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or foreign country; amending s. 88.2041, F.S.; providing that a tribunal of this state may exercise jurisdiction to establish a support order in a foreign country under certain circumstances; amending s. 88.2051, F.S.; providing that a tribunal of this state may continue its exclusive jurisdiction to modify a child support order only under certain circumstances; amending s. 88.2061, F.S.; providing that a tribunal of this state may continue its jurisdiction to enforce a child support order or money judgment under certain circumstances; amending s. 88.2071, F.S.; providing procedures for determining which child support order is recognized as the controlling support order; requiring the party requesting a determination of the controlling support order to provide a copy of every child support order in effect, the applicable record of payments, and other specified documents; requiring that the parties recognize as the controlling support order any order

made pursuant to the procedures of the act; amending s. 88.2081, F.S.; conforming provisions to changes made by the act; amending s. 88.2091, F.S.; requiring a tribunal of this state to credit support amounts collected for a particular period pursuant to a child support order against the amount owed for the same period under any other child support order; creating s. 88.2101, F.S.; authorizing a tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under the act to receive evidence from outside this state and communicate with a tribunal outside this state; creating s. 88.2111, F.S.; providing that a tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the obligation; prohibiting the tribunal from modifying a spousal support order issued by a tribunal of another state or foreign country having continuing, exclusive jurisdiction over that order; amending ss. 88.3011, 88.3021, and 88.3031, F.S.; conforming provisions to changes made by the act; amending s. 88.3041, F.S.; providing for the duties of the initiating tribunal when forwarding documents to a foreign tribunal; amending s. 88.3051, F.S.; providing for the duties and powers of a responding tribunal when requested to enforce a support order, arrears, or judgment or to modify a support order; amending s. 88.3061, F.S.; conforming provisions to changes made by the act; amending s. 88.3071, F.S.; specifying the duties of a support enforcement agency in this state; amending s. 88.3081, F.S.; authorizing the Governor and Cabinet to determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; setting forth the duties of the Department of Revenue as the state information agency; amending s. 88.3111, F.S.; requiring a petitioner to verify a petition filed with the tribunal; amending s. 88.3121, F.S.; revising provisions prohibiting the disclosure of specific identifying information under certain circumstances; requiring that such information be sealed and not be disclosed to the other party or the public; authorizing the tribunal to disclose the information after a hearing; amending ss. 88.3131 and 88.3141, F.S.; conforming provisions to changes made by the act; amending s. 88.3161, F.S.; providing for special rules of evidence and procedures for nonresident parties; providing that a voluntary acknowledgment of paternity is admissible to establish parentage of a child; amending ss. 88.3171 and 88.3181, F.S.; conforming provisions to changes made by the act; amending s. 88.3191, F.S.; providing for the receipt and disbursement of payments; requiring that if the obligor, obligee, and child reside in this state, upon request from the support enforcement agency of this or another state, the support enforcement agency or tribunal direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments; amending s. 88.4011, F.S.; providing for the establishment of a support order under certain circumstances; providing that the tribunal may issue a temporary child support order under certain circumstances; amending ss. 88.5011, 88.5031, 88.5041, and 88.5051, F.S.; conforming provisions to changes made by the act; amending s. 88.5061, F.S.; providing that an obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order; amending ss. 88.5071 and 88.6011, F.S.; conforming provisions to changes made by the act; amending s. 88.6021, F.S.; specifying procedures to register a support order; providing procedures if two or more support orders are in effect; amending s. 88.6031, F.S.; revising provisions to conform to changes made by the act; amending s. 88.6041, F.S.; providing that the law of the state that issues the order governs the law of the case; providing for an exception; amending s. 88.6051, F.S.; specifying the content of the notice of the registration of a support order; amending s. 88.6061, F.S.; providing procedures to contest the validity or enforcement of a registered support order; amending ss. 88.6071, 88.6081, and 88.6101, F.S.; conforming provisions to changes made by the act; amending s. 88.6111, F.S.; providing for modifying a child support order; providing that the law of the state that issued the controlling order governs the duration of the obligation of support; amending s. 88.6121, F.S.; providing that if a child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this state may enforce the order that was modified only as to arrears and interest accruing before the modification; creating s. 88.6151, F.S.; providing that if a foreign country lacks jurisdiction or refuses to exercise jurisdiction to modify its child support order, a tribunal of this state may assume jurisdiction to

modify the child support order and bind all persons subject to the personal jurisdiction of the tribunal whether or not the person consents to modification of the child support order; creating s. 88.6161, F.S.; specifying procedures to register a child support order; repealing s. 88.7011, F.S., relating to proceeding to determine parentage of a child; creating s. 88.7021, F.S.; providing that part VII of ch. 88, F.S., applies only to support proceedings involving a foreign country in which the convention is in force with respect to the United States; creating s. 88.7031, F.S.; designating the Department of Children and Family Services as the agency designated by the United States Central Authority to perform specific functions under the convention in this state; creating s. 88.7041, F.S.; designating the procedures the governmental entity must follow to initiate support proceedings under the convention; creating s. 88.7051, F.S.; authorizing a petitioner to file a direct request in a tribunal of this state to establish or modify a support order or determination of parentage; setting forth procedures for filing direct requests; creating s. 88.7061, F.S.; designating procedures for individuals and support enforcement agencies to register foreign support orders; specifying the documents to be included with the registration request; creating s. 88.7071, F.S.; providing procedures to contest the validity of a foreign support order; creating s. 88.7081, F.S.; providing for the recognition and enforcement of foreign support orders; creating s. 88.7091, F.S.; providing procedures for a tribunal to refuse to recognize or enforce a foreign support order; creating s. 88.7101, F.S.; directing a tribunal of this state to recognize and enforce a foreign support agreement registered in this state; requiring an application or direct request for recognition and enforcement of a foreign support agreement to be accompanied by certain documents; creating s. 88.7111, F.S.; prohibiting a tribunal of this state from modifying a foreign child support order if the obligee remains a resident of the foreign country where the support order was issued; providing exceptions; creating s. 88.7112, F.S.; providing for personal jurisdiction in spousal support proceedings; amending s. 88.9011, F.S.; providing for uniform construction of the act; creating s. 88.9021, F.S.; directing that the act applies to proceedings begun on or after a specified date to establish a support order, determine parentage of a child, or register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered; amending ss. 61.13 and 827.06, F.S.; conforming cross-references to changes made by the act; providing a contingent effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1622** to **CS for CS for CS for HB 1111**.

Pending further consideration of **CS for SB 1622** as amended, on motion by Senator Flores, by two-thirds vote **CS for CS for CS for HB 1111** was withdrawn from the Committees on Judiciary; Children, Families, and Elder Affairs; Budget Subcommittee on General Government Appropriations; and Budget.

On motion by Senator Flores—

**CS for CS for CS for HB 1111**—A bill to be entitled An act relating to family law; amending s. 88.1011, F.S.; revising and providing definitions; amending s. 88.1021, F.S.; designating the Department of Revenue as the support enforcement agency of this state; amending s. 88.1031, F.S.; revising provisions relating to remedies provided by the act; creating s. 88.1041, F.S.; providing for applicability of provisions to residents of foreign counties and foreign support proceedings; amending s. 88.2011, F.S.; providing that specified bases of personal jurisdiction may not be used to acquire personal jurisdiction for certain purposes unless specified requirements are met; amending s. 88.2021, F.S.; providing for duration of personal jurisdiction; deleting provisions relating to procedure when exercising jurisdiction over nonresident; amending ss. 88.2031 and 88.2041, F.S.; conforming provisions to changes made by the act; amending s. 88.2051, F.S.; revising provisions relating to continuation of exclusive jurisdiction; amending s. 88.2061, F.S.; providing for continuing jurisdiction to enforce child support orders; amending s. 88.2071, F.S.; revising provisions relating to determination of a controlling child support order; amending s. 88.2081, F.S.; revising language relating to child support orders for two or more obligees; amending s. 88.2091, F.S.; revising language relating to credit for child support payments; creating s. 88.2101, F.S.; providing for application of the act to a nonresident subject to personal jurisdiction; creating s. 88.2111, F.S.; providing for continuing, exclusive jurisdiction to modify a spousal support order; amending s. 88.3011, F.S.; revising provisions relating to applicability of the act; amending ss. 88.3021 and 88.3031, F.S.; revising

terminology; amending s. 88.3041, F.S.; revising provisions relating to duties of an initiating tribunal; amending s. 88.3051, F.S.; revising provisions relating to duties and powers of a responding tribunal; amending s. 88.3061, F.S.; revising terminology; amending s. 88.3071, F.S.; revising provisions relating to the duties of a support enforcement agency; amending s. 88.3081, F.S.; providing that the Governor and Cabinet may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination; amending s. 88.3101, F.S.; revising terminology; amending s. 88.3111, F.S.; revising provisions relating to pleadings and accompanying documents; amending s. 88.3121, F.S.; revising requirements for nondisclosure of certain information; amending ss. 88.3131 and 88.3141, F.S.; revising terminology; amending s. 88.3161, F.S.; revising provisions relating to special rules of evidence and procedure; amending ss. 88.3171 and 88.3181, F.S.; revising terminology; amending s. 88.3191, F.S.; revising provisions relating to receipt and disbursement of payments; amending s. 88.4011, F.S.; revising provisions relating to establishment of a support order; creating s. 88.4021, F.S.; providing that certain tribunals of this state may serve as responding tribunals in proceedings to determine parentage of a child under certain provisions; providing a directive to the Division of Statutory Revision; amending s. 88.5011, F.S.; revising provisions relating to an employer's receipt of an income-withholding order from another state; amending ss. 88.50211, 88.5031, 88.5041, and 88.5051, F.S.; revising terminology; amending s. 88.5061, F.S.; revising provisions relating to a contest by obligor; amending s. 88.5071, F.S.; revising terminology; providing a directive to the Division of Statutory Revision; amending s. 88.6011, F.S.; revising terminology; amending s. 88.6021, F.S.; revising provisions relating to the procedure to register order for enforcement; amending s. 88.6031, F.S.; revising terminology; amending s. 88.6041, F.S.; revising provisions relating to choice of law; amending s. 88.6051, F.S.; revising provisions relating to notice of registration of order; amending s. 88.6061, F.S.; revising provisions relating to the procedure to contest the validity or enforcement of a registered order; amending s. 88.6071, F.S.; revising provisions relating to the contesting of registration or enforcement; amending s. 88.6081, F.S.; revising terminology; amending s. 88.6091, F.S.; correcting a cross-reference; amending s. 88.6111, F.S.; revising provisions relating to modification of a child support order of another state; amending s. 88.6121, F.S.; revising provisions relating to recognition of a child support order modified in another state; creating s. 88.6151, F.S.; providing for jurisdiction to modify a child support order of a foreign country; creating s. 88.6161, F.S.; providing procedures for registration of a child support order of a foreign country for modification; providing a directive to the Division of Statutory Revision; repealing s. 88.7011, F.S., relating to a proceeding to determine parentage of a child; creating s. 88.70111, F.S.; providing definitions relating to a support proceeding under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance; creating s. 88.7021, F.S.; providing for applicability; creating s. 88.7031, F.S.; specifying the relationship of the Department of Revenue to the United States central authority; creating s. 88.7041, F.S.; providing for initiation by the Department of Revenue of support proceedings under the convention; creating s. 88.7051, F.S.; providing for direct requests to tribunals; creating s. 88.7061, F.S.; providing for registration of convention support orders; creating s. 88.7071, F.S.; providing for contest of registered convention support orders; creating s. 88.7081, F.S.; providing for recognition and enforcement of registered convention support orders; creating s. 88.7091, F.S.; providing for partial enforcement of convention support orders; creating s. 88.7101, F.S.; providing requirements for a foreign support agreement; creating s. 88.7111, F.S.; providing for modification of convention child support orders; creating s. 88.7121, F.S.; providing limits on the personal use of certain information; creating s. 88.7131, F.S.; requiring a record filed with a tribunal of this state under specified provisions to be in the original language and, if not in English, to be accompanied by an English translation; amending s. 88.8011, F.S.; revising terminology; amending s. 88.9011, F.S.; revising provisions relating to the uniformity of application and construction of the act; creating s. 88.9021, F.S.; providing applicability; amending s. 88.9031, F.S.; revising terminology; amending ss. 61.13 and 827.06, F.S.; correcting cross-references; directing the Department of Revenue to apply for a waiver; amending s. 61.08, F.S.; revising provisions relating to factors to be considered for alimony awards; revising provisions relating to awards of durational alimony; revising provisions relating to awards of permanent alimony; providing that the award of alimony may not leave the payor with significantly less net income than the net income of the recipient unless there are written

findings of exceptional circumstances; providing for applicability of specified provisions; providing effective dates.

—a companion measure, was substituted for **CS for SB 1622** as amended and read the second time by title.

On motion by Senator Flores, by two-thirds vote **CS for CS for CS for HB 1111** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Dean	Jones	Simmons
Detert	Joyner	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

**RECESS**

On motion by Senator Thrasher, the Senate recessed at 12:51 p.m. to reconvene at 1:30 p.m. or upon call of the President.

**AFTERNOON SESSION**

The Senate was called to order by Senator Bennett at 1:58 p.m. A quorum present—37:

Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	
Gaetz	Oelrich	

**SPECIAL ORDER CALENDAR**

On motion by Senator Flores, by unanimous consent—

**CS for SB 730**—A bill to be entitled An act relating to youth and student athletes; amending s. 943.0438, F.S.; requiring independent sanctioning authorities to adopt policies to inform youth athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before the youth participates in athletic practices or competitions; requiring that a youth athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical professional before the youth resumes athletic activities; authorizing a physician to delegate the performance of medical care to certain licensed or certified health care providers and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt policies to inform student athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before a student athlete participates in athletic practices or competitions; requiring that a student athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical professional before

the student resumes athletic activities; authorizing a physician to delegate the performance of medical care to certain licensed or certified health care practitioner and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist; providing an effective date.

—was taken up out of order and read the second time by title.

THE PRESIDENT PRESIDING

Amendments were considered and adopted to conform CS for SB 730 to CS for CS for HB 301.

Pending further consideration of CS for SB 730 as amended, on motion by Senator Flores, by two-thirds vote CS for CS for HB 301 was withdrawn from the Committees on Education Pre-K - 12; Health Regulation; and Rules.

On motion by Senator Flores—

CS for CS for HB 301—A bill to be entitled An act relating to youth athletes; amending ss. 943.0438 and 1006.20, F.S.; requiring an independent sanctioning authority for youth athletic teams and the Florida High School Athletic Association to adopt guidelines, bylaws, and policies relating to the nature and risk of concussion and head injury in youth athletes; requiring informed consent for participation in practice or competition; requiring removal from practice or competition under certain circumstances and written clearance to return; providing an effective date.

—a companion measure, was substituted for CS for SB 730 as amended and read the second time by title.

Senator Jones moved the following amendments which were adopted:

Amendment 1 (423070)—Delete lines 32-54 and insert:

(g) The organization shall adopt bylaws or policies that require student athletes who are suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity. A student athlete who has been removed may not return to practice or competition until the student receives written clearance to return from a physician who is licensed under chapter 458, chapter 459, or chapter 460 stating that the student athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion or other head injury. Before issuing a written clearance to return to practice or competition, a physician may:

1. Delegate the performance of medical acts to a health care provider licensed or certified under s. 458.347, s. 459.022, s. 464.012, or s. 468.707 with whom the physician maintains a formal supervisory relationship or an established written protocol that identifies the medical acts or evaluations to be performed and conditions for their performance and that attests to proficiency in the evaluation and management of concussions.

2. Consult with, or utilize testing and evaluation of cognitive functions performed by, a neuropsychologist licensed under chapter 490.

Amendment 2 (527618)—Delete lines 74-96 and insert:

(g) The organization shall adopt bylaws or policies that require student athletes who are suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity. A student athlete who has been removed may not return to practice or competition until the student receives written clearance to return from a physician who is licensed under chapter 458, chapter 459, or chapter 460 stating that the student athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion or other head injury. Before issuing a written clearance to return to practice or competition, a physician may:

1. Delegate the performance of medical acts to a health care practitioner licensed or certified under s. 458.347, s. 459.022, s. 464.012, or s. 468.707 with whom the physician maintains a formal supervisory relationship or an established written protocol that identifies the medical acts or evaluations to be performed and conditions for their performance and that attests to proficiency in the evaluation and management of concussions.

2. Consult with, or utilize testing and evaluation of cognitive functions performed by, a neuropsychologist licensed under chapter 490.

On motion by Senator Flores, by two-thirds vote CS for CS for HB 301 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Yeas'.

Nays—None

Vote after roll call:

Yea—Oelrich, Ring

CLAIM BILL CALENDAR

On motion by Senator Ring, by unanimous consent—

SB 16—A bill to be entitled An act for the relief of Laron S. Harris, Jr., by and through his parents, Melinda Williams and Laron S. Harris, Sr., and Melinda Williams and Laron S. Harris, Sr., individually, by the North Broward Hospital District, d/b/a Coral Springs Medical Center; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Coral Springs Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of SB 16, on motion by Senator Ring, by two-thirds vote HB 609 was withdrawn from the Special Master on Claim Bills; and the Committee on Rules.

On motion by Senator Ring, by two-thirds vote—

HB 609—A bill to be entitled An act for the relief of Laron S. Harris, Jr., by and through his parents, Melinda Williams and Laron S. Harris, Sr., and Melinda Williams and Laron S. Harris, Sr., individually, by the North Broward Hospital District, d/b/a Coral Springs Medical Center; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Coral Springs Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for SB 16 and by two-thirds vote read the second time by title.

On motion by Senator Ring, by two-thirds vote HB 609 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Yeas'.

Ring	Siplin	Storms
Sachs	Smith	Thrasher
Simmons	Sobel	Wise

Nays—3

Bennett	Dockery	Gaetz
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Vote after roll call:

Yea—Oelrich

**SPECIAL ORDER CALENDAR**

On motion by Senator Bennett, by unanimous consent—

**HB 7253**—A bill to be entitled An act relating to ratification of rules pertaining to Land Planning Regulations for the Florida Keys Area of Critical State Concern; ratifying specified rules for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any of specified thresholds for likely adverse impact or increase in regulatory costs; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 7253** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Norman
Alexander	Gaetz	Richter
Altman	Garcia	Ring
Benacquisto	Benadiner	Sachs
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Braynon	Jones	Smith
Dean	Joyner	Sobel
Detert	Latvala	Storms
Diaz de la Portilla	Lynn	Thrasher
Dockery	Margolis	Wise
Evers	Montford	
Fasano	Negron	

Nays—None

Vote after roll call:

Yea—Oelrich, Rich

**MOTIONS**

On motion by Senator Thrasher, by two-thirds vote **CS for SB 1340** was placed on the Special Order Calendar.

On motion by Senator Fasano, by unanimous consent—

**CS for CS for SB 196**—A bill to be entitled An act relating to Choose Life license plates; amending s. 320.08058, F.S.; providing for the annual use fees to be distributed to Choose Life, Inc., rather than the counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for SB 196**, on motion by Senator Fasano, by two-thirds vote **HB 501** was withdrawn from the Committees on Transportation; Community Affairs; and Budget.

On motion by Senator Fasano—

**HB 501**—A bill to be entitled An act relating to Choose Life license plates; amending s. 320.08058, F.S.; providing for the annual use fees to be distributed to Choose Life, Inc., rather than the counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 196** and read the second time by title.

Senator Fasano moved the following amendment which was adopted:

**Amendment 1 (106676) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (29) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(29) CHOOSE LIFE LICENSE PLATES.—

(a) The department shall develop a Choose Life license plate as provided in this section. The word “Florida” must appear at the bottom of the plate, and the words “Choose Life” must appear at the top of the plate.

(b) The annual use fees shall be distributed annually to *Choose Life, Inc., along with a report that specifies each county in* the ratio that the annual use fees collected by each county ~~bear~~ bears to the total fees collected for the plates within the state. *Choose Life, Inc.,* ~~Each county~~ shall distribute *each county's share of* the funds to nongovernmental, not-for-profit agencies *within each Florida county which assist within the county, which agencies' services are limited to counseling and meeting the physical needs of* pregnant women who are *making an adoption plan for their children committed to placing their children for adoption.* Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or proabortion advertising, and funds may not be distributed to any agency that charges women for services received.

1. Agencies that receive the funds must use ~~at least 70 percent of~~ the funds to provide for the material needs of pregnant women who are *making an adoption plan for their children committed to placing their children for adoption,* including, *but not limited to,* clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on *birth mothers for 60 days after delivery and on* infants awaiting placement with adoptive parents.

2. ~~The remaining~~ Funds may also be used for *adoption-related adoption,* counseling, training, or advertising; but may not be used for administrative expenses, legal expenses, or capital expenditures. *However, a maximum of 15 percent of the total funds received annually may be used by Choose Life, Inc., for the administration and promotion of the Choose Life license plate program.*

3. *If no qualified agency applies to receive funds in a county in any year, that county's Choose Life funds shall be distributed pro rata to any qualified agencies that apply and maintain a place of business within a 100-mile radius of the county seat of such county. If no qualified agencies apply, the funds shall be held by Choose Life, Inc., until a qualified agency under this section applies for the funds.*

4. ~~Each~~ Each agency that receives such funds must submit an annual attestation to *Choose Life, Inc. the county.* Any unused funds that exceed 10 percent of the funds received by an agency *each during its fiscal year* must be returned to *Choose Life, Inc. the county,* which shall distribute *the funds then* to other qualified agencies *within the State of Florida.*

(c) *By October 1, 2011, the department and each county shall transfer all of its Choose Life license plate funds to Choose Life, Inc.*

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Choose Life license plates; amending s. 320.08058, F.S.; providing for the annual use fees to be distributed to Choose Life, Inc., rather than the counties; providing for Choose Life, Inc., to redistribute a portion of such funds to nongovernmental, not-for-profit agencies that assist certain pregnant women; authorizing Choose Life, Inc., to use a portion of the funds to administer and promote the Choose Life license plate program; providing an effective date.

SENATOR JONES PRESIDING

On motion by Senator Fasano, by two-thirds vote **HB 501** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Table with 3 columns: Name, Name, Name. Lists yeas for HB 501 including Alexander, Altman, Benacquisto, Bennett, Bogdanoff, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Gardiner, Hays, Jones, Latvala, Lynn, Montford, Negron, Norman, Richter, Simmons, Siplin, Storms, Thrasher, and Wise.

Nays—10

Table with 3 columns: Name, Name, Name. Lists nays for HB 501 including Braynon, Hill, Joyner, Margolis, Oelrich, Rich, Ring, Sachs, Smith, and Sobel.

On motion by Senator Oelrich, by unanimous consent—

CS for SB 414—A bill to be entitled An act relating to the Prostate Cancer Awareness Program; amending s. 381.911, F.S.; revising the structure and objectives of the Prostate Cancer Awareness Program; authorizing the University of Florida Prostate Disease Center, in collaboration with other organizations and institutions, to increase community education and public awareness of prostate cancer; requiring the University of Florida Prostate Disease Center to establish an advisory council to replace the existing advisory committee; providing for membership and duties of the advisory council; requiring an annual report to the Governor, Legislature, and State Surgeon General; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform CS for SB 414 to CS for CS for HB 137.

Pending further consideration of CS for SB 414 as amended, on motion by Senator Oelrich, by two-thirds vote CS for CS for HB 137 was withdrawn from the Committees on Health Regulation; Budget Subcommittee on Higher Education Appropriations; and Budget.

On motion by Senator Oelrich—

CS for CS for HB 137—A bill to be entitled An act relating to the Prostate Cancer Awareness Program; amending s. 381.911, F.S.; deleting the funding qualification for the Prostate Cancer Awareness Program; revising the structure and objectives of the Prostate Cancer Awareness Program; authorizing the University of Florida Prostate Disease Center, in collaboration with other organizations and institutions, to increase community education and public awareness of prostate cancer; requiring the University of Florida Prostate Disease Center to establish a prostate cancer advisory council to replace the existing advisory committee; providing for membership and duties of the advisory council; requiring an annual report to the Governor, Legislature, and State Surgeon General; requiring the University of Florida Prostate Disease Center (UFPDC) and the UFPDC Prostate Cancer Advisory

Council to be funded within existing resources of the university; providing an effective date.

—a companion measure, was substituted for CS for SB 414 as amended and read the second time by title.

On motion by Senator Oelrich, by two-thirds vote CS for CS for HB 137 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Name, Name. Lists yeas for HB 137 including Mr. President, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Garcia, Gardiner, Hays, Hill, Jones, Joyner, Latvala, Lynn, Margolis, Montford, Negron, and Norman.

Nays—None

On motion by Senator Bogdanoff, by unanimous consent—

CS for CS for SB 866—A bill to be entitled An act relating to judgment interest; amending s. 55.03, F.S.; requiring the Chief Financial Officer to set the rate of interest payable on judgments or decrees for the calendar quarter on certain specified dates; revising the calculation of the interest rate; specifying the dates the rate of interest established by the Chief Financial Officer is to take effect; providing that the rate of interest is established at the time a judgment is obtained; requiring that such interest rate be adjusted quarterly in accordance with a certain interest rate; amending s. 717.1341, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

An amendment was considered and adopted to conform CS for CS for SB 866 to CS for HB 567.

Pending further consideration of CS for CS for SB 866 as amended, on motion by Senator Bogdanoff, by two-thirds vote CS for HB 567 was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Budget.

On motion by Senator Bogdanoff by two-thirds vote—

CS for HB 567—A bill to be entitled An act relating to judgment interest; amending s. 55.03, F.S.; requiring annual adjustments to the rate of interest payable on judgments; providing exceptions; revising the calculation of the interest rate; amending s. 717.1341, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 866 as amended and by two-thirds vote read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote CS for HB 567 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Name, Name, Name. Lists yeas for HB 567 including Mr. President, Alexander, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Garcia, Gardiner, Hays, Hill, Jones, and Joyner.

Latvala	Oelrich	Siplin
Lynn	Rich	Smith
Margolis	Richter	Sobel
Montford	Ring	Storms
Negron	Sachs	Thrasher
Norman	Simmons	Wise

Nays—None

On motion by Senator Bogdanoff, by unanimous consent—

**CS for SB 1340**—A bill to be entitled An act relating to continuing care retirement communities; providing for the provision of continuing care at-home; amending s. 651.011, F.S.; revising definitions; defining “continuing care at-home,” “nursing care,” “personal services,” and “shelter”; amending s. 651.012, F.S.; conforming a cross-reference; amending s. 651.013, F.S.; conforming provisions to changes made by the act; amending s. 651.021, F.S., relating to the requirement for certificates of authority; requiring that a person in the business of issuing continuing care at-home contracts obtain a certificate of authority from the Office of Insurance Regulation; requiring written approval from the Office of Insurance Regulation for a 20 percent or more expansion in the number of continuing care at-home contracts; providing that an actuarial study may be substituted for a feasibility study in specified circumstances; amending s. 651.022, F.S., relating to provisional certificates of authority; conforming provisions to changes made by the act; amending s. 651.023, F.S., relating to an application for a certificate of authority; specifying the content of the feasibility study that is included in the application for a certificate; requiring the same minimum reservation requirements for continuing care at-home contracts as continuing care contracts; requiring that a certain amount of the entrance fee collected for contracts resulting from an expansion be placed in an escrow account or on deposit with the department; amending ss. 651.033, 651.035, and 651.055, F.S.; requiring a facility to provide proof of compliance with a residency contract; conforming provisions to changes made by the act; creating s. 651.057, F.S.; providing additional requirements for continuing care at-home contracts; requiring that a provider who wishes to offer continuing care at-home contracts submit certain additional documents to the office; requiring that the provider comply with certain requirements; limiting the number of continuing care and continuing care at-home contracts at a facility based on the types of units at the facility; amending ss. 651.071, 651.091, 651.106, 651.114, 651.118, 651.121, and 651.125, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1340** to **CS for CS for HB 1037**.

Pending further consideration of **CS for SB 1340** as amended, on motion by Senator Bogdanoff, by two-thirds vote **CS for CS for HB 1037** was withdrawn from the Committees on Children, Families, and Elder Affairs; Banking and Insurance; and Budget.

On motion by Senator Bogdanoff by two-thirds vote—

**CS for CS for HB 1037**—A bill to be entitled An act relating to continuing care retirement communities; providing for the provision of continuing care at-home; amending s. 651.011, F.S.; revising definitions; defining “continuing care at-home,” “nursing care,” “personal services,” and “shelter”; amending s. 651.012, F.S.; conforming a cross-reference; amending s. 651.013, F.S.; conforming provisions to changes made by the act; amending s. 651.021, F.S., relating to the requirement for certificates of authority; requiring that a person in the business of issuing continuing care at-home contracts obtain a certificate of authority from the Office of Insurance Regulation; requiring written approval from the Office of Insurance Regulation for a 20 percent or more expansion in the number of continuing care at-home contracts; providing that an actuarial study may be substituted for a feasibility study in specified circumstances; amending s. 651.022, F.S., relating to provisional certificates of authority; conforming provisions to changes made by the act; amending s. 651.023, F.S., relating to an application for a certificate of authority; specifying the content of the feasibility study that is included in the application for a certificate; requiring the same minimum reservation requirements for continuing care at-home contracts as con-

tinuing care contracts; requiring that a certain amount of the entrance fee collected for contracts resulting from an expansion be placed in an escrow account or on deposit with the department; amending ss. 651.033, 651.035, and 651.055, F.S.; requiring a facility to provide proof of compliance with a residency contract; conforming provisions to changes made by the act; providing application relating to the entitlement of a prospective resident, resident, or resident’s estate to interest on a deposit or entrance fee; creating s. 651.057, F.S.; providing additional requirements for continuing care at-home contracts; requiring that a provider who wishes to offer continuing care at-home contracts submit certain additional documents to the office; requiring that the provider comply with certain requirements; limiting the number of continuing care and continuing care at-home contracts at a facility based on the types of units at the facility; amending ss. 651.071, 651.091, 651.106, 651.114, 651.118, 651.121, and 651.125, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1340** as amended and by two-thirds vote read the second time by title.

On motion by Senator Bogdanoff, by two-thirds vote **CS for CS for HB 1037** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

**THE PRESIDENT PRESIDING**

**RECONSIDERATION OF BILL**

On motion by Senator Fasano, the Senate reconsidered the vote by which—

**CS for CS for HB 7095**—A bill to be entitled An act relating to controlled substances; amending s. 456.072, F.S.; making failure to comply with the requirements of s. 456.44, F.S., grounds for disciplinary action; providing mandatory administrative penalties for certain violations related to prescribing; amending s. 456.42, F.S.; requiring prescriptions for controlled substances to be written on a counterfeit-resistant pad produced by an approved vendor or electronically prescribed; providing conditions for being an approved vendor; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; amending s. 458.3265, F.S., relating to regulation of pain-management clinics and medical doctors; amending the definition of a pain-management clinic; providing definitions; providing an exemption from registration for clinics owned and operated by physicians or medical specialists meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety

requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 458.327, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 458.331, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 459.0137, F.S., relating to regulation of pain-management clinics and osteopathic physicians; providing definitions; providing an exemption from registration for clinics owned and operated by physicians meeting certain criteria; allowing physician assistants and advanced registered nurse practitioners to perform medical examinations; requiring osteopathic physicians in pain-management clinics to ensure compliance with certain requirements; imposing facility and physical operations requirements; imposing infection control requirements; imposing health and safety requirements; imposing quality assurance requirements; imposing data collection and reporting requirements; amending rulemaking authority; conforming provisions to changes made by the act; providing for future expiration of provisions; amending s. 459.013, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is a third-degree felony; providing penalties; amending s. 459.015, F.S.; providing that dispensing certain controlled substances in violation of specified provisions is grounds for disciplinary action; providing penalties; amending s. 465.015, F.S.; requiring a pharmacist to report to the sheriff within a specified period any instance in which a person fraudulently obtained or attempted to fraudulently obtain a controlled substance; providing criminal penalties; providing requirements for reports; amending s. 465.016, F.S.; providing additional grounds for denial of or disciplinary action against a pharmacist license; amending s. 465.018, F.S.; providing grounds for permit denial or discipline; requiring applicants to pay or make arrangements to pay amounts owed to the Department of Health; requiring an inspection; requiring permittees to maintain certain records; requiring community pharmacies to obtain a permit under chapter 465, F.S., as amended by the act by March 1, 2012, in order to dispense Schedule II and III controlled substances; amending s. 465.022, F.S.; requiring the Department of Health to adopt rules related to procedures for dispensing controlled substances; providing requirements for the issuance of a pharmacy permit; requiring disclosure of financial interests; requiring submission of policies and procedures and providing for grounds for permit denial based on them; allowing the Department of Health to phase-in the policies and procedures requirement over an 18-month period beginning July 1, 2011; requiring the Department of Health to deny a permit to applicants under certain circumstances; requiring permittees to provide notice of certain management changes; requiring prescription department managers to meet certain criteria; imposing duties on prescription department managers; limiting the number of locations a prescription department manager may manage; requiring the board to adopt rules related to recordkeeping; providing that permits are not transferable; increasing the fee for a change of location; amending s. 465.0276, F.S.; prohibiting registered dispensing practitioners from dispensing certain controlled substances; providing an exception for dispensing controlled substances in the health care system of the Department of Corrections; providing an exception for dispensing within 7 days after surgery which used general anesthesia; deleting a provision establishing a 72-hour supply limit on dispensing certain controlled substances to certain patients in registered pain-management clinics; amending s. 499.0051, F.S.; providing criminal penalties for violations of certain provisions of s. 499.0121, F.S.; amending s. 499.012, F.S.; requiring wholesale distributor permit applicants to submit documentation of credentialing policies; amending s. 499.0121, F.S.; providing reporting requirements for wholesale distributors of certain controlled substances; requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors; requiring distributors to identify suspicious transactions; requiring distributors to determine the reasonableness of orders for controlled substances over certain amounts; requiring distributors to report certain transactions to the Department of Health; prohibiting distribution to entities with certain criminal histories; limiting monthly distribution amounts of certain controlled substances to retail pharmacies; requiring the department to assess data; requiring the department to report certain data to the Governor, President of the Senate, and Speaker of the House of Representatives by certain dates; prohibiting distribution to entities with

certain criminal backgrounds; amending s. 499.05, F.S.; authorizing rulemaking concerning specified controlled substance wholesale distributor reporting requirements and credentialing requirements; amending s. 499.067, F.S.; authorizing the Department of Health to take disciplinary action against wholesale distributors failing to comply with specified credentialing or reporting requirements; amending s. 810.02, F.S.; authorizing separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 812.014, F.S.; authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances; amending s. 893.055, F.S., relating to the prescription drug monitoring program; deleting obsolete dates; deleting references to the Office of Drug Control; requiring reports to the prescription drug monitoring system to be made in 7 days rather than 15 days; prohibiting the use of certain funds to implement the program; requiring the State Surgeon General to appoint a board of directors for the direct-support organization; conforming provisions to changes made by the act; amending s. 893.065, F.S.; conforming provisions to changes made by the act; amending s. 893.07, F.S.; providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records; requiring reporting of the discovery of the theft or loss of controlled substances to the sheriff within a specified period; providing criminal penalties; repealing s. 2 of chapter 2009-198, Laws of Florida, relating to the Program Implementation and Oversight Task Force in the Executive Office of the Governor concerning the electronic system established for the prescription drug monitoring program; providing a buyback program for undispensed controlled substance inventory held by specified licensed physicians; requiring certain certifications by the physician returning inventory to a distributor; providing an exemption to pedigree paper requirements; requiring reports of the program; providing for a declaration of a public health emergency; requiring certain actions relating to dispensing practitioners identified as posing the greatest threat to public health; providing an appropriation; providing for future repeal of program provisions; providing an effective date.

—passed as amended this day.

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano, the Senate reconsidered the vote by which **Amendment 1 (486424)** was adopted.

#### MOTION

On motion by Senator Fasano, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Fasano moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

**Amendment 1A (399794) (with title amendment)**—Delete line 1393 and insert:

(d) Change of location fee not to exceed \$100.

And the title is amended as follows:

Delete lines 2652 and 2653 and insert: transferable; amending s. 465.0276, F.S.; deleting a

**Amendment 1** as amended was adopted by two-thirds vote.

On motion by Senator Fasano, **CS for CS for HB 7095** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bogdanoff	Dockery
Alexander	Braynon	Evers
Altman	Dean	Fasano
Benacquisto	Detert	Flores
Bennett	Diaz de la Portilla	Gaetz



demeanor may not commit the child for any misdemeanor offense or any probation violation at a restrictiveness level other than minimum-risk nonresidential unless the probation violation is a new violation of law constituting a felony. However, the court may commit such child to a low-risk or moderate-risk residential placement if:

- 1. The child has previously been adjudicated for a felony offense;
2. The child has been adjudicated or had adjudication withheld for three or more misdemeanor offenses;
3. The child is before the court for disposition for a violation of s. 800.03, s. 806.031, or s. 828.12; or
4. The court finds by a preponderance of the evidence that the protection of the public requires such placement or that the particular needs of the child would be best served by such placement. Such finding must be in writing.

(3)(2) The nonconsent of the child to commitment or treatment in a substance abuse treatment program in no way precludes the court from ordering such commitment or treatment.

(4)(2) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program, except that the department may not transfer any child adjudicated solely for a misdemeanor to a residential program except as provided in subsection (2). The department shall notify the court that committed the child to the department and any attorney of record for the child, in writing, of its intent to transfer the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

Section 2. Paragraph (d) of subsection (5) of section 985.0301, Florida Statutes, is amended to read:

985.0301 Jurisdiction.—

(5)

(d) The court may retain jurisdiction over a child committed to the department for placement in a juvenile prison or in a high-risk or maximum-risk residential commitment program to allow the child to participate in a juvenile conditional release program pursuant to s. 985.46. In no case shall The jurisdiction of the court may not be retained after beyond the child's 22nd birthday. However, if the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.441(4) s. 985.441(3).

Section 3. Subsection (2) of section 985.033, Florida Statutes, is amended to read:

985.033 Right to counsel.—

(2) This section does not apply to transfer proceedings under s. 985.441(4) s. 985.441(3), unless the court sets a hearing to review the transfer.

Section 4. Subsection (4) of section 985.46, Florida Statutes, is amended to read:

985.46 Conditional release.—

(4) A juvenile under nonresidential commitment placement continues will continue to be on commitment status and is subject to the transfer provision under s. 985.441(4) s. 985.441(3).

Section 5. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile justice; amending s. 985.441, F.S.;

revising provisions concerning active control over a child committed to the Department of Juvenile Justice; prohibiting a court from committing certain youth at a restrictiveness level other than minimum-risk nonresidential; authorizing a court to commit certain youth to a low-risk or moderate-risk residential placement; limiting transfers of certain youth; amending ss. 985.0301, 985.033, and 985.46, F.S.; conforming cross-references; providing an effective date.

WHEREAS, 94 percent of Florida youth grow up to be productive citizens, but the 6 percent of Florida youth who become delinquent cost the state of Florida an average of \$5,200 per child annually according to 2008 statistics, and

WHEREAS, according to national studies, 27 percent of abused or neglected children become delinquent, and

WHEREAS, one of the most effective ways to reduce delinquency is to prevent child abuse, abandonment, and neglect, and

WHEREAS, Florida's juvenile commitment programs have a 39 percent recidivism rate within 1 year, and

WHEREAS, the Department of Juvenile Justice shows that 59 percent of the juveniles being rearrested offend within 120 days after being released, revealing a critical transition period currently not being addressed, and

WHEREAS, the State of Washington undertook a study that demonstrated that a significant level of future prison construction can be avoided, taxpayer dollars can be saved, and crime rates can be reduced by a portfolio of evidence-based youth service options, and

WHEREAS, it has been proven that at-risk youth benefit from a comprehensive approach through coordination of intensive prevention, diversion, and family services, and

WHEREAS, local management fosters all these approaches, ensures stronger relationships between providers and the family, and allows providers to assist in strengthening relationships between the child and the family, and

WHEREAS, instead of competing for funding, prevention, diversion, and juvenile justice services should cooperate with the goal of keeping youth out of juvenile detention, NOW, THEREFORE,

On motion by Senator Alexander, the Conference Committee Report on SB 2114 was adopted. SB 2114 passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Table with 3 columns: Name, Name, Name. Includes Mr. President, Alexander, Altman, Benacquisto, Bennett, Bogdanoff, Braynon, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano, Flores, Gaetz, Garcia, Gardiner, Hays, Jones, Joyner, Latvala, Margolis, Montford, Negron, Norman, Oelrich, Rich, Richter, Ring, Sachs, Simmons, Siplin, Smith, Sobel, Storms, Thrasher, Wise.

Nays—2

Table with 2 columns: Name, Name. Includes Hill, Lynn.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2122

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2122, same being:

An act relating to consumer protection.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Chad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Committee Chair  
*s/ Ben Albritton*  
Gary Aubuchon, At Large  
Charles S. "Chuck" Chestnut IV,  
At Large  
*s/ Dorothy L. Hukill, At Large*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
Elizabeth W. Porter  
*s/ Patrick Rooney, Jr.*  
*s/ Darryl Ervin Rouson, At Large*  
Ron Saunders, At Large  
*s/ William D. Snyder, At Large*

*s/ Trudi K. Williams*  
Chair  
*s/ Frank Artilles*  
Leonard L. Bembry  
*s/ Steve Crisafulli*  
Tom Goodson  
*s/ Clay Ingram*  
*s/ John Legg, At Large*  
*s/ Seth McKeel, At Large*  
*s/ William L. "Bill" Proctor,*  
At Large  
Franklin Sands  
Robert C. "Rob" Schenck, At Large  
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2122, relating to state government operations, provides for the following:

- Within the Department of Agriculture and Consumer Services (DACS), consolidates the Division of Dairy Industry within the Division of Food Safety.
- Transfers authority for the regulation and enforcement of the state Lemon Law and the price gouging program entirely to the Department of Legal Affairs.
- Renames the Division of Forestry within the DACS as the Florida Forest Service.

- Reduces the membership of the Citrus Commission from twelve members to nine, reduces the number of citrus districts from four to three, and reassigns counties to those three districts.

- Provides that the Executive Director of the Department of Citrus be appointed by a majority vote of the commission and serve a four-year term, except for the initial term, which expires on June 30, 2011, and shall be subject to confirmation by the Senate in the legislative session following appointment.

- Imposes limits on the tax per box of grapefruit, oranges, and tangerines. The tax on grapefruit, tangerines, and fresh oranges is capped at the rate in effect on May 1, 2011, and the tax rate on oranges in processed form cannot exceed 25 cents per box.

- Requires employees of the Department of Citrus to work a five-day, 40-hour work week, except when on approved leave.

**Conference Committee Amendment (608254)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 20.14, Florida Statutes, is amended to read:

20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

(2) The following divisions of the Department of Agriculture and Consumer Services are established:

- (a) Administration.
- (b) Agricultural Environmental Services.
- (c) Animal Industry.
- (d) Aquaculture.
- (e) Consumer Services.
- ~~(f) Dairy Industry.~~
- ~~(f)(g) Food Safety.~~
- ~~(g)(h) Florida Forest Service Forestry.~~
- ~~(h)(i) Fruit and Vegetables.~~
- ~~(i)(j) Licensing.~~
- ~~(j)(k) Marketing and Development.~~
- ~~(k)(l) Plant Industry.~~
- ~~(l)(m) Standards.~~

Section 2. Section 320.90, Florida Statutes, is amended to read:

320.90 Notification of consumer's rights.—The department shall develop a motor vehicle consumer's rights pamphlet which shall be distributed free of charge by the Department of ~~Legal Affairs Agriculture and Consumer Services~~ to the motor vehicle owner upon request. Such pamphlet must contain information relating to odometer fraud and provide a summary of the rights and remedies available to all purchasers of motor vehicles.

Section 3. Subsection (8) of section 501.160, Florida Statutes, is amended to read:

501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices.—

(8) Any violation of this section may be enforced by ~~the Department of Agriculture and Consumer Services~~, the office of the state attorney, or the Department of Legal Affairs.

Section 4. For the purpose of incorporating the amendment made by this act to section 570.29, Florida Statutes, in a reference thereto, section 570.18, Florida Statutes, is reenacted to read:

570.18 Organization of departmental work.—In the assignment of functions to the 12 divisions of the department created in s. 570.29, the department shall retain within the Division of Administration, in addition to executive functions, those powers and duties enumerated in s. 570.30. The department shall organize the work of the other 11 divisions in such a way as to secure maximum efficiency in the conduct of the department. The divisions created in s. 570.29 are solely to make possible the definite placing of responsibility. The department shall be conducted as a unit in which every employee, including each division director, is assigned a definite workload, and there shall exist between division directors a spirit of cooperative effort to accomplish the work of the department.

Section 5. Subsection (2) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(2) ~~For the 2010-2011 fiscal year only and~~ Notwithstanding any other provision of law to the contrary, ~~in addition to the spending authorized in subsection (1),~~ moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter *in addition to the spending authorized in subsection (1). This subsection expires July 1, 2011.*

Section 6. Section 570.29, Florida Statutes, is amended to read:

570.29 Departmental divisions.—The department shall include the following divisions:

- (1) Administration.
- (2) Agricultural Environmental Services.
- (3) Animal Industry.
- (4) Aquaculture.
- (5) Consumer Services.
- ~~(6) Dairy Industry.~~
- ~~(6)(7)~~ Food Safety.
- ~~(7)(8)~~ Florida Forest Service ~~Forestry~~.
- ~~(8)(9)~~ Fruit and Vegetables.
- (9) Licensing.
- (10) Marketing and Development.
- (11) Plant Industry.
- (12) Standards.

Section 7. Sections 570.40 and 570.41, Florida Statutes, are repealed.

Section 8. Subsections (6) and (7) are added to section 570.50, Florida Statutes, to read:

570.50 Division of Food Safety; powers and duties.—The duties of the Division of Food Safety include, but are not limited to:

(6) *Inspecting dairy farms of the state and enforcing those provisions of chapter 502 as are authorized by the department relating to the supervision of milking operations and the rules adopted pursuant to such law.*

(7) *Inspecting milk plants, milk product plants, and plants engaged in the manufacture and distribution of frozen desserts and frozen dessert mixes; analyzing and testing samples of milk, milk products, frozen desserts, and frozen dessert mixes which are collected by the division; and enforcing those provisions of chapter 502 or chapter 503 as are authorized by the department.*

Section 9. Section 570.548, Florida Statutes, is amended to read:

570.548 ~~Florida Forest Service Division of Forestry~~; powers and duties.—The duties of the ~~Florida Forest Service Division of Forestry~~ include, but are not limited to, administering and enforcing those powers and responsibilities of the ~~Florida Forest Service division~~ prescribed in chapters 589, 590, and 591 and the rules adopted pursuant thereto and in other forest fire, forest protection, and forest management laws of this state.

Section 10. Section 570.549, Florida Statutes, is amended to read:

570.549 Director; duties.—

(1) The director of the ~~Florida Forest Service Division of Forestry~~ shall be appointed by the commissioner and shall serve at the commissioner's pleasure.

(2) It shall be the duty of the director of the ~~Florida Forest Service this division~~ to direct and supervise the overall operation of the ~~Florida Forest Service division~~ and to exercise such other powers and duties as authorized by the department.

Section 11. Subsection (1) of section 570.903, Florida Statutes, is amended to read:

570.903 Direct-support organization.—

(1) When the Legislature authorizes the establishment of a direct-support organization to provide assistance for the museums, the Florida Agriculture in the Classroom Program, the Florida State Collection of Arthropods, the Friends of the Florida State Forests Program of the ~~Florida Forest Service Division of Forestry~~, and the Forestry Arson Alert Program, and other programs of the department, the following provisions shall govern the creation, use, powers, and duties of the direct-support organization.

(a) The department shall enter into a memorandum or letter of agreement with the direct-support organization, which shall specify the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization shall comply.

(b) The department may permit, without charge, appropriate use of property, facilities, and personnel of the department by a direct-support organization, subject to the provisions of ss. 570.902 and 570.903. The use shall be directly in keeping with the approved purposes of the direct-support organization and shall not be made at times or places that would unreasonably interfere with opportunities for the general public to use department facilities for established purposes.

(c) The department shall prescribe by contract or by rule conditions with which a direct-support organization shall comply in order to use property, facilities, or personnel of the department or museum. Such rules shall provide for budget and audit review and oversight by the department.

(d) The department shall not permit the use of property, facilities, or personnel of the museum, department, or designated program by a direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

Section 12. *The Division of Statutory Revision is requested to prepare a reviser's bill for introduction at a subsequent session of the Legislature which replaces all statutory references to the Division of Forestry with the term "Florida Forest Service."*

Section 13. Subsection (1), paragraph (a) of subsection (2), and subsection (4) of section 601.04, Florida Statutes, are amended to read:

601.04 Florida Citrus Commission; creation and membership.—

(1)(a) There is ~~hereby~~ created and established within the Department of Citrus a board to be known and designated as the "Florida Citrus Commission" to be composed of ~~nine~~ <sup>12</sup> practical citrus fruit persons who are resident citizens of the state, each of whom is and has been actively engaged in growing, growing and shipping, or growing and processing of citrus fruit in the state for a period of at least 5 years immediately prior to appointment to the said commission and has, during said period, derived a major portion of her or his income there-

from or, during said time, has been the owner of, member of, officer of, or paid employee of a corporation, firm, or partnership which has, during said time, derived the major portion of its income from the growing, growing and shipping, or growing and processing of citrus fruit.

(b) ~~Six~~ ~~Seven~~ members of the commission shall be designated as grower members and shall be primarily engaged in the growing of citrus fruit as an individual owner; as the owner of, or as stockholder of, a corporation; or as a member of a firm or partnership primarily engaged in citrus growing. None of such members shall receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of the grower members shall not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others. ~~Three~~ ~~Five~~ members of the commission shall be designated as grower-handler members and shall be engaged as owners, or as paid officers or employees, of a corporation, firm, partnership, or other business unit engaged in handling citrus fruit. ~~One~~ ~~Two~~ of such ~~three~~ ~~five~~ grower-handler members shall be primarily engaged in the fresh fruit business and ~~two~~ ~~three~~ of such ~~three~~ ~~five~~ grower-handler members shall be primarily engaged in the processing of citrus fruits.

(c) There shall be three members of the commission from each of the ~~three~~ ~~four~~ citrus districts. Each member must reside in the district from which she or he was appointed. For the purposes of this section, the residence of a member shall be the actual physical and permanent residence of the member.

(2)(a) The members of such commission shall possess the qualifications herein provided and shall be appointed by the Governor for terms of 3 years each. Appointments shall be made by February 1 preceding the commencement of the term and shall be subject to confirmation by the Senate in the following legislative session. Four members shall be appointed each year. Such members shall serve until their respective successors are appointed and qualified. The regular terms shall begin on June 1 and shall end on May 31 of the third year after such appointment. *Effective July 1, 2011, the terms of all members of the commission appointed on or before May 1, 2011, are terminated and the Governor shall appoint the members of the commission in accordance with the provisions of this act.*

(4) It is the intent of the Legislature that the commission be redistricted every 5 years. Redistricting shall be based on the total boxes produced from each of the ~~three~~ ~~four~~ districts during that 5-year period.

Section 14. Section 601.09, Florida Statutes, is amended to read:

601.09 Citrus districts.—For purposes of this chapter, the state is divided into ~~three~~ ~~four~~ districts composed of ~~the following counties~~:

(1) Citrus District One: Levy, Alachua, ~~Brevard~~, Putnam, St. Johns, ~~St. Lucie~~, Flagler, ~~Indian River~~, Marion, ~~Citrus~~, ~~Sumter~~, ~~Lake~~, Seminole, Orange, ~~Okeechobee~~, ~~Hernando~~, ~~Pasco~~, ~~Pinellas~~, ~~Hillsborough~~, Polk, ~~Volusia~~, and Osceola Counties.

(2) Citrus District Two: ~~Manatee~~, Hardee, DeSoto, ~~Highlands~~, ~~Sarasota~~, ~~Charlotte~~, Lee, Collier, and ~~Glades~~ ~~Monroe~~ Counties.

(3) Citrus District Three: ~~Charlotte~~, Citrus, Collier, ~~Hernando~~, ~~Henry~~, ~~Hillsborough~~, ~~Lake~~, ~~Lee~~, ~~Manatee~~, ~~Monroe~~, ~~Volusia~~, ~~Brevard~~, ~~Indian River~~, ~~St. Lucie~~, Martin, Pasco, Palm Beach, ~~Pinellas~~, ~~Sarasota~~, ~~Sumter~~, Broward, and Miami-Dade Counties.

~~(4) Citrus District Four: Highlands, Okeechobee, Glades, and Hendry Counties.~~

Section 15. Subsection (3) of section 601.10, Florida Statutes, is amended to read:

601.10 Powers of the Department of Citrus.—The Department of Citrus shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but shall not be confined to, the following:

(3) To employ and, at its pleasure, discharge an executive director, ~~a secretary, and such attorneys, clerks, and employees~~ as it deems ne-

cessary and to outline ~~his or her~~ ~~their~~ powers and duties and fix ~~his or her~~ ~~their~~ compensation.

(a) *The executive director of the department shall be appointed by a majority vote of the commission for a term of 4 years, except for the initial term, and the executive director shall be subject to confirmation by the Senate in the legislative session following appointment.*

1. *The initial term of the executive director ends June 30, 2011, and each subsequent 4-year term begins July 1, and shall be filled in the same manner as the original appointment.*

2. *A vacancy for the executive director shall be filled for the unexpired portion of the term in the same manner as the original appointment.*

(b) The Department of Citrus may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time employees, pursuant to such rules or regulations as it may adopt; and such payments shall be in addition to the regular salaries of such full-time employees. The payment of such or similar benefits to its employees in foreign countries, including, but not limited to, social security, retirement, and other similar fringe benefit costs, may be in accordance with laws in effect in the country of employment, except that no benefits will be payable to employees not authorized for other state employees, as provided in the Career Service System.

(c) *Employees of the department shall work a 5-day, 40-hour week. Unless an employee is on approved leave, an employee's salary shall be decreased by 20 percent for each day not worked during the 5-day work week if the employee chooses to regularly work less than a 5-day work week.*

Section 16. Paragraph (a) of subsection (3) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(3)(a) There is hereby levied and imposed upon each standard-packed box of citrus fruit grown and placed into the primary channel of trade in this state an excise tax at maximum annual rates for each citrus season as determined from the tables in this paragraph and based upon the previous season's actual statewide production as reported in the United States Department of Agriculture Citrus Crop Production Forecast as of June 1. The rates may be set at any lower rate in any year pursuant to paragraph (e).

1. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	33	34	35	36	37
75-79.99	35	36	37	38	39
70-74.99	37	38	39	41	42
65-69.99	40	41	42	44	45
60-64.99	43	44	46	47	49
55-59.99	47	48	50	51	53
50-54.99	51	53	55	56	58
45-49.99	57	59	60	62	64
40-44.99	63	65	67	69	71
Less than 40	72	74	76	79	81

*However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.*

2. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in processed forms:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	23	24	25	25	26
75-79.99	25	25	26	27	28
70-74.99	26	27	28	29	30
65-69.99	28	29	30	31	32
60-64.99	31	32	32	33	34
55-59.99	33	34	35	36	37
50-54.99	36	38	39	40	41
45-49.99	40	41	43	44	45
40-44.99	45	46	48	49	51
Less than 40	51	53	54	56	57

However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in processed forms may not exceed the tax rate per box in effect on May 1, 2011.

3. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
255 and greater	23	24	25	26	26
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28
225-234.9	26	27	28	29	30
215-224.9	28	28	29	30	31
205-214.9	29	30	31	32	33
195-204.9	30	31	32	33	34
185-194.9	32	33	34	35	36
175-184.9	34	35	36	37	38
165-174.9	36	37	38	39	40
155-164.9	38	39	40	41	43
Less than 155	41	42	43	44	46

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

4. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in processed form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
255 and greater	15	16	16	17	17
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21
195-204.9	20	21	21	22	22
185-194.9	21	22	22	23	24
175-184.9	22	23	23	24	25
165-174.9	23	24	25	26	26
155-164.9	25	26	26	27	28
Less than 155	27	27	28	29	30

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in processed form may not exceed 25 cents per box.

5. The actual tax rate levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph, paragraph (e), and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in processed form.

6. The following maximum tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
13 and greater	24	24	25	26	27
12 - 12.99	26	26	27	28	29
11 - 11.99	28	29	30	30	31
10 - 10.99	31	31	32	33	34
9 - 9.99	34	35	36	37	38
8 - 8.99	38	39	40	41	42
7 - 7.99	43	44	45	47	48
Less than 7	49	51	52	54	56

However, effective July 1, 2011, the tax rate per box on tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

Section 17. Subsection (7) of section 681.102, Florida Statutes, is repealed.

Section 18. Subsections (2) and (3) of section 681.103, Florida Statutes, are amended to read:

681.103 Duty of manufacturer to conform a motor vehicle to the warranty.—

(2) Each manufacturer shall provide to its consumers conspicuous notice of the address and phone number for its zone, district, or regional office for this state in the written warranty or owner's manual. By January 1 of each year, each manufacturer shall forward to the department of Legal Affairs a copy of the owner's manual and any written warranty for each make and model of motor vehicle that it sells in this state.

(3) At the time of acquisition, the manufacturer shall inform the consumer clearly and conspicuously in writing how and where to file a claim with a certified procedure if such procedure has been established by the manufacturer pursuant to s. 681.108. The nameplate manufacturer of a recreational vehicle shall, at the time of vehicle acquisition, inform the consumer clearly and conspicuously in writing how and where to file a claim with a program pursuant to s. 681.1096. The manufacturer shall provide to the dealer and, at the time of acquisition, the dealer shall provide to the consumer a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared by the department of Legal Affairs and shall contain a toll-free number for the department which division that the consumer can contact to obtain information regarding the consumer's rights and obligations under this chapter or to commence arbitration. If the manufacturer obtains a signed receipt for timely delivery of sufficient quantities of this written statement to meet the dealer's vehicle sales requirements, it shall constitute prima facie evidence of compliance with this subsection by the manufacturer. The consumer's signed acknowledgment of receipt of materials required under this subsection shall constitute prima facie evidence of compliance by the manufacturer and dealer. The form of the acknowledgments shall be approved by the department of Legal Affairs, and the dealer shall maintain the consumer's signed acknowledgment for 3 years.

Section 19. Subsections (1), (2), (3), (4), (5), and (8) of section 681.108, Florida Statutes, are amended to read:

681.108 Dispute-settlement procedures.—

(1) If a manufacturer has established a procedure, which the department division has certified as substantially complying with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and the rules adopted under this chapter, and has informed the consumer how and where to file a claim with such procedure pursuant to s. 681.103(3), the provisions of s. 681.104(2) apply to the consumer only if the consumer has first resorted to such procedure. The decisionmakers for a certified procedure shall, in rendering decisions, take into account all legal and equitable factors germane to a fair and just decision, including, but not limited to, the warranty; the rights and remedies conferred under 16 C.F.R. part 703, in effect October 1, 1983; the provisions of this chapter; and any other equitable considerations appropriate under the circumstances. Decisionmakers and staff of a procedure shall be trained in the provisions of this chapter and in 16 C.F.R. part 703, in effect October 1, 1983. In an action brought by a consumer concerning an alleged nonconformity, the decision that results from a certified procedure is admissible in evidence.

(2) A manufacturer may apply to the department division for certification of its procedure. After receipt and evaluation of the application, the department division shall certify the procedure or notify the manufacturer of any deficiencies in the application or the procedure.

(3) A certified procedure or a procedure of an applicant seeking certification shall submit to the department division a copy of each settlement approved by the procedure or decision made by a decisionmaker within 30 days after the settlement is reached or the decision is rendered. The decision or settlement must contain at a minimum the:

- (a) Name and address of the consumer;
- (b) Name of the manufacturer and address of the dealership from which the motor vehicle was purchased;
- (c) Date the claim was received and the location of the procedure office that handled the claim;
- (d) Relief requested by the consumer;
- (e) Name of each decisionmaker rendering the decision or person approving the settlement;

(f) Statement of the terms of the settlement or decision;

(g) Date of the settlement or decision; and

(h) Statement of whether the decision was accepted or rejected by the consumer.

(4) Any manufacturer establishing or applying to establish a certified procedure must file with the department division a copy of the annual audit required under the provisions of 16 C.F.R. part 703, in effect October 1, 1983, together with any additional information required for purposes of certification, including the number of refunds and replacements made in this state pursuant to the provisions of this chapter by the manufacturer during the period audited.

(5) The department division shall review each certified procedure at least annually, prepare an annual report evaluating the operation of certified procedures established by motor vehicle manufacturers and procedures of applicants seeking certification, and, for a period not to exceed 1 year, shall grant certification to, or renew certification for, those manufacturers whose procedures substantially comply with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and rules adopted under this chapter. If certification is revoked or denied, the department division shall state the reasons for such action. The reports and records of actions taken with respect to certification shall be public records.

(8) The department division shall adopt rules to implement this section.

Section 20. Subsections (1), (2), (3), (5), (6), and (7) of section 681.109, Florida Statutes, are amended to read:

681.109 Florida New Motor Vehicle Arbitration Board; dispute eligibility.—

(1) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a decision is not rendered by the certified procedure within 40 days after of filing, the consumer may apply to the department division to have the dispute removed to the board for arbitration.

(2) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a consumer is not satisfied with the decision or the manufacturer's compliance therewith, the consumer may apply to the department division to have the dispute submitted to the board for arbitration. A manufacturer may not seek review of a decision made under its procedure.

(3) If a manufacturer has no certified procedure or if a certified procedure does not have jurisdiction to resolve the dispute, a consumer may apply directly to the department division to have the dispute submitted to the board for arbitration.

(5) The department division shall screen all requests for arbitration before the board to determine eligibility. The consumer's request for arbitration before the board shall be made on a form prescribed by the department. The department division shall forward to the board all disputes that the department division determines are potentially entitled to relief under this chapter.

(6) The department division may reject a dispute that it determines to be fraudulent or outside the scope of the board's authority. Any dispute deemed by the department division to be ineligible for arbitration by the board due to insufficient evidence may be reconsidered upon the submission of new information regarding the dispute. Following a second review, the department division may reject a dispute if the evidence is clearly insufficient to qualify for relief. If a Any dispute is rejected by the department, the department shall send division shall be forwarded to the department and a copy shall be sent by registered mail to the consumer and the manufacturer, containing a brief explanation as to the reason for rejection.

(7) If the department division rejects a dispute, the consumer may file a lawsuit to enforce the remedies provided under this chapter. In any

civil action arising under this chapter and relating to a matter considered by the ~~department division~~, any determination made to reject a dispute is admissible in evidence.

Section 21. Subsections (1) through (6) and subsection (11) of section 681.1095, Florida Statutes, are amended to read:

681.1095 Florida New Motor Vehicle Arbitration Board; creation and function.—

(1) There is established within the department of ~~Legal Affairs~~, the Florida New Motor Vehicle Arbitration Board, consisting of members appointed by the Attorney General for an initial term of 1 year. Board members may be reappointed for additional terms of 2 years. Each board member is accountable to the Attorney General for the performance of the member's duties and is exempt from civil liability for any act or omission ~~that which~~ occurs while acting in the member's official capacity. The department of ~~Legal Affairs~~ shall defend a member in any action against the member or the board which arises from any such act or omission. The Attorney General may establish as many regions of the board as necessary to carry out the provisions of this chapter.

(2) The boards shall hear cases in various locations throughout the state so any consumer whose dispute is approved for arbitration by the ~~department division~~ may attend an arbitration hearing at a reasonably convenient location and present a dispute orally. Hearings shall be conducted by panels of three board members assigned by the department. A majority vote of the three-member board panel shall be required to render a decision. Arbitration proceedings under this section shall be open to the public on reasonable and nondiscriminatory terms.

(3) Each region of the board shall consist of up to eight members. The members of the board shall construe and apply the provisions of this chapter, and rules adopted thereunder, in making their decisions. An administrator and a secretary shall be assigned to each board by the department of ~~Legal Affairs~~. At least one member of each board must be a person with expertise in motor vehicle mechanics. A member must not be employed by a manufacturer or a franchised motor vehicle dealer or be a staff member, a decisionmaker, or a consultant for a procedure. Board members shall be trained in the application of this chapter and any rules adopted under this chapter, shall be reimbursed for travel expenses pursuant to s. 112.061, and shall be compensated at a rate or wage prescribed by the Attorney General.

(4) Before filing a civil action on a matter subject to s. 681.104, the consumer must first submit the dispute to the ~~department division~~, and to the board if such dispute is deemed eligible for arbitration.

(5) Manufacturers shall submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the ~~department division~~ pursuant to s. 681.109.

(6) The board shall hear the dispute within 40 days and render a decision within 60 days after the date the request for arbitration is approved. The board may continue the hearing on its own motion or upon the request of a party for good cause shown. A request for continuance by the consumer constitutes waiver of the time periods set forth in this subsection. The department of ~~Legal Affairs~~, at the board's request, may investigate disputes, and may issue subpoenas for the attendance of witnesses and for the production of records, documents, and other evidence before the board. The failure of the board to hear a dispute or render a decision within the prescribed periods does not invalidate the decision.

(11) All provisions in this section and s. 681.109 pertaining to compulsory arbitration before the board, the dispute eligibility screening by the ~~department division~~, the proceedings and decisions of the board, and any appeals thereof, are exempt from the provisions of chapter 120.

Section 22. Subsections (2) and (4) of section 681.1096, Florida Statutes, are amended to read:

681.1096 RV Mediation and Arbitration Program; creation and qualifications.—

(2) Each manufacturer of a recreational vehicle involved in a dispute that is determined eligible under this chapter, including chassis and component manufacturers which separately warrant the chassis and components and which otherwise meet the definition of manufacturer

set forth in s. 681.102(13) ~~681.102(14)~~, shall participate in a mediation and arbitration program that is deemed qualified by the department.

(4) The department shall monitor the program for compliance with this chapter. If the program is determined not qualified or if qualification is revoked, then disputes shall be subject to the provisions of ss. 681.109 and 681.1095. If the program is determined not qualified or if qualification is revoked as to a manufacturer, all those manufacturers potentially involved in the eligible consumer dispute shall be required to submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the ~~department division~~ pursuant to s. 681.109. A consumer having a dispute involving one or more manufacturers for which the program has been determined not qualified, or for which qualification has been revoked, is not required to submit the dispute to the program irrespective of whether the program may be qualified as to some of the manufacturers potentially involved in the dispute.

Section 23. Section 681.110, Florida Statutes, is amended to read:

681.110 Compliance and disciplinary actions.—The department of ~~Legal Affairs~~ may enforce and ensure compliance with the provisions of this chapter and rules adopted thereunder, may issue subpoenas requiring the attendance of witnesses and production of evidence, and may seek relief in the circuit court to compel compliance with such subpoenas. The department of ~~Legal Affairs~~ may impose a civil penalty against a manufacturer not to exceed \$1,000 for each count or separate offense. The proceeds from the fine imposed herein shall be placed in the Motor Vehicle Warranty Trust Fund in the ~~department~~ Department of ~~Legal Affairs~~ for implementation and enforcement of this chapter.

Section 24. Subsection (2) of section 681.112, Florida Statutes, is amended to read:

681.112 Consumer remedies.—

(2) An action brought under this chapter must be commenced within 1 year after the expiration of the Lemon Law rights period, or, if a consumer resorts to an informal dispute-settlement procedure or submits a dispute to the ~~department division~~ or board, within 1 year after the final action of the procedure, ~~department division~~, or board.

Section 25. Subsection (2) of section 681.114, Florida Statutes, is amended to read:

681.114 Resale of returned vehicles.—

(2) A person shall not knowingly lease, sell at wholesale or retail, or transfer a title to a motor vehicle returned by reason of a settlement, determination, or decision pursuant to this chapter or similar statute of another state unless the nature of the nonconformity is clearly and conspicuously disclosed to the prospective transferee, lessee, or buyer, and the manufacturer warrants to correct such nonconformity for a term of 1 year or 12,000 miles, whichever occurs first. The department of ~~Legal Affairs~~ shall prescribe by rule the form, content, and procedure pertaining to such disclosure statement.

Section 26. Subsection (1) of section 681.117, Florida Statutes, is amended to read:

681.117 Fee.—

(1) A \$2 fee shall be collected by a motor vehicle dealer, or by a person engaged in the business of leasing motor vehicles, from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle. Such fees shall be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue. If the purchaser or lessee removes the motor vehicle from the state for titling and registration outside this state, the fee shall be remitted to the Department of Revenue. All fees, less the cost of administration, shall be transferred monthly to the department of ~~Legal Affairs~~ for deposit into the Motor Vehicle Warranty Trust Fund. ~~The Department of Legal Affairs shall distribute monthly an amount not exceeding one fourth of the fees received to the Division of Consumer Services of the Department of Agriculture and Consumer Services to carry out the provisions of ss. 681.108 and 681.109. The Department of Legal Affairs shall contract with the Division of Consumer Services for payment of services performed by the division pursuant to ss. 681.108 and 681.109.~~

Section 27. Section 681.118, Florida Statutes, is amended to read:

681.118 Rulemaking authority.—The department of ~~Legal Affairs~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 28. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state government operations; amending s. 20.14, F.S.; removing the Division of Dairy Industry within the department; changing the name of the Division of Forestry to the Florida Forest Service; amending s. 320.90, F.S.; requiring the Department of Legal Affairs, rather than the Department of Agriculture and Consumer Services, to distribute free of charge a motor vehicle consumer’s rights pamphlet; amending s. 501.160, F.S.; providing for the state attorneys and the Department of Legal Affairs, rather than the Department of Agriculture and Consumer Services, to enforce the law prohibiting price gouging; reenacting s. 570.18, F.S., relating to the organization of the Department of Agriculture and Consumer Services, to incorporate the amendment made to s. 570.29, F.S., in a reference thereto; amending s. 570.20, F.S.; removing the time limitations on provisions authorizing moneys in the General Inspection Trust Fund to be used for programs operated by the Department of Agriculture and Consumer Services; amending s. 570.29, F.S.; removing the Division of Dairy Industry within the department, to conform to changes made by the act; changing the name of the Division of Forestry to the Florida Forest Service; adding the Division of Licensing as a division within the department; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry; amending s. 570.50, F.S.; adding the inspection of dairy farms, milk plants, and milk product plants and other specified functions to the duties of the Division of Food Safety within the department; amending ss. 570.548, 570.549, and 570.903, F.S.; conforming references to changes made by the act; requesting the Division of Statutory Revision to prepare a reviser’s bill making conforming statutory changes; amending s. 601.04, F.S.; revising the number of members on the Florida Citrus Commission; providing for the termination of the terms of members appointed before a specified date and for appointment of members by the Governor; amending s. 601.09, F.S.; revising the composition of the citrus districts; amending s. 601.10, F.S.; providing for the appointment of an executive director of the Department of Citrus and for confirmation by the Senate; providing a term of office; specifying the work week for employees of the Department of Citrus; providing for a reduction in salary for an employee who chooses to work less than the required weekly period; amending s. 601.15, F.S., relating to an excise tax levied and imposed upon each standard-packed box of citrus fruit grown and placed into the primary channel of trade; providing for certain tax rates to be levied; repealing s. 681.102(7), F.S., relating to the definition of the term “division”; amending ss. 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.110, 681.112, 681.114, 681.117, and 681.118, F.S.; providing for the Department of Legal Affairs, rather than the Division of Consumer Services of the Department of Agriculture and Consumer Services, to enforce the state Lemon Law; consolidating enforcement duties under the Motor Vehicle Warranty Enforcement Act within the Department of Legal Affairs; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2122** was adopted. **SB 2122** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Fasano	Montford
Alexander	Flores	Negron
Altman	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Hays	Rich
Bogdanoff	Hill	Richter
Braynon	Jones	Ring
Dean	Joyner	Sachs
Detert	Latvala	Simmons
Dockery	Lynn	Siplin
Evers	Margolis	Smith

Sobel  
Storms

Thrasher  
Wise

Nays—None

Vote after roll call:

Yea to Nay—Altman, Dockery

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2128**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2128, same being:

An act relating to the Public Employee Relations Commission.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. “Mike” Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. “Charlie” Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. “Tony” Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. “Chris” Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Committee Chair	<i>s/ Ed Hooper</i> Chair
Gary Aubuchon, At Large	Daphne D. Campbell
Charles S. “Chuck” Chestnut IV, At Large	<i>s/ Fredrick W. “Fred” Costello</i>
Joseph A. “Joe” Gibbons	<i>s/ Matt Gaetz</i>
John Patrick Julien	<i>s/ Dorothy L. Hukill, At Large</i>
<i>s/ John Legg, At Large</i>	<i>s/ Paige Kreegel, At Large</i>
<i>s/ Debbie Mayfield</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Bryan Nelson</i>	<i>s/ Seth McKeel, At Large</i>
<i>s/ Jimmy Patronis</i>	Jeanette M. Nunez
<i>s/ Darryl Ervin Rouson, At Large</i>	<i>s/ William L. “Bill” Proctor,</i> At Large
Franklin Sands, At Large	Ron Saunders, At Large
Robert C. “Rob” Schenck, At Large	<i>s/ William D. Snyder, At Large</i>
<i>s/ Will W. Weatherford, At Large</i>	

Managers on the part of the House

The Conference Committee Amendment for SB 2128, relating to the Public Employees Relations Commission, provides for the following:

- Requires the Public Employees' Relations Commission to be comprised of a chair and two part-time commissioners.
- The part-time members are prohibited from engaging in any other business, vocation, or employment that conflicts with their duties while serving as a commissioner.
- The provisions in this amendment provide an annual cost savings of \$125,652.

**Conference Committee Amendment (129766)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 447.205, Florida Statutes, is amended to read:

447.205 Public Employees Relations Commission.—

(1) The Public Employees Relations Commission, hereinafter referred to as the "commission," shall be composed of a chair and two ~~part-time full-time~~ members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The ~~chair of the commission commissioners~~ shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. *The part-time members shall not engage in any business, vocation, or employment that conflicts with their duties while in such office.* Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.205, F.S.; requiring the commission to be comprised of a chair and two part-time members; requiring the chair of the commission to devote full time to commission duties and not engage in any other business, vocation, or employment while in such office; prohibiting the part-time members from engaging in any business, vocation, or employment that conflicts with their duties while in such office; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2128** was adopted. **SB 2128** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Bennett	Detert
Alexander	Bogdanoff	Diaz de la Portilla
Altman	Braynon	Dockery
Benacquisto	Dean	Evers

Fasano	Latvala	Sachs
Flores	Margolis	Simmons
Gaetz	Montford	Siplin
Garcia	Negron	Smith
Gardiner	Norman	Sobel
Hays	Oelrich	Storms
Hill	Rich	Thrasher
Jones	Richter	Wise
Joyner	Ring	

Nays—None

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2130**

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2130, same being:

An act relating to pollution control.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Committee Chair	<i>s/ Trudi K. Williams</i> Chair
<i>s/ Ben Albritton</i>	<i>s/ Frank Artiles</i>
Gary Aubuchon, At Large	Leonard L. Bembry
Charles S. "Chuck" Chestnut IV, At Large	<i>s/ Steve Crisafulli</i>
<i>s/ Dorothy L. Hukill, At Large</i>	Tom Goodson
<i>s/ Paige Kreegel, At Large</i>	<i>s/ Clay Ingram</i>
<i>s/ Carlos Lopez-Cantera, At Large</i>	John Legg, At Large
Elizabeth W. Porter	<i>s/ Seth McKeel, At Large</i>
<i>s/ Patrick Rooney, Jr.</i>	<i>s/ William L. "Bill" Proctor,</i> At Large
<i>s/ Darryl Ervin Rouson, At Large</i>	Franklin Sands

Ron Saunders, At Large  
s/ William D. Snyder, At Large

Robert C. "Rob" Schenck, At Large  
Will W. Weatherford, At Large

Garcia  
Gardiner  
Hays  
Hill  
Jones  
Joyner  
Latvala  
Lynn

Margolis  
Montford  
Negron  
Norman  
Oelrich  
Rich  
Richter  
Sachs

Simmons  
Siplin  
Smith  
Sobel  
Storms  
Thrasher  
Wise

Managers on the part of the House

The Conference Committee Amendment for SB A bill to be entitled An act, relating to pollution control, provides for the following:

- Revises requirements for the deposit of funds used in providing financial assistance for water pollution control.
- Requires that such funds be deposited into the Federal Grants Trust Fund within the Department of Environmental Protection (department) rather than the Grants and Donations Trust Fund within the department.
- Authorizes the use of existing service fees authorized by the Federal Water Pollution Control Act for water quality activities performed by the department in administering the Water Pollution Control Financial Assistance Program.

**Conference Committee Amendment (671186)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (9) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(9) Funds for the loans and grants authorized under this section must be managed as follows:

(b) Revenues from the loan grant allocations authorized under subsection (4), federal appropriations *used for the purpose of administering this section, state matching funds for grants authorized by federal statute or other federal action*, and service fees, and all earnings thereon, shall be deposited into the department's *Federal Grants and Donations Trust Fund*. Service fees and all earnings thereon must be used solely for program administration *and other water quality activities specifically authorized pursuant to the Federal Water Pollution Control Act (Clean Water Act), Pub. L. No. 92-500, as amended, and set forth in 40 C.F.R. part 35, Guidance on Fees Charged by States to Recipients of Clean Water State Revolving Fund Program Assistance*. The loan grant allocation revenues and earnings thereon must be used solely for the purpose of making grants to financially disadvantaged small communities. Federal appropriations and state matching funds for grants authorized by federal statute or other federal action, and earnings thereon, must be used solely for the purposes authorized. All deposits into the department's *Federal Grants and Donations Trust Fund* under this section, and earnings thereon, must be accounted for separately from all other moneys deposited into the fund.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pollution control; amending s. 403.1835, F.S.; revising requirements for the deposit of funds used in providing financial assistance for water pollution control; requiring that such funds be deposited into the department's Federal Grants Trust Fund rather than the department's Grants and Donations Trust Fund; specifying additional uses of moneys deposited into the Federal Grants Trust Fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2130** was adopted. **SB 2130** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Bogdanoff	Dockery
Alexander	Braynon	Evers
Altman	Dean	Fasano
Benacquisto	Detert	Flores
Bennett	Diaz de la Portilla	Gaetz

Nays—None

Vote after roll call:

Yea—Ring

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2132**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2132, same being:

An act relating to the Department of Financial Services.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander  
Chair  
s/ Thad Altman  
s/ Michael S. "Mike" Bennett  
s/ Oscar Braynon II  
s/ Charles S. "Charlie" Dean, Sr.  
s/ Miguel Diaz de la Portilla  
s/ Greg Evers  
s/ Anitere Flores  
s/ Rene Garcia  
s/ Alan Hays  
s/ Dennis L. Jones, D.C.  
Jack Latvala  
s/ Gwen Margolis  
s/ Jim Norman  
s/ Nan H. Rich, At Large  
s/ Jeremy Ring  
s/ David Simmons  
s/ Christopher L. "Chris" Smith  
s/ Ronda Storms  
s/ Stephen R. Wise

s/ Joe Negron  
Vice Chair  
s/ Lizbeth Benacquisto  
s/ Ellyn Setnor Bogdanoff  
Larcenia J. Bullard  
s/ Nancy C. Detert  
Paula Dockery  
s/ Mike Fasano  
s/ Don Gaetz, At Large  
s/ Andy Gardiner, At Large  
s/ Anthony C. "Tony" Hill, Sr.  
s/ Arthenia L. Joyner  
s/ Evelyn J. Lynn  
s/ Bill Montford  
s/ Steve Oelrich  
s/ Garrett Richter  
s/ Maria Lorts Sachs  
s/ Gary Siplin, At Large  
s/ Eleanor Sobel  
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley  
Committee Chair  
Gary Aubuchon, At Large  
Charles S. "Chuck" Chestnut IV,  
At Large  
Joseph A. "Joe" Gibbons  
John Patrick Julien  
s/ John Legg, At Large  
s/ Debbie Mayfield

s/ Ed Hooper  
Chair  
Daphne D. Campbell  
s/ Fredrick W. "Fred" Costello  
s/ Matt Gaetz  
s/ Dorothy L. Hukill, At Large  
s/ Paige Kreegel, At Large  
s/ Carlos Lopez-Cantera, At Large  
s/ Seth McKeel, At Large

s/ Bryan Nelson  
 s/ Jimmy Patronis  
 s/ Darryl Ervin Rouson, At Large  
 Franklin Sands, At Large  
 Robert C. "Rob" Schenck, At Large  
 s/ Will W. Weatherford, At Large

Jeanette M. Nunez  
 s/ William L. "Bill" Proctor,  
 At Large  
 Ron Saunders, At Large  
 s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2132, relating to the Department of Financial Services, provides for the following:

- Requires that the Department of Financial Services (department) and all state agencies with more than 3,000 full-time employees that are provided insurance coverage from the Division of Risk Management, within the department, establish and maintain return-to-work programs for injured state workers. This provision is anticipated to result in an estimated annual cost savings of \$1 million to the Division of Risk Management's self-insurance program.
- Requires the Division of Risk Management to utilize agency loss prevention results in addition to claims history as criteria for calculating state agency risk management premiums.
- Requires the Division of Risk Management to evaluate each agency's risk management programs at least once every five years and to produce reports recommending improvements. In addition, the amendment outlines a process for each agency's response to the division's evaluation and recommendations.
- Eliminates the Chief Financial Officer's authority to operate a check cashing service at the state capitol, which will eliminate three full-time positions and provide a savings of \$129,022.
- Requires that unencumbered and undisbursed funds that are transferred from the Workers' Compensation Administration Trust Fund within the department revert back to the fund each year.
- Revises the responsibilities of the Division of Consumer Services within the department to reflect organizational changes related to the Office of Insurance Regulation and the Office of Financial Regulation.
- Authorizes the department to accept donations, grants of property or moneys from any governmental unit, public agency, institution, person, firm, or corporation for its anti-fraud efforts in the Division of Insurance Fraud within the department. The amendment authorizes the department to request annual appropriations from these funds.
- Provides for the vesting of certain rights in the Division of Insurance Fraud upon donation.
- Requires that all donations or grants of monies to the Division of Insurance Fraud be deposited immediately into the Insurance Regulatory Trust Fund within the department, to be separately accounted for. The amendment authorizes the use of these funds by the Division of Insurance Fraud to carry out its duties and responsibilities or for the sub-granting of funds to the state attorneys for funding or defraying the cost of dedicated fraud prosecutors.

**Conference Committee Amendment (102844)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *Section 17.53, Florida Statutes, is repealed.*

Section 2. *Section 17.556, Florida Statutes, is repealed.*

Section 3. Paragraph (h) of subsection (2) of section 20.121, Florida Statutes, is amended to read:

20.121 Department of Financial Services.—There is created a Department of Financial Services.

(2) DIVISIONS.—The Department of Financial Services shall consist of the following divisions:

(h) The Division of Consumer Services.

1. The Division of Consumer Services shall perform the following functions concerning products or services regulated by the department of Financial Services or by either office of the Office of Insurance Regulation ~~Financial Services Commission~~:

- a. Receive inquiries and complaints from consumers.
- b. Prepare and disseminate such information as the department deems appropriate to inform or assist consumers.
- c. Provide direct assistance and advocacy for consumers who request such assistance or advocacy.
- d. With respect to apparent or potential violations of law or applicable rules by a person or entity licensed by the department or by either office of the commission, report such apparent or potential ~~violations~~ violation to the office or the appropriate division of the department ~~or office of the commission~~, which may take such further action as it deems appropriate.
- e. Designate an employee of the division as primary contact for consumers on issues relating to sinkholes.

2. Any person licensed or issued a certificate of authority by the department or by the Office of Insurance Regulation shall respond, in writing, to the Division of Consumer Services within 20 days after receipt of a written request for information from the division concerning a consumer complaint. The response must address the issues and allegations raised in ~~the~~ this complaint. The division may, ~~in its discretion~~, impose an administrative penalty for failure to comply with this subparagraph of ~~in an amount~~ up to \$2,500 per violation upon any entity licensed by the department or the office of Insurance Regulation and \$250 for the first violation, \$500 for the second violation, and up to \$1,000 per violation thereafter upon any individual licensed by the department or the office of Insurance Regulation.

3. The department may adopt rules to ~~administer~~ implement the provisions of this paragraph.

4. The powers, duties, and responsibilities expressed or granted in this paragraph ~~do shall~~ not limit the powers, duties, and responsibilities of the Department of Financial Services, the Financial Services Commission, the Office of Insurance Regulation, or the Office of Financial Regulation set forth elsewhere in the Florida Statutes.

Section 4. Subsection (5) of section 284.01, Florida Statutes, is amended to read:

284.01 State Risk Management Trust Fund; coverages to be provided.—

(5) Premiums charged to agencies for coverage shall be ~~adopted promulgated~~ on a retrospective rating arrangement based upon actual losses accruing to the fund *and loss prevention results*, taking into account reasonable expectations, maintenance, and stability of the fund and cost of reinsurance.

Section 5. Section 284.36, Florida Statutes, is amended to read:

284.36 Appropriation deposits; premium payment.—Premiums for coverage by the State Risk Management Trust Fund as calculated on all coverages shall be billed and charged to each state agency according to coverages obtained by the fund for their benefit, and such obligations shall be paid promptly by each agency from its operating budget upon presentation of a bill therefor. After the first year of operation, premiums to be charged to all departments of the state are to be computed on a retrospective rating arrangement based upon actual losses accruing to the fund *and loss prevention results*, taking into account reasonable expectations, the maintenance and stability of the fund, and the cost of insurance.

Section 6. Subsection (1) of section 284.42, Florida Statutes, is amended to read:

## 284.42 Reports on state insurance program.—

(1)(a) The Department of Financial Services, with the Department of Management Services, shall ~~conduct~~ ~~make~~ an analysis of the state insurance program each year and submit the results on or before January 1 in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives ~~annually~~, which shall include:

1.(a) Complete underwriting information as to the nature of the risks accepted for self-insurance and those risks that are transferred to the insurance market.

2.(b) The funds allocated to the Florida Casualty Risk Management Trust Fund and premiums paid for insurance through the market.

3.(c) The method of handling legal matters and the cost allocated.

4.(d) The method and cost of handling inspection and engineering of risks.

5.(e) The cost of risk management service purchased.

6.(f) The cost of managing the State Insurance Program by the Department of Financial Services and the Department of Management Services.

(b) Beginning January 1, 2013, the Division of Risk Management shall include in its annual report an analysis of agency return-to-work efforts, including, but not limited to, agency return-to-work program performance metrics and a status report on participating return-to-work programs. The report shall specify benchmarks, including, but not limited to, the average lost-time claims per year, per agency; the total number of lost claims; and specific agency measurable outcomes indicating the change in performance from year to year.

Section 7. Subsections (3) and (4) are added to section 284.50, Florida Statutes, to read:

284.50 Loss prevention program; safety coordinators; Interagency Advisory Council on Loss Prevention; employee recognition program.—

(3) The Department of Financial Services and all agencies that are provided workers' compensation insurance coverage by the State Risk Management Trust Fund and employ more than 3,000 full-time employees shall establish and maintain return-to-work programs for employees who are receiving workers' compensation benefits. The programs shall have the primary goal of enabling injured workers to remain at work or return to work to perform job duties within the physical or mental functional limitations and restrictions established by the workers' treating physicians. If no limitation or restriction is established in writing by a worker's treating physician, the worker shall be deemed to be able to fully perform the same work duties he or she performed before the injury.

(4) The Division of Risk Management shall evaluate each agency's risk management programs, including, but not limited to, return-to-work, safety, and loss prevention programs, at least once every 5 years. Reports, including, but not limited to, any recommended corrective action, resulting from such evaluations shall be provided to the head of the agency being evaluated, the Chief Financial Officer, and the director of the Division of Risk Management. The agency head must provide to the Division of Risk Management a response to all report recommendations within 45 days and a plan to implement any corrective action to be taken as part of the response. If the agency disagrees with any final report recommendations, including, but not limited to, any recommended corrective action, or if the agency fails to implement any recommended corrective action within a reasonable time, the division shall submit the evaluation report to the legislative appropriations committees.

Section 8. Subsection (5) is added to section 440.50, Florida Statutes, to read:

440.50 Workers' Compensation Administration Trust Fund.—

(5) Funds appropriated by an operating appropriation or a non-operating transfer from the Workers' Compensation Administration Trust Fund to the Department of Education, the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Management Services, the First District Court of Appeal, and the Justice Administrative Commission remaining unencumbered as of June 30 or undisbursed as of September 30 each year shall revert to the Workers' Compensation Administration Trust Fund.

Section 9. Section 626.9894, Florida Statutes, is created to read:

626.9894 Gifts and grants.—

(1) The department may accept, for purposes of anti-fraud efforts, any donation or grant of property or moneys from any governmental unit, public agency, institution, person, firm, or corporation.

(2) All rights to, interest in, and title to such donated or granted property shall immediately vest in the Division of Insurance Fraud upon donation. The division may hold such property in coownership, sell its interest in the property, liquidate its interest in the property, or dispose of its interest in the property in any other reasonable manner.

(3) All donations or grants of moneys to the division shall be deposited into the Insurance Regulatory Trust Fund and shall be separately accounted for and may be used by the division to carry out its duties and responsibilities, or for the subgranting of such funds to state attorneys for the purpose of funding or defraying the costs of dedicated fraud prosecutors.

(4) Moneys deposited into the Insurance Regulatory Trust Fund pursuant to this section may be appropriated by the Legislature, pursuant to the provisions of chapter 216, for the purpose of enabling the division to carry out its duties and responsibilities, or for the purpose of funding or defraying the costs of dedicated fraud prosecutors.

(5) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance of moneys deposited into the Insurance Regulatory Trust Fund pursuant to this section remaining at the end of any fiscal year shall be available for carrying out the duties and responsibilities of the division. The department may request annual appropriations from the grants and donations received pursuant to this section and cash balances in the Insurance Regulatory Trust Fund for the purpose of carrying out its duties and responsibilities related to the division's anti-fraud efforts, including the funding of dedicated prosecutors and related personnel.

Section 10. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Financial Services; repealing ss. 17.53 and 17.556, F.S., relating to the Chief Financial Officer's authorization to operate a personal check-cashing service or a remote financial service unit at the capitol and to employ additional persons to assist in performing such services; abolishing appropriations from the General Revenue Fund to pay the salaries of the additional employees; amending s. 20.121, F.S.; revising the duties of the Division of Consumer Services; amending ss. 284.01 and 284.36, F.S.; revising the criteria for premiums charged to agencies and departments for purposes of the State Risk Management Trust Fund; amending s. 284.42, F.S.; revising requirements for reports concerning the state insurance program; requiring the Division of Risk Management to analyze and report

on certain agency return-to-work programs and activities; amending s. 284.50, F.S.; requiring certain agencies to establish and maintain return-to-work programs for certain employees; providing program goals; requiring the Division of Risk Management to evaluate agency risk management programs; requiring reports; requiring agencies to respond to the division's evaluation and recommendations; requiring the division to submit certain evaluation reports to the legislative appropriations committees; amending s. 440.50, F.S.; providing for reversion of certain unencumbered and undisbursed funds to the Workers' Compensation Administration Trust Fund; creating s. 626.9894, F.S.; authorizing the department to accept any donation or grant of property or moneys from certain entities for purposes of anti-fraud efforts; providing for the vesting of certain rights in the Division of Insurance Fraud upon donation; providing for deposit of donations and grants to the division into the Insurance Regulatory Trust Fund; authorizing the department to request annual appropriations from such donations and grants; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on SB 2132 was adopted. SB 2132 passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Table with 3 columns: Name, Flores, Norman. Rows include Mr. President, Alexander, Altman, Benacquisto, Bennett, Bogdanoff, Dean, Detert, Diaz de la Portilla, Dockery, Evers, Fasano.

Nays—4

Table with 3 columns: Name, Joyner, Siplin. Rows include Braynon, Smith.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2134

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2134, same being:

An act relating to the Citizens Property Insurance Corporation.

having met, and after full and free conference, do recommend to their respective houses as follows:

- 1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander Chair
s/ Joe Negron Vice Chair
Thad Altman s/ Lizbeth Benacquisto
s/ Michael S. "Mike" Bennett s/ Ellyn Setnor Bogdanoff

s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise

Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley Committee Chair
Gary Aubuchon, At Large
Charles S. "Chuck" Chestnut IV, At Large
Joseph A. "Joe" Gibbons
John Patrick Julien
s/ John Legg, At Large
s/ Debbie Mayfield
s/ Bryan Nelson
s/ Jimmy Patronis
s/ Darryl Ervin Rouson, At Large
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ Will W. Weatherford, At Large
s/ Ed Hooper Chair
Daphne D. Campbell
s/ Fredrick W. "Fred" Costello
s/ Matt Gaetz
s/ Dorothy L. Hukill, At Large
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Seth McKeel, At Large
Jeanette M. Nunez
s/ William L. "Bill" Proctor, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2134, relating to the Citizens Property Insurance Corporation, provides for the following:

- Creates a process within the statutes, establishing standards for the competitive procurement of goods and services by Citizens.
• Requires competitive solicitation for goods and services valued at or above \$35,000, except office space, which is currently subject to the public property and publicly owned building statutes.
• Requires that purchases of goods and services over \$10 million include a business case review before review and approval by the Citizens Board of Governors (board).
• Prohibits the division of goods and services to circumvent the provisions of the amendment.
• Specifies under which circumstances a competitive solicitation shall use each of the following methods: Invitation to Bid (ITB); request for proposal (RFP); invitation to negotiate (ITN); or reverse auction. The amendment outlines the criteria that must be used for evaluating ITBs, RFPs, and ITNs.
• Requires that all contracts executed on or after January 1, 2012, be posted electronically on Citizens' website for public access.
• Requires that all qualified sole source purchases be posted to the website for 10 business days prior to execution.
• Requires that Citizens' purchasing policy include procedures for protecting against any conflicts of interest by Citizens board members, employees, any public official, other expert consultants who are acting as evaluators in the purchasing process, or employees of the executive or legislative branch, concerning any aspect of the solicitation.
• Provides that Citizens shall strive to increase business with minority business enterprises and Florida small business enterprises.

- Requires the board to annually review and adopt the purchasing policy of the corporation to ensure compliance and to submit a copy of the policy to the Office of Insurance Regulation.
- Provides the Auditor General with access to any Citizens procurement documents and related material.

**Conference Committee Amendment (554608)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (e) and (f) of subsection (6) of section 627.351, Florida Statutes, are repealed.

Section 2. Section 627.3514, Florida Statutes, is created to read:

627.3514 Standards for procurement by Citizens Property Insurance Corporation.—

(1) **LEGISLATIVE INTENT.**—It is the intent of the Legislature that Citizens Property Insurance Corporation, hereinafter “Citizens,” maintain a transparent, accountable, and competitive procurement process to ensure public confidence in the process by which goods and services are procured.

(2) **DEFINITIONS.**—As used in this section, the term:

(a) “Bid” means an offer submitted by a vendor in response to a competitive solicitation.

(b) “Board” means the Citizens’ board of governors appointed pursuant to s. 627.351(6).

(c) “Competitive solicitation” means an invitation to bid, a request for proposal, an invitation to negotiate, or a reverse auction.

(d) “Competitive solicitation response” means a bid or proposal submitted by a vendor in response to a competitive solicitation.

(e) “Contract” means a written agreement between Citizens and a vendor for the provision of goods or services.

(f) “Contract manager” means the individual employed by Citizens who is responsible for overseeing performance of the contract terms and conditions, reviewing and validating all vendor invoices, tracking all expenditures and payments, and serving as a liaison with the vendor.

(g) “Contract renewal” means an agreement to renew a contract.

(h) “Florida business enterprise” means a business that has or maintains its primary corporate office or home office within this state.

(i) “Florida small business enterprise” means a business that meets all of the following criteria:

1. Has or maintains its primary corporate office or home office within this state;
2. Is engaged in commercial transactions;
3. Has annual gross sales or receipts of less than \$6 million averaged over the past 3 years of the business’s actual existence;
4. Has a primary owner who owns 51 percent or more of the business or its common stock and who has a personal net worth less than \$750,000, excluding primary personal residence and stock value of the Florida small business enterprise; and
5. Maintains the required licenses and necessary industry expertise to perform.

If the business is a wholly or partially owned subsidiary, the parent business must also meet the criteria of subparagraphs 1.-5.

(j) “Goods” mean all tangible or movable property or things, including software, which are purchased or leased. The term does not include investment securities, insurance, loans, credit, trust indentures, or financial service providers or underwriters provided for in s. 627.3513, whether or not evidenced by a physical certificate or contract.

(k) “Informal bid” or “informal solicitation” means a written or oral quotation of cost which is documented and maintained by Citizens.

(l) “Invitation to bid” means a written or electronically posted solicitation for competitive sealed bids.

(m) “Invitation to negotiate” means a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.

(n) “Minority business enterprise” means a business that meets all of the following criteria:

1. Engages in commercial transactions.
2. Is at least 51 percent owned by a minority person, as defined in s. 288.703, who is a citizen of the United States.
3. Is managed and controlled by a minority person, as defined in s. 288.703, who is a citizen of the United States.

(o) “Proposal” means the documents submitted by the vendor in response to a competitive solicitation to be used as the basis for entering into a contract.

(p) “Request for proposal” means a written or electronically posted solicitation for competitive sealed proposals.

(q) “Reverse auction” means an online auction process in which bidders simultaneously submit bids to a company without knowledge of the amount bid by other participants and, unlike a typical auction, prices decrease as the bidding process continues.

(r) “Service” means the rendering by a vendor of time and effort other than the furnishing of specific goods. Services include, but are not limited to, insurance brokerage services, evaluations, consultations, maintenance, accounting, security, management systems, management consulting, educational training programs, research and development studies or reports, and professional, technical, and social services. Services do not include the services provided by insurance agents appointed by Citizens.

(s) “Vendor” means a person or entity that has a contract with Citizens or that is under consideration for a contract, including, but not limited to, insurance companies, take-out companies, insurance agents, adjusting firms, consultants, independent adjusters, contractors, law firms, and other service providers. The term also includes any employee, agent, corporate officer, owner, or person acting on behalf of the vendor, or any parent or subsidiary corporation of the vendor.

(3) **GENERAL RULES.**—

(a) This section applies to the purchase of all goods or services by Citizens, except:

1. Procurements of Citizens’ office space, which are governed by the provisions of chapter 255, except that the appeal process of subsection (6) applies; and
2. Claims payments made directly to an insured, or to a vendor selected by an insured.

(b) Purchases that equal or exceed \$2,500, but that are less than \$35,000, shall be made by receipt of written quotes, written record of telephone quotes, or informal bids, whenever practical. The procurement of goods or services valued at or over \$35,000 shall be subject to competitive solicitation, except in situations in which the goods or services are provided by a sole source or are deemed an emergency purchase, the services are exempt from competitive solicitation requirements under s. 287.057(3)(f), the procurement of services is subject to s. 627.3513, or the procurement is a government contract as provided in paragraph (7)(e).

(c) Purchases of goods or services that have an aggregate value of at least \$10 million or a duration exceeding 8 years must be accompanied by a business case analysis before review and approval by the Citizens’ board.

(d) Purchases of goods or services valued at or over \$100,000 are subject to approval by the Citizens’ board.

(e) Procurement of office space is subject to the provisions of chapter 255, including provisions governing the authority to hold title to real property. A public bid opening of all responding bids is required pursuant to chapter 255.

(f) Procurements of goods or services may not be divided or allocated in order to circumvent the provisions of this section. The life of the contract, including renewals, must be included when determining the dollar amount for the procurement method.

(g) In addition to any contractual renewal periods, a contract may be extended for a period not to exceed 6 months under the same terms and conditions set forth in the initial contract. There may be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the vendor.

(h) A contract in excess of \$35,000 must have an employee from the business unit appointed as contract manager.

(i) Citizens may:

1. Amend an existing contract on terms and costs more beneficial to Citizens if the terms and costs of the contract are not extended or increased; or

2. Renew a contract under the renewal terms provided by the contract.

(j) Goods or services must not be received before the issuance of a purchase order or execution of a contract.

(k) A Citizens' board member, officer, or employee may not procure, purchase, or acquire any goods or services or make any contract in any manner that is not in compliance with this section.

(4) **CONTRACT REVIEW.**—Citizens' legal department and purchasing department must jointly prepare any contract for the procurement of goods or services. The legal department must review and approve a contract before it is executed.

(5) **COMPETITIVE SOLICITATION.**—

(a)1. The procurement of goods or services valued at or over \$35,000 is subject to competitive solicitation, except in situations in which the goods or services are exempt from competitive solicitation requirements as specified in s. 287.057(3)(f). A public bid opening is not required except as provided in paragraph (3)(e). A competitive solicitation must include a contract term.

2. The Citizens' purchasing department shall coordinate and manage the competitive solicitation process. The requirements of paragraphs (b) and (c) must be addressed in the development of a competitive solicitation.

(b) The competitive solicitation process shall use one of the following methods: an invitation to bid, a request for proposal, an invitation to negotiate, or a reverse auction.

1.a. An invitation to bid shall be used if Citizens has the ability to establish precise specifications defining the actual goods required or defining the scope of work for which a service is required.

b. An invitation to bid must include a detailed description of the goods or services sought and a statement indicating whether Citizens contemplates renewal of the contract.

c. A bid submitted in response to an invitation to bid which contemplates renewal of the contract must include the price for each year that the contract may be renewed. An evaluation-of-responsive bid is limited to the total cost for each year of the contract, including renewal years.

2. A request for proposal shall be used if Citizens' requirements can be specifically defined.

a. Before issuing a request for proposal, Citizens shall determine and specify in writing the reasons that procurement by invitation to bid is not practicable. A request for proposal must include a detailed statement describing the business unit requirements and needs for which goods or services are being sought, the relative importance of price and other

evaluation criteria, and a statement indicating whether Citizens contemplates renewal of the contract.

b. Criteria that must be used for an evaluation of a proposal include, but are not limited to:

(I) Price, which must be specified in the proposal;

(II) If Citizens contemplates renewal of the contract, the price for each year that the contract may be renewed;

(III) Consideration of the total cost for each year of the contract, including renewal years; and

(IV) How well the proposed goods or services meet Citizens' requirements.

c. The contract shall be awarded by written notice to the vendor whose proposal is determined in writing to be the most advantageous to Citizens, taking into consideration the price and other criteria set forth in the request for proposal.

3.a. An invitation to negotiate may be used if an invitation to bid or request for proposal is not practicable. Before issuing an invitation to negotiate, the executive director of Citizens must determine and specify in writing the reasons that procurement by invitation to bid or request for proposal is not applicable. The invitation to negotiate must describe the questions being explored, the facts being sought, the specific goals or problems that are the subject of the solicitation, and the criteria that shall be used to determine the acceptability of the reply and guide the selection of the vendor with which Citizens will negotiate.

b. Citizens shall evaluate replies against the established evaluation criteria identified in the invitation-to-negotiate document. Citizens may select one or more vendors with which to commence negotiations. After negotiations are conducted, Citizens shall award the contract to the vendor determined to provide the best value to Citizens.

4. In order for the purchasing department to initiate the competitive solicitation process, the following information must be provided by the business unit if practicable:

a. Business and technical requirements and scope of work. This information must avoid use of brand names, unless used only as an indication of desired functionality or quality and the brand names are qualified with the phrase "or equivalent";

b. Performance criteria;

c. Evaluation criteria;

d. Specific deliverables;

e. Service-level requirements; and

f. Any information necessary to explain the business need or intended purpose.

5. Citizens shall create a process for the evaluation of vendor proposals appropriate for the goods or services being procured and coordinate the receipt and evaluation of responses to the competitive solicitation. The process shall include the criteria to be evaluated and the method of evaluation and must include pricing as separately scored criteria. A competitive solicitation is subject to the requirements of chapter 286.

6. Citizens shall give public notice of a competitive solicitation by electronically posting the competitive solicitation on its website and the state's procurement website. Citizens shall post the notice at least 10 business days before the date set for receipt of bids, proposals, or replies unless Citizens determines in writing that a shorter period is necessary to avoid harming the interests of the state.

7. A respondent to a solicitation under this section or any person acting on behalf of the respondent may not communicate with any member of the board, any employee of Citizens, or any public official, officer, or employee of the executive or legislative branch of government concerning any aspect of the solicitation, except a written or electronic communication to the procurement officer or such communication as provided for in the solicitation documents. The period of such prohibited

communication begins when the solicitation is issued and ends 72 hours after notice is given of a recommended award, a rejection of all proposals, or any other decision. A violation of this subparagraph may be grounds for rejecting a response.

8. If a tie occurs in score or in price and if price is the only criterion during a competitive solicitation, Citizens shall determine the recommended vendor for the award based upon the following criteria, listed in order of priority:

- a. All goods and services of the vendor are manufactured or performed in the state.
- b. Certain foreign manufacturers of the vendor have employees in the state, as designated in s. 287.092.
- c. All goods and services of the vendor are manufactured or performed in the United States.
- d. The vendor is a Florida small business enterprise.
- e. The vendor has implemented a drug-free workplace program that meets the requirements of s. 287.087.

If none of the criteria of this subparagraph resolves the tie, Citizens shall conduct a coin toss to determine the recommended vendor for award. Citizens shall notify the tied vendors of the tie and provide them with reasonable notice of the time and location of the coin toss, which they may attend.

(c) If a vendor asserts that its bid contains information that is confidential and exempt from the public-records requirements of chapter 119, the vendor must submit with its bid response a version of all bid documents which redacts such information.

(d) For contracts executed on or after January 1, 2012, Citizens shall post a copy of each contract executed, with necessary redactions, on its website for public access no later than 30 days after the date of execution.

(6) APPEAL PROCESS.—

(a) A respondent to a competitive solicitation may appeal the award of a contract by the board, including those contracts awarded under chapter 255, if the value of the contract is \$100,000 or more. The appeal must be heard by the board at a publicly noticed meeting and conducted according to appeal procedures established by the board. Any further legal remedy shall be to the Circuit Court of Leon County, Florida.

(b) A respondent to a competitive solicitation may appeal the award of a contract having a value at or above \$35,000 and less than \$100,000 according to appeal procedures established by the board. Such appeals are not required to be heard by the board. Any further legal remedy shall be to the Circuit Court of Leon County, Florida.

(c) If the original award is overturned, the contract executed pursuant to the award shall be terminated.

(7) EXEMPTIONS FROM COMPETITIVE SOLICITATION.—The following exemptions from competitive solicitation are authorized:

(a)1. An emergency purchase is permitted only if the president of Citizens, in consultation with the chair or vice chair of the board, determines in writing that an immediate danger to the public health, safety, or welfare, or other immediate and substantial loss to Citizens or its policyholders requires emergency action, in which case Citizens may proceed with the procurement of goods or services necessitated by the immediate danger without receiving competitive bids or proposals. Citizens shall provide a report of any emergency purchase of goods or services to the board and the state's Chief Financial Officer.

2. In any emergency purchase of goods or services in excess of \$35,000, each individual taking part in the development or selection of criteria for evaluation, the evaluation process, or the award process shall provide a completed and signed purchasing conflict-of-interest disclosure form by which each individual attests in writing that the individual does not have any conflict of interest in the entities evaluated or selected.

(b)1. A sole source purchase is permitted only if the following steps have been completed:

- a. Citizens conducts an analysis of the marketplace for the goods or services; and
- b. Citizens determines in writing that the required goods or services are:

(I) Available from only one supplier; or

(II) Necessary or unique, for example, if the deliverable is copyrighted, patented, or proprietary, such as technology, or if there is an absence of competition or providers in the marketplace.

2. If Citizens reasonably determines that goods or services qualify as a sole source purchase, it shall post on Citizens' website a description of the goods or services sought for at least 10 business days. If it is determined in writing by Citizens after reviewing any information received from prospective vendors that the goods or services qualify as a sole source purchase, Citizens shall notify each vendor and proceed with the purchase. A copy of the written determination shall be promptly furnished to the state's Chief Financial Officer and the board. A sole source procurement must be discontinued and a competitive solicitation instituted when written information is timely received which demonstrates that the sole source process is not applicable.

3. In any sole source purchase of goods or services in excess of \$35,000, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, or the award process must provide a completed and signed purchasing conflict-of-interest disclosure form by which the individuals attest in writing that they do not have any conflict of interest in the entities evaluated or selected.

(c) A purchase that is exempt from competitive solicitation as listed under s. 287.057(3)(f).

(d) A contract with a financial service provider or underwriter of bonds which is subject to s. 627.3513.

(e) A governmental contract if the contract was previously procured by a competitive solicitation process, and the contract is:

1. An approved state term contract that complies with the requirements of ss. 287.056 and 287.057;

2. Approved by the Department of Management Services;

3. Procured by a state agency, political subdivision of the state, a state university or a Florida College System institution as defined in section 21 of chapter 2010-70, Laws of Florida; or

4. An approved contract from the United States General Services Administration.

(8) CONFLICT OF INTEREST.—Citizens' purchasing policy must include procedures for protecting against any conflict of interest by Citizens' board members, employees, and other expert consultants who are acting as evaluators in the purchasing process. Additionally, Citizens' purchasing policy must address other procurement issues regarding conflicts of interest.

(9) MINORITY BUSINESS ENTERPRISES.—

(a) Citizens shall strive to increase business with minority business enterprises by providing education and outreach to minority businesses regarding business opportunities within Citizens, educating Citizens' staff and vendors regarding opportunities for minority business enterprises, and tracking and monitoring purchases by minority business enterprises.

(b) The director of Citizens' purchasing department shall certify a business as a minority business enterprise upon review and evaluation of evidence provided by the business which demonstrates that it meets the definition of a minority business enterprise. Additionally, Citizens may accept minority business certifications from a federal, state, or other governmental agency or political subdivision.

(10) FLORIDA SMALL BUSINESS ENTERPRISES.—

(a) Citizens shall strive to increase business with Florida small business enterprises by providing education and outreach to Florida

small business enterprises regarding business opportunities with Citizens, educating Citizens' staff and vendors regarding opportunities for Florida small business enterprises, and tracking and monitoring purchases by Florida small business enterprises. Citizens may use a business's status as a Florida small business enterprise as a vendor evaluation criterion in the procurement of goods or services if the use of such status may be beneficial for Citizens, its policyholders, or the state. A five-point preference may be awarded to vendors who meet the requirements for status as Florida small business enterprises for purposes of bid tabulation and comparison.

(b) The director of Citizens' purchasing department shall certify a business as a Florida small business enterprise upon review and evaluation of evidence provided by the entity which demonstrates that it meets the definition of a Florida small business enterprise. Additionally, Citizens may accept small business certifications from a federal, state, or other governmental agency or political subdivision.

(11) FLORIDA BUSINESS ENTERPRISES.—

(a) Citizens may use the Florida business enterprise status as a vendor-evaluation criterion in the procurement of goods or services if it determines that the use of a business based in this state may be beneficial for Citizens, its policyholders, or the state.

(b) Citizens shall verify the status as a Florida business enterprise by a review of its corporate documentation.

(12) ANNUAL REVIEW.—The Citizens' board shall annually review and adopt the purchasing policy for the corporation to ensure compliance with this section. After adopting the purchasing policy, the board shall submit a copy of the policy to the Office of Insurance Regulation.

(13) AUDITOR GENERAL REVIEW.—The Auditor General shall have access to any Citizens' procurement documents and related materials. Such documents and materials held by the Auditor General must remain confidential as provided in s. 627.351(6) or other state law.

Section 3. Subsection (6) of section 838.014, Florida Statutes, is amended to read:

838.014 Definitions.—As used in this chapter, the term:

(6) "Public servant" means:

(a) Any officer or employee of a state, county, municipal, or special district agency or entity;

(b) Any legislative or judicial officer or employee;

(c) Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; ~~or~~

(d) A candidate for election or appointment to any of the positions listed in this subsection, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office; ~~or~~

(e) Any member of the board of governors or employee of Citizens Property Insurance Corporation.

Section 4. This act shall take effect January 1, 2012.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Citizens Property Insurance Corporation; repealing s. 627.351(6)(e) and (f), F.S., relating to the procurement of goods and services by the corporation; creating s. 627.3514, F.S.; providing standards for procurements by Citizens Property Insurance Corporation; providing legislative intent; providing definitions; providing general purchasing rules for the procurement of goods or services by the Citizens Property Insurance Corporation; requiring the corporation's legal department and purchasing department to jointly prepare a contract for the procurement of goods or services; requiring the legal department to review and approve a contract before it is executed; providing that certain procurements of goods or services are subject to competitive solicitation; providing that a public bid opening is not required except under certain circumstances; requiring a competitive so-

licitation to include a contract term; requiring the corporation's purchasing department to coordinate and manage the competitive solicitation process; providing for the use of four methods for the competitive solicitation process; requiring the business unit to provide certain information in order for the purchasing department to initiate the competitive solicitation process; requiring the corporation to create a process for the evaluation of vendor proposals appropriate for the goods or services being procured and to coordinate the receipt and evaluation of responses to the competitive solicitation; requiring the corporation to give public notice of a competitive solicitation by electronically posting the competitive solicitation on its website and the state's procurement website; prohibiting certain persons from communicating with any member of the board or employee of Citizens Property Insurance Corporation, or with any public official, officer, or employee of the executive or legislative branch of government, concerning any aspect of the solicitation; providing a procedure for breaking a tie between two vendors in the competitive solicitation process; requiring the redaction of certain confidential and exempt information in a vendor's bid; requiring the corporation to post a copy of each contract executed on its website for certain contracts executed on or after a specified date; authorizing a respondent to a competitive solicitation to appeal the award of certain contracts of more than a specified amount by the corporation's board; requiring the corporation's board to hear an appeal at a publicly noticed meeting conducted according to appeal procedures established by the board; authorizing a respondent to a competitive solicitation to appeal the award of a contract having a value at or above a specified amount and less than a specified amount according to appeal procedures established by the board; providing that such appeals are not required to be heard by the board; authorizing certain exemptions from the competitive solicitation process; requiring the corporation's purchasing policy to address procurement issues regarding conflicts of interest and to include procedures for protecting against any conflict of interest by Citizens' board members and employees and other expert consultants who are acting as an evaluator in the purchasing process; requiring the corporation to strive to increase business with minority business enterprises; requiring the director of purchasing to certify a business as a minority business enterprise upon review and evaluation of evidence provided by the business; requiring the corporation to strive to increase business with Florida small business enterprises by providing education and outreach to Florida small business enterprises regarding business opportunities with the corporation; authorizing the corporation to use the status of a business as a Florida small business enterprise as a vendor-evaluation criterion in the procurement of goods or services; requiring the director of the corporation's purchasing department to certify a business as a Florida small business enterprise upon review and evaluation of evidence provided by the entity; authorizing the corporation to use the status of a business as a Florida business enterprise as a vendor-evaluation criterion in the procurement of goods or services; requiring the corporation to verify the status of a Florida business enterprise; requiring the corporation's board to annually review and adopt the purchasing policy for the corporation; requiring the corporation's board to submit a copy of the purchasing policy to the Office of Insurance Regulation; requiring the Auditor General to have access to the corporation's procurement documents and related materials; requiring the documents and materials held by the Auditor General to remain confidential; amending s. 838.014, F.S.; including a board member or an employee of the corporation within the definition of the term "public servant" as it relates to the crime of bribery and the misuse of public office; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on SB 2134 was adopted. SB 2134 passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Jones
Alexander	Dockery	Latvala
Altman	Fasano	Lynn
Benacquisto	Flores	Margolis
Bennett	Gaetz	Montford
Bogdanoff	Garcia	Negron
Braynon	Gardiner	Norman
Dean	Hays	Oelrich
Detert	Hill	Rich

Richter	Siplin	Thrasher
Ring	Smith	Wise
Sachs	Sobel	
Simmons	Storms	

Nays—1

Joyner

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2136**

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2136, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Committee Chair	<i>s/ Ed Hooper</i> Chair
Gary Aubuchon, At Large	Daphne D. Campbell
Charles S. "Chuck" Chestnut IV, At Large	<i>s/ Fredrick W. "Fred" Costello</i>
Joseph A. "Joe" Gibbons	<i>s/ Matt Gaetz</i>
John Patrick Julien	<i>s/ Dorothy L. Hukill, At Large</i>
<i>s/ John Legg, At Large</i>	<i>s/ Paige Kreegel, At Large</i>
<i>s/ Debbie Mayfield</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Bryan Nelson</i>	<i>s/ Seth McKeel, At Large</i>
<i>s/ Jimmy Patronis</i>	Jeanette M. Nunez
<i>s/ Darryl Ervin Rouson, At Large</i>	<i>s/ William L. "Bill" Proctor,</i> At Large
Franklin Sands, At Large	Ron Saunders, At Large
Robert C. "Rob" Schenck, At Large	<i>s/ William D. Snyder, At Large</i>
Will W. Weatherford, At Large	

Managers on the part of the House

The Conference Committee Amendment for SB 2136, relating to trust funds within the Department of Business and Professional Regulation, provides for the following:

- Creates a Federal Grants Trust Fund within the Department of Business and Professional Regulation, effective July 1, 2011.
- Serves as a depository for funds for allowable grant activities funded by restricted program revenues.
- Funds credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds, pursuant to s. 215.32 (2) (b), F.S.

**Conference Committee Amendment (384484)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 455.1165, Florida Statutes, is created to read:

*455.1165 Federal Grants Trust Fund.—*

(1) *The Federal Grants Trust Fund is created within the Department of Business and Professional Regulation.*

(2) *The trust fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Moneys to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.*

(3) *In accordance with s. 19(f)(2), Art. III of the State Constitution, the Federal Grants Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).*

Section 2. This act shall take effect July 1, 2011, except that this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating s. 455.1165, F.S.; creating the Federal Grants Trust Fund within the Department of Business and Professional Regulation; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2136** was adopted. **SB 2136** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

Nays—None

By direction of the President the following Conference Committee Report was read:

#### CONFERENCE COMMITTEE REPORT ON SB 2142

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2142, same being:

An act relating to the water management districts.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Committee Chair  
Ben Albritton  
Gary Aubuchon, At Large  
Charles S. "Chuck" Chestnut IV,  
At Large  
*s/ Dorothy L. Hukill, At Large*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
Elizabeth W. Porter  
*s/ Patrick Rooney, Jr.*  
*s/ Darryl Ervin Rouson, At Large*  
Ron Saunders, At Large  
William D. Snyder, At Large  
*s/ Will W. Weatherford, At Large*

*s/ Trudi K. Williams*  
Chair  
*s/ Frank Artiles*  
Leonard L. Bembry  
*s/ Steve Crisafulli*  
Tom Goodson  
*s/ Clay Ingram*  
John Legg, At Large  
*s/ Seth McKeel, At Large*  
*s/ William L. "Bill" Proctor,*  
At Large  
Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck,*  
At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2142, 1st Eng., relating to the water management districts, provides for the following:

- Requires the Legislature to annually review the preliminary budget for each water management district and set the maximum amount of revenue a district may raise through its ad valorem tax.

- Provides that, if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year.

- Requires each water management district to provide a monthly financial statement to its governing board and make such information available to the public through the district's website.

- Revises provisions relating to the review of district budgets to allow the Executive Office of the Governor and the Legislative Budget Commission to disapprove, in whole or in part, the budget of each water management district.

#### Conference Committee Amendment (924370)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (3), (4), and (5) of section 373.503, Florida Statutes, are amended to read:

373.503 Manner of taxation.—

(3)~~(a)~~ The districts may levy ad valorem taxes on property within the district solely for the purposes of this chapter and of chapter 25270, 1949, Laws of Florida, as amended, and chapter 61-691, Laws of Florida, as amended. ~~The authority to levy ad valorem taxes as provided in this act shall commence with the year 1977. However, the taxes levied for 1977 by the governing boards pursuant to this section shall be prorated to ensure that no such taxes will be levied for the first 4 days of the tax year, which days will fall prior to the effective date of the amendment to s. 9(b), Art. VII of the State Constitution, which was approved March 9, 1976. If when appropriate, taxes levied by each governing board may be separated by the governing board into a millage necessary for the purposes of the district and a millage necessary for financing basin functions specified in s. 373.0695. Beginning with the taxing year 1977, and~~

(a) Notwithstanding the provisions of any other general or special law to the contrary, and subject to subsection (4), the maximum total millage rate for district and basin purposes shall be:

1. Northwest Florida Water Management District: 0.05 mill.
2. Suwannee River Water Management District: 0.75 mill.
3. St. Johns River Water Management District: 0.6 mill.
4. Southwest Florida Water Management District: 1.0 mill.
5. South Florida Water Management District: 0.80 mill.

(b) The apportionment in the South Florida Water Management District shall be a maximum of 40 percent for district purposes and a maximum of 60 percent for basin purposes, respectively.

(c) Within the Southwest Florida Water Management District, the maximum millage assessed for district purposes may ~~shall~~ not exceed 50 percent of the total authorized millage if ~~when~~ there are one or more basins in the district, and the maximum millage assessed for basin purposes may ~~shall~~ not exceed 50 percent of the total authorized millage.

(4)(a) To ensure that taxes authorized by this chapter continue to be in proportion to the benefits derived by the parcels of real estate within the districts, the Legislature shall annually review the preliminary budget for the next fiscal year and the authorized millage rate for each district. Based upon this review, the Legislature shall set the maximum amount of revenue to be raised by each district in the next fiscal year from the taxes levied. Except as provided in paragraph (b), if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year.

(b) For the 2011-2012 fiscal year, the total ad valorem taxes levied may not exceed \$3,946,969 for the Northwest Florida Water Management District, \$5,412,674 for the Suwannee River Water Management District, \$85,335,619 for the St. Johns Water Management District, \$107,766,957 for the Southwest Florida Water Management District, and \$284,901,967 for the South Florida Water Management District.

(5)(4) It is hereby determined that the taxes authorized by this chapter are in proportion to the benefits to be derived by the several parcels of real estate within the districts to which territories are annexed and transferred. It is further determined that the cost of conducting elections within the respective districts or within the transferred or annexed territories, including costs incidental thereto in preparing for such election and in informing the electors of the issues therein, is a proper expenditure of the department, of the respective districts, and of the district to which such territory is or has been annexed or transferred.

(6)(5) Each water management district created under this chapter which does not receive state shared revenues under part II of chapter 218 shall, before January 1 of each year, certify compliance or non-compliance with s. 200.065 to the Department of Financial Services. Specific grounds for noncompliance ~~must~~ shall be stated in the certification. In its annual report required by s. 218.32(2), the Department of Financial Services shall report to the Governor and the Legislature those water management districts certifying noncompliance or not reporting.

Section 2. Subsections (4) and (5) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS; *FINANCIAL INFORMATION*.—

(a) The final adopted budget for the district will thereupon be the operating and fiscal guide for the district for the ensuing year; however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board.

(b) The district shall control its budget, at a minimum, by funds and shall provide to the Executive Office of the Governor a description of its budget control mechanisms.

(c) Should the district receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including such funds, so long as notice of intention to amend is published in the notice of the governing board meeting at which the amendment will be considered, pursuant to s. 120.525. The notice shall set forth a summary of the proposed amendment. However, in the event of a disaster or of an emergency arising to prevent or avert the same, the governing board shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

(d) *By September 1, 2011, each water management district shall provide a monthly financial statement to its governing board and make such monthly financial statement available for public access on its website.*

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

(a) The Executive Office of the Governor *and the Legislative Budget Commission* are ~~is~~ authorized to ~~approve or~~ disapprove, in whole or in part, the budget of each water management district. *The Executive Office of the Governor* ~~and~~ shall analyze each budget as to the adequacy of fiscal resources available to the district and the adequacy of district expenditures related to water supply, including water resource development projects identified in the district's regional water supply plans; water quality; flood protection and floodplain management; and natural systems. This analysis shall be based on the particular needs within each water management district in those four areas of responsibility *and shall be provided to the Legislative Budget Commission.*

(b) The Executive Office of the Governor, *the Legislative Budget Commission*, and the water management districts shall develop a process to facilitate review and communication regarding water management district budgets, as necessary. Written disapproval of any provision in the tentative budget must be received by the district at least 5 business days prior to the final district budget adoption hearing conducted under s. 200.065(2)(d). If written disapproval of any portion of the budget is not received at least 5 business days prior to the final budget adoption hearing, the governing board may proceed with final adoption. Any provision rejected by the Governor *or the Legislative Budget Commission* shall not be included in a district's final budget.

(c) Each water management district shall, by August 1 of each year, submit for review a tentative budget to the Governor, the President of the Senate, the Speaker of the House of Representatives, *the Legislative Budget Commission*, ~~the chairs of all legislative committees and subcommittees with substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives as applicable~~, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district.

(d) The tentative budget must set forth the proposed expenditures of the district, to which may be added an amount to be held as reserve. The tentative budget must include, but is not limited to, the following information for the preceding fiscal year and the current fiscal year, and the proposed amounts for the upcoming fiscal year, in a standard format prescribed by the Executive Office of the Governor:

1. The estimated amount of funds remaining at the beginning of the fiscal year which have been obligated for the payment of outstanding commitments not yet completed.

2. The estimated amount of unobligated funds or net cash balance on hand at the beginning of the fiscal year, and the estimated amount of funds to be raised by district taxes or received from other sources to meet the requirements of the district.

3. The millage rates and the percentage increase above the rolled-back rate, together with a summary of the reasons the increase is required, and the percentage increase in taxable value resulting from new construction within the district.

4. The salaries and benefits, expenses, operating capital outlay, number of authorized positions, and other personal services for the following program areas of the district:

a. Water resource planning and monitoring;

b. Land acquisition, restoration, and public works;

c. Operation and maintenance of works and lands;

d. Regulation;

e. Outreach for which the information provided must contain a full description and accounting of expenditures for water resources education; public information and public relations, including public service announcements and advertising in any media; and lobbying activities related to local, regional, state and federal governmental affairs, whether incurred by district staff or through contractual services; and

f. Management and administration.

In addition to the program areas reported by all water management districts, the South Florida Water Management District shall include in its budget document separate sections on all costs associated with the Everglades Construction Project and the Comprehensive Everglades Restoration Plan.

5. The total estimated amount in the district budget for each area of responsibility listed in subparagraph 4. and for water resource development projects identified in the district's regional water supply plans.

6. A description of each new, expanded, reduced, or eliminated program.

7. The funding sources, including, but not limited to, ad valorem taxes, Surface Water Improvement and Management Program funds, other state funds, federal funds, and user fees and permit fees for each program area.

~~(e) By September 5 of the year in which the budget is submitted, the House and Senate appropriations and appropriate substantive committee chairs may transmit to each district comments and objections to the proposed budgets. Each district governing board shall include a response to such comments and objections in the record of the governing board meeting where final adoption of the budget takes place, and the record of this meeting shall be transmitted to the Executive Office of the Governor.~~

~~nor, the department, and the chairs of the House and Senate appropriations committees.~~

(e)(f) The Executive Office of the Governor shall annually, on or before December 15, file with the Legislature a report that summarizes its review of the water management districts' tentative budgets and displays the adopted budget allocations by program area. The report must identify the districts that are not in compliance with the reporting requirements of this section. State funds shall be withheld from a water management district that fails to comply with these reporting requirements.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to water management districts; amending s. 373.503, F.S.; removing obsolete provisions; requiring the Legislature to annually review the preliminary budget and authorized millage rate for each water management district and set the amount of revenue a district may raise through its ad valorem tax authority; providing for the maximum amount of property tax raised by a district to revert to the amount authorized in the prior year if the Legislature fails to set the amount; providing a limit on total ad valorem taxes levied for the 2011-2012 fiscal year for each water management district; amending s. 373.536, F.S.; requiring each water management district to provide a monthly financial statement to its governing board; requiring that each district make budget information available to the public through the district's website; revising provisions relating to the development of district budgets and review by the Executive Office of the Governor and Legislative Budget Commission; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2142** was adopted. **SB 2142** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—1

Joyner

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2160**

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2160, same being:

An act relating to the Department of Highway Safety and Motor Vehicles.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

- |  |                                       |
|--|---------------------------------------|
| <i>s/ JD Alexander</i>                   | <i>s/ Joe Negron</i>                  |
| Chair                                    | Vice Chair                            |
| <i>s/ Thad Altman</i>                    | <i>s/ Lizbeth Benacquisto</i>         |
| <i>s/ Michael S. "Mike" Bennett</i>      | <i>s/ Ellyn Setnor Bogdanoff</i>      |
| <i>s/ Oscar Braynon II</i>               | Larcenia J. Bullard                   |
| <i>s/ Charles S. "Charlie" Dean, Sr.</i> | <i>s/ Nancy C. Detert</i>             |
| <i>s/ Miguel Diaz de la Portilla</i>     | Paula Dockery                         |
| <i>s/ Greg Evers</i>                     | <i>s/ Mike Fasano</i>                 |
| <i>s/ Anitere Flores</i>                 | <i>s/ Don Gaetz, At Large</i>         |
| <i>s/ Rene Garcia</i>                    | <i>s/ Andy Gardiner, At Large</i>     |
| <i>s/ Alan Hays</i>                      | <i>s/ Anthony C. "Tony" Hill, Sr.</i> |
| <i>s/ Dennis L. Jones, D.C.</i>          | <i>s/ Arthenia L. Joyner</i>          |
| Jack Latvala                             | <i>s/ Evelyn J. Lynn</i>              |
| <i>s/ Gwen Margolis</i>                  | <i>s/ Bill Montford</i>               |
| <i>s/ Jim Norman</i>                     | <i>s/ Steve Oelrich</i>               |
| <i>s/ Nan H. Rich, At Large</i>          | <i>s/ Garrett Richter</i>             |
| <i>s/ Jeremy Ring</i>                    | <i>s/ Maria Lorts Sachs</i>           |
| <i>s/ David Simmons</i>                  | <i>s/ Gary Siplin, At Large</i>       |
| <i>s/ Christopher L. "Chris" Smith</i>   | <i>s/ Eleanor Sobel</i>               |
| <i>s/ Ronda Storms</i>                   | <i>s/ John Thrasher, At Large</i>     |
| <i>s/ Stephen R. Wise</i>                |                                       |

Managers on the part of the Senate

- |  |   |
|--|---|
| <i>s/ Denise Grimsley</i>                | <i>s/ Mike Horner</i>                         |
| Chair                                    | Chair   |
| Gary Aubuchon, At Large                  | Lori Berman                                   |
| Mack Bernard                             | <i>s/ Jeffrey "Jeff" Brandes</i>              |
| Douglas Vaughn "Doug" Broxson            | <i>s/ Matthew H. "Matt" Caldwell</i>          |
| Charles S. "Chuck" Chestnut IV, At Large | Chris Dorworth                                |
| <i>s/ Dorothy L. Hukill, At Large</i>    | <i>s/ Brad Drake</i>                          |
| <i>s/ John Legg, At Large</i>            | <i>s/ Paige Kreegel, At Large</i>             |
| <i>s/ Seth McKeel, At Large</i>          | <i>s/ Carlos Lopez-Cantera, At Large</i>      |
| <i>s/ Lake Ray</i>                       | <i>s/ William L. "Bill" Proctor, At Large</i> |
| Hazelle P. "Hazel" Rogers                | <i>s/ Darryl Ervin Rouson, At Large</i>       |
| Franklin Sands, At Large                 | Ron Saunders, At Large                        |
| Robert C. "Rob" Schenck, At Large        | William D. Snyder, At Large                   |
| Will W. Weatherford, At Large            | <i>s/ Ritch Workman</i>                       |

Managers on the part of the House

The Conference Committee Amendment for SB 2160, relating to the Department of Highway Safety and Motor Vehicles, provides for the following:

- Creates the Division of Motorist Services within the department;
- Transfers the Office of Motor Carrier Compliance sworn law enforcement officers and administrative personnel from the Florida Department of Transportation (FDOT);
- Allows the department to contract with a vendor to outsource the online sale of crash records;
- Authorizes revenue sharing with county tax collectors on the issuance of driver's license replacement and identification cards, beginning July 1, 2015, when the those services are provided by the tax collector;
- Creates a Law Enforcement Consolidation Task Force to evaluate the duplication of law enforcement functions throughout state government;
- Directs the department to contract with providers for online traffic law and substance abuse education courses to serve as third

party provider for online examinations for Class E learner's driver's license; and

- Provides an effective date of July 1, 2011.

**Conference Committee Amendment (213166)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (4) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(4)

(b) The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to:

1. Administration;
2. Planning;
3. Public transportation;
4. Design;
5. Highway operations;
6. Right-of-way;
7. Toll operations;
8. Information systems;
9. Motor carrier *weight inspection compliance*; ~~compliance~~;
10. Management and budget;
11. Comptroller;
12. Construction;
13. Maintenance; and
14. Materials.

Section 2. Subsection (2) of section 20.24, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

20.24 Department of Highway Safety and Motor Vehicles.—There is created a Department of Highway Safety and Motor Vehicles.

(2) The following divisions, and bureaus within the divisions, of the Department of Highway Safety and Motor Vehicles are established:

- (a) Division of the Florida Highway Patrol.
- (b) *Division of Motorist Services.*
- ~~(c) Division of Driver Licenses.~~
- ~~(e) Division of Motor Vehicles.~~

(3) *The Office of Motor Carrier Compliance is established within the Division of the Florida Highway Patrol.*

Section 3. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which ~~positions~~ include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Family Services that are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections that are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices, as defined in s. 20.23(4)(b) and (5)(c), ~~and captains and majors of the Office of Motor Carrier Compliance.~~

4. Positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 4. Paragraph (e) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The Office of Tourism, Trade, and Economic Development shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The office shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The office shall promulgate rules which shall:

(e) Verify entitlement to issuance of special motor vehicle license plates by ~~the Division of Motor Vehicles~~ of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

Section 5. Paragraph (f) of subsection (1) of section 311.115, Florida Statutes, is amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(f) One member from the Office of Motor Carrier Compliance of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~.

Section 6. Paragraph (a) of subsection (3) of section 311.121, Florida Statutes, is amended to read:

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(3) The Seaport Security Officer Qualification, Training, and Standards Coordinating Council is created under the Department of Law Enforcement.

(a) The executive director of the Department of Law Enforcement shall appoint 11 members to the council, to include:

1. The seaport administrator of the Department of Law Enforcement.

- 2. The Commissioner of Education or his or her designee.
- 3. The director of the Division of Licensing of the Department of Agriculture and Consumer Services.
- 4. The administrator of the Florida Seaport Transportation and Economic Development Council.
- 5. Two seaport security directors from seaports designated under s. 311.09.
- 6. One director of a state law enforcement academy.
- 7. One representative of a local law enforcement agency.
- 8. Two representatives of contract security services.
- 9. One representative of the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles.

Section 7. Subsections (1), (2), (4), and (5) of section 316.066, Florida Statutes, are amended, and present subsections (3), (4), (5), and (6) of that section are renumbered as subsections (2), (3), (4), and (5), respectively, to read:

316.066 Written reports of crashes.—

(1)(a) A Florida Traffic Crash Report, Long Form is required to be completed and submitted to the department within 10 days after completing an investigation by every law enforcement officer who in the regular course of duty investigates a motor vehicle crash *that*:

- 1. ~~That~~ Resulted in death or personal injury.
- 2. ~~That~~ Involved a violation of s. 316.061(1) or s. 316.193.

~~2. In which a vehicle was rendered inoperative to a degree that required a wrecker to remove it from traffic, if such action is appropriate, in the officer's discretion.~~

(b) In every crash for which a Florida Traffic Crash Report, Long Form is not required by this section, the law enforcement officer may complete a short-form crash report or provide a *driver exchange-of-information form* ~~short-form crash report~~ to be completed by each party involved in the crash. The short-form report must include:

- 1. The date, time, and location of the crash.
- 2. A description of the vehicles involved.
- 3. The names and addresses of the parties involved, *including all drivers and passengers*.
- 4. The names and addresses of witnesses.
- 5. The name, badge number, and law enforcement agency of the officer investigating the crash.
- 6. The names of the insurance companies for the respective parties involved in the crash.

(c) Each party to the crash *must shall* provide the law enforcement officer with proof of insurance, *which must be documented to be included* in the crash report. If a law enforcement officer submits a report on the crash ~~accident~~, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.

(d) The driver of a vehicle that was in any manner involved in a crash resulting in damage to any vehicle or other property in an amount of \$500 or more, which ~~crash~~ was not investigated by a law enforcement agency, shall, within 10 days after the crash, submit a written report of the crash to the department ~~or traffic records center~~. The entity receiving the report may require witnesses of *the crash* ~~crashes~~ to render

reports and may require any driver of a vehicle involved in a crash of which a written report must be made ~~as provided in this section~~ to file supplemental written reports *if* ~~whenever~~ the original report is deemed insufficient by the receiving entity.

(e) Short-form crash reports prepared by law enforcement shall be maintained by the law enforcement officer's agency.

~~(2)(a) One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash data to the agency; and the medium in which the traffic records must be submitted to the agency.~~

~~(b) In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the crash. A driver who is required to file a crash report must be notified of the proper place to submit the completed report.~~

~~(c) Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:~~

For a crash report.....	\$10 per copy.
For a homicide report.....	\$25 per copy.
For a uniform traffic citation.....	\$0.50 per copy.

~~The fees collected for copies of the public records provided by a certified traffic records center shall be used to fund the center or otherwise as designated by the county or counties participating in the center.~~

~~(3)(4)(a) Any driver failing to file the written report required under subsection (1) or subsection (2) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.~~

(b) Any employee of a state or local agency in possession of information made confidential and exempt by this section who knowingly discloses such confidential and exempt information to a person not entitled to access such information under this section *commits is guilty of* a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person, knowing that he or she is not entitled to obtain information made confidential and exempt by this section, who obtains or attempts to obtain such information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Any person who knowingly uses confidential and exempt information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(4)(5) Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. No Such report or statement may not shall be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and are shall be admissible into evidence in accordance with the provisions of s. 316.1934(2). Crash reports made by persons involved in crashes shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."~~

Section 8. Section 316.1957, Florida Statutes, is amended to read:

316.1957 Parking violations; designated parking spaces for persons who have disabilities.—When evidence is presented in any court of the fact that any motor vehicle was parked in a properly designated parking space for persons who have disabilities in violation of s. 316.1955, it is prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the ~~department~~ *Division of Motor Vehicles*.

Section 9. Subsections (4), (5), (6), (7), and (8) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(4)(a) Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, subpart G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

(b) In addition to the penalties provided in s. 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of its officers, drivers, agents, representatives, employees, or shippers of hazardous materials that do not comply with this subsection or any rule adopted by a state agency that is consistent with the federal rules and regulations regarding hazardous materials commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. To ensure compliance with this subsection, ~~enforcement officers of the Motor Carrier Compliance Office within the Department of Transportation~~ and state highway patrol officers may inspect shipping documents and cargo of any vehicle known or suspected to be a transporter of hazardous materials.

(5) The Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ may adopt and revise rules to assure the safe operation of commercial motor vehicles. The Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ may enter into cooperative agreements as provided in 49 C.F.R. part 388. Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ personnel may conduct motor carrier and shipper compliance reviews for the purpose of determining compliance with this section and s. 627.7415.

(6) The state Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ shall perform the duties that are assigned to the Field Administrator, Federal Motor Carrier Safety Administration under the federal rules, and an agent of that department, ~~as described in s. 316.545(9)~~, may enforce those rules.

(7) A person who operates a commercial motor vehicle solely in intrastate commerce shall direct to the state Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ any communication that the federal rules require persons subject to the jurisdiction of the United States Department of Transportation to direct to that department.

(8) For the purpose of enforcing this section, any law enforcement officer of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice requiring correction of the condition within 14 days.

(a) Any member of the Florida Highway Patrol or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640 who has reason to believe that a vehicle or driver is operating in an

unsafe condition may, as provided in subsection (10), enforce the provisions of this section.

(b) Any person who fails to comply with an officer's request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 10. Paragraph (a) of subsection (6) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(6)(a) Only an officer or agent of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ is authorized to collect the penalty provided by this section. Such officer or agent shall cooperate with the owner or driver of the motor vehicle so as not to unduly delay the vehicle.

Section 11. Subsections (1), (2), and (3) of section 316.3026, Florida Statutes, are amended to read:

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Motor Carrier Compliance ~~of the Department of Transportation~~ may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who, ~~have~~ after proper notice, ~~have~~ failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements ~~found~~ in s. 627.7415. Such out-of-service orders ~~shall~~ have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until ~~such time as~~ the violations have been corrected or penalties have been paid. Out-of-service orders ~~issued under this section~~ must be approved by the ~~director of the Division of the Florida Highway Patrol~~ *Secretary of Transportation* or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

(2) Any motor carrier enjoined or prohibited from operating by an out-of-service order by this state, any other state, or the Federal Motor Carrier Safety Administration may not operate on the roadways of this state until the motor carrier has been authorized to resume operations by the originating enforcement jurisdiction. Commercial motor vehicles owned or operated by any motor carrier prohibited from operation found on the roadways of this state shall be placed out of service by law enforcement officers of the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~, and the motor carrier assessed a \$10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in addition to any other penalties imposed on the driver or other responsible person. Any person who knowingly drives, operates, or causes to be operated any commercial motor vehicle in violation of an out-of-service order issued by the department in accordance with this section commits a felony of the third degree, punishable as provided in s. 775.082(3)(d). Any costs associated with the impoundment or storage of such vehicles are the responsibility of the motor carrier. Vehicle out-of-service orders may be rescinded when the department receives proof of authorization for the motor carrier to resume operation.

(3) In addition to the sanctions found in subsections (1) and (2), the Department of *Highway Safety and Motor Vehicles* ~~Transportation~~ may petition the circuit courts of this state to enjoin any motor carrier from operating when it fails to comply with out-of-service orders issued by a competent authority within or outside this state.

Section 12. Subsection (1) of section 316.516, Florida Statutes, is amended to read:

316.516 Width, height, and length; inspection; penalties.—

(1) Any law enforcement officer, as prescribed in s. 316.640, or any weight ~~inspector and safety officer~~ of the Department of Transportation, as prescribed in s. 316.545(1), who has reason to believe that the width, height, or length of a vehicle or combination of vehicles and the load thereon is not in conformance with s. 316.515 is authorized to require the driver to stop and submit such vehicle and load to measurement of its width, height, or length.

Section 13. Subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (b) of subsection (4), and subsections (5), (9), and (10) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(1) ~~Any officer of the Florida Highway Patrol weight and safety officer of the Department of Transportation~~ having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or fixed scales and may require that such vehicle be driven to the nearest weigh station or public scales, provided such a facility is within 5 highway miles. Upon a request by the vehicle driver, the officer shall weigh the vehicle at fixed scales rather than by portable scales if such a facility is available within 5 highway miles. Anyone who refuses to submit to such weighing obstructs an officer pursuant to s. 843.02 and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Anyone who knowingly and willfully resists, obstructs, or opposes a weight and safety officer while refusing to submit to such weighing by resisting the officer with violence to the officer's person pursuant to s. 843.01 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Whenever an officer of the Florida Highway Patrol or a weight inspector of the Department of Transportation, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits.

(b) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle, as defined in s. 316.003(66), to determine if its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle, as defined in s. 316.003(66), is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. If the license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed \$1,000. In the case of special mobile equipment as defined in s. 316.003(48), which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of \$75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized

in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

(4)

(b) In addition to the penalty provided for in paragraph (a), the vehicle may be detained until the owner or operator of the vehicle furnishes evidence that the vehicle has been properly registered pursuant to s. 207.004. Any officer of the Florida Highway Patrol or agent of the Department of Transportation may issue a temporary fuel use permit and collect the appropriate fee as provided for in s. 207.004(4). Notwithstanding the provisions of subsection (6), all permit fees collected pursuant to this paragraph shall be transferred to the Department of Highway Safety and Motor Vehicles to be allocated pursuant to s. 207.026.

(5) Whenever any person violates the provisions of this chapter and becomes indebted to the state because of such violation in the amounts aforesaid and refuses to pay said penalty, in addition to the provisions of s. 316.3026, such penalty shall become a lien upon the motor vehicle, and the same may be foreclosed by the state in a court of equity. It shall be presumed that the owner of the motor vehicle is liable for the sum. Any person, firm, or corporation claiming an interest in the seized motor vehicle may, at any time after the lien of the state attaches to the motor vehicle, obtain possession of the seized vehicle by filing a good and sufficient forthcoming bond with the officer having possession of the vehicle, payable to the Governor of the state in twice the amount of the state's lien, with a corporate surety duly authorized to transact business in this state as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of such lien. It shall be presumed that the owner of the motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of Highway Safety and Motor Vehicles ~~Transportation~~ for safekeeping. The lien of the state against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his or her forthcoming bond, the state shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the state may, at its option, proceed to sue out execution against the defendant and his or her sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

~~(9) Any agent of the Department of Transportation who is employed for the purpose of being a weight and safety officer and who meets the qualifications established by law for law enforcement officers shall have the same arrest powers as are granted any law enforcement officer for the purpose of enforcing the provisions of weight, load, safety, commercial motor vehicle registration, and fuel tax compliance laws.~~

(9)(10) The Department of Transportation may employ weight inspectors to operate its fixed-scale facilities. Weight inspectors on duty at a fixed-scale facility are authorized to enforce the laws governing commercial motor vehicle weight, registration, size, and load and to assess and collect civil penalties for violations of said laws. A weight inspector may detain a commercial motor vehicle that has an obvious safety defect critical to the continued safe operation of the vehicle or that is operating in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records database. The weight inspector may immediately summon a law enforcement officer of the Department of Highway Safety and Motor Vehicles ~~Transportation~~, or other law enforcement officer authorized by s. 316.640 to enforce the traffic laws of this state, to take appropriate enforcement action. The vehicle shall be released if the defect is repaired prior to the arrival of a law enforcement officer. Weight inspectors shall not be classified as law enforcement officers subject to certification requirements of chapter 943, and are not authorized to carry weapons or make arrests. Any person who obstructs, opposes, or resists a weight inspector in the performance of the duties herein prescribed shall be guilty of an offense as described in subsection (1) for obstructing, opposing, or resisting a law enforcement officer.

Section 14. Paragraph (b) of subsection (1) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(1)

(b) The ~~department~~ ~~Division of Motor Vehicles~~ shall provide notice of the requirement for child restraint devices, which notice shall accompany the delivery of each motor vehicle license tag.

Section 15. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of Environmental Protection; ~~law enforcement officers of the Department of Transportation~~; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers shall have authority to enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1). Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance

with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

4. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons, and such an officer does not have authority to make arrests.

Section 16. Paragraph (a) of subsection (1) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to enter into or comply with the terms of a penalty payment plan with the clerk of the court in accordance with ss. 318.14 and 28.246, fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify ~~the Division of Driver Licenses~~ of the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of 7 years from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

Section 17. Paragraph (b) of subsection (3) and subsection (5) of section 320.05, Florida Statutes, are amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(3)

(b) Fees therefor shall be charged and collected as follows:

1. For providing lists of motor vehicle or vessel records for the entire state, or any part or parts thereof, divided according to counties, a sum computed at a rate of not less than 1 cent nor more than 5 cents per item.

2. For providing noncertified photographic copies of motor vehicle or vessel documents, \$1 per page.

3. For providing noncertified photographic copies of micrographic records, \$1 per page.

4. For providing certified copies of motor vehicle or vessel records, \$3 per record.

5. For providing noncertified computer-generated printouts of motor vehicle or vessel records, 50 cents per record.

6. For providing certified computer-generated printouts of motor vehicle or vessel records, \$3 per record.

7. For providing electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

8. For providing electronic access to driver's license status report by name, sex, and date of birth or by driver license number, 50 cents per item.

9. For providing lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers, \$15 per list.

10. For providing lists of licensed motor vehicle dealers, \$25 per list.

11. For each copy of a videotape record, \$15 per tape.

12. For each copy of the Division of *Motorist Services* ~~Motor Vehicles~~ Procedures Manual, \$25.

(5) The creation and maintenance of records by ~~the department and the Division of Motorist Services~~ ~~Motor Vehicles~~ pursuant to this chapter shall not be regarded as law enforcement functions of agency recordkeeping.

Section 18. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal if the owner pays for the vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation *or the Department of Highway Safety and Motor Vehicles* ~~Motor Carrier Compliance Office~~. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 19. Paragraphs (a) and (b) of subsection (2) of section 320.275, Florida Statutes, are amended to read:

320.275 Automobile Dealers Industry Advisory Board.—

(2) MEMBERSHIP, TERMS, MEETINGS.—

(a) The board shall be composed of 12 members. The executive director of the Department of Highway Safety and Motor Vehicles shall appoint the members from names submitted by the entities for the designated categories the member will represent. The executive director shall appoint one representative of the Department of Highway Safety and Motor Vehicles, ~~who must represent the Division of Motor Vehicles~~; two representatives of the independent motor vehicle industry as recommended by the Florida Independent Automobile Dealers Association; two representatives of the franchise motor vehicle industry as recommended by the Florida Automobile Dealers Association; one representative of the auction motor vehicle industry who is from an auction chain and is recommended by a group affiliated with the National Auto Auction Association; one representative of the auction motor vehicle industry who is from an independent auction and is recommended by a group affiliated with the National Auto Auction Association; one representative from the Department of Revenue; a Florida tax collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The executive director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from

the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida tax collector, and one representative from the Better Business Bureau.

2. The executive director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the ~~department~~ ~~Division of Motor Vehicles~~.

3. As the initial terms expire, the executive director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

4. The board shall appoint a chair and vice chair at its initial meeting and every 2 years thereafter.

Section 20. Subsection (1) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws ~~now in effect~~ regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, *including the security and safety of this state's transportation infrastructure*; to make arrests without warrant for the violation of any state law committed in their presence in accordance with ~~the laws of this state law~~; providing that no search ~~may~~ ~~shall~~ be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, *including the safety, size, and weight of commercial motor vehicles*; ~~to cooperate with officials designated by law~~ to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, *including the taxing and registration of commercial motor vehicles*; to require the drivers of vehicles to stop and exhibit their driver's licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, *if when* requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section ~~does shall not be construed as being in~~ conflict with, but is supplemental to, chapter 933.

Section 21. Subsections (2), (3), (4), and (5) of section 321.23, Florida Statutes, are amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and collected as follows:

- (a) For a crash report, a copy . . . . . \$10
- (b) For a homicide report, a copy. . . . . \$25
- (c) For a uniform traffic citation, a copy . . . . . \$0.50
- (d)(e) Photographs (accidents, etc.):

Enlargement Proof	Color	Black & White
1. 5" x 7"	\$1.00	\$0.75
2. 8" x 10"	\$1.50	\$1.00
3. 11" x 14"	Not Available	\$1.75
4. 16" x 20"	Not Available	\$2.75
5. 20" x 24"	Not Available	\$3.75

(d) The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

(3) Fees collected under this section shall be deposited in the Highway Safety Operating Trust Fund, unless the department provides the crash report online, in which case the department may distribute up to \$5 of the amount collected per copy to the investigating agency.

(4) The department may ~~is authorized to~~ destroy reports, records, documents, papers, and correspondence which are considered obsolete.

(5) The department may scan, ~~is authorized to~~ photograph, microphotograph, or reproduce on film such documents, records, and reports as it may select. The photographs or microphotographs in the form of film or print of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof ~~would have~~ and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

Section 22. Subsection (3) of section 322.02, Florida Statutes, is amended to read:

322.02 Legislative intent; administration.—

(3) The department shall employ a director, who is charged with the duty of serving as the executive officer of the Division of ~~Motorist Services~~ ~~Driver Licenses~~ of the department insofar as the administration of this chapter is concerned. He or she shall be subject to the supervision and direction of the department, and his or her official actions and decisions as executive officer shall be conclusive unless the same are superseded or reversed by the department or by a court of competent jurisdiction.

Section 23. Subsections (1) and (5) of section 322.135, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

322.135 Driver's license agents.—

(1) The department shall, upon application, authorize by *interagency agreement* any or all of the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A service fee of \$6.25 shall be charged, in addition to the fees set forth in this chapter, for providing all services pursuant to this chapter. The service fee may not be charged:

- 1. More than once per customer during a single visit to a tax collector's office.
- 2. For a reexamination requested by the Medical Advisory Board or required pursuant to s. 322.221.
- 3. For a voter registration transaction.
- 4. In violation of any federal or state law.

(5) ~~All driver's license issuance services shall be assumed by the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015. The implementation shall follow the schedule outlined in the transition report of February 1, 2011, which was required pursuant to chapter 2010-163, Laws of Florida. The department, in conjunction with the Florida Tax Collectors Association and the Florida Association of Counties, shall develop a plan to transition all driver's license issuance services to the county tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution. The transition plan must be submitted to the President of the Senate and the Speaker of the House of Representatives on or before February 1, 2011. The transition plan must include a timeline to complete the full transition of all driver's license issuance services no later than June 30, 2015, and may include, but is not limited to, recommendations on the use of regional service centers, interlocal agreements, and equipment.~~

(7) ~~The department may create exceptions by rule for tax collectors who cannot provide full driver's license services due to the small population in the tax collectors' county.~~

Section 24. Subsections (9), (10), (13), (14), and (16) of section 322.20, Florida Statutes, are amended to read:

322.20 Records of the department; fees; destruction of records.—

(9) The department may, upon application, furnish to any person, from ~~its~~ the records of the Division of Driver Licenses, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. In addition, the department may furnish to the courts, for the purpose of establishing jury selection lists, the names, addresses, and birth dates of the persons of the entire state or any portion thereof by age group having identification cards issued by the department. Each person who requests such information shall pay a fee, set by the department, of 1 cent per name listed, except that the department shall furnish such information without charge to the courts for the purpose of jury selection or to any state agency or to any state attorney, sheriff, or chief of police. Such court, state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the noncomplying court, state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

(10) ~~The department~~ ~~Division of Driver Licenses~~ is authorized, upon application of any person and payment of the proper fees, to search and to assist such person in the search of the records of the department and make reports thereof and to make photographic copies of the departmental records and attestations thereof.

(13) ~~The department~~ ~~Division of Driver Licenses~~ shall implement a system that allows either parent of a minor, or a guardian, or other responsible adult who signed a minor's application for a driver's license to have Internet access through a secure website to inspect the minor's driver history record. Internet access to driver history records granted to a minor's parents, guardian, or other responsible adult shall be furnished by the department at no fee and shall terminate when the minor attains 18 years of age.

(14) The department is authorized in accordance with chapter 257 to destroy reports, records, documents, papers, and correspondence ~~in the Division of Driver Licenses~~ which are considered obsolete.

(16) The creation and maintenance of records by ~~the Division of Motorist Services within the department and the Division of Driver Licenses~~ pursuant to this chapter shall not be regarded as law enforcement functions of agency recordkeeping.

Section 25. Section 322.202, Florida Statutes, is amended to read:

322.202 Admission of evidence obtained from the Division of ~~Motorist Services Driver Licenses and the Division of Motor Vehicles.~~—

(1) The Legislature finds that the Division of ~~Motorist Services Driver Licenses and the Division of Motor Vehicles~~ of the Department of Highway Safety and Motor Vehicles ~~is~~ *are* not a law enforcement agency agencies. The Legislature also finds that the ~~division is not an adjunct division~~ *are not adjuncts* of any law enforcement agency in that employees have no stake in particular prosecutions. The Legislature further finds that errors in records maintained by the divisions are not within the collective knowledge of any law enforcement agency. The Legislature also finds that the missions of the division of ~~Driver Licenses, the Division of Motor Vehicles,~~ and the Department of Highway Safety and Motor Vehicles provide a sufficient incentive to maintain records in a current and correct fashion.

(2) The Legislature finds that the purpose of the exclusionary rule is to deter misconduct on the part of law enforcement officers and law enforcement agencies.

(3) The Legislature finds that the application of the exclusionary rule to cases where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the divisions is repugnant to the purposes of the exclusionary rule and contrary to the decisions of the United States Supreme Court in *Arizona v. Evans*, 514 U.S. 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

(4) In any case where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the divisions, evidence found pursuant to such an arrest shall not be suppressed by application of the exclusionary rule on the grounds that the arrest is subsequently determined to be unlawful due to erroneous information obtained from the divisions.

Section 26. Paragraphs (e) and (f) of subsection (1) and subsection (2) of section 322.21, Florida Statutes, are amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(e) A replacement driver's license issued pursuant to s. 322.17 is \$25. Of this amount \$7 shall be deposited into the Highway Safety Operating Trust Fund and \$18 shall be deposited into the General Revenue Fund. *Beginning July 1, 2015, or upon completion of the transition of driver's license issuance services, if the replacement driver's license is issued by the tax collector, the tax collector shall retain the \$7 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.*

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is \$25. Funds collected from these fees shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051 the fee is \$25. This amount shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051 the fee is \$25. Of this amount, \$6 shall be deposited into the Highway Safety Operating Trust Fund and \$19 shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited into the Highway Safety Operating Trust Fund and \$16 shall be deposited into the General Revenue Fund. *Beginning July 1, 2015, or upon completion of the transition of the driver's license issuance services, if the replacement*

*identification card is issued by the tax collector, the tax collector shall retain the \$9 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.*

(2) It is the duty of the director of the Division of ~~Motorist Services Driver Licenses~~ to set up a division in the department with the necessary personnel to perform the necessary clerical and routine work for the department in issuing and recording applications, licenses, and certificates of eligibility, including the receiving and accounting of all license funds and their payment into the State Treasury, and other incidental clerical work connected with the administration of this chapter. The department may use such electronic, mechanical, or other devices as necessary to accomplish the purposes of this chapter.

Section 27. Subsection (8) is added to section 322.56, Florida Statutes, to read:

322.56 Contracts for administration of driver's license examination.—

(8) *The department shall contract with providers of approved online traffic law and substance abuse education courses to serve as third-party providers to conduct online, on behalf of the department, examinations required pursuant to ss. 322.12 and 322.1615 to applicants for Class E learner's driver's licenses.*

(a) *The online testing program shall:*

1. *Use personal questions before the examination, which the applicant is required to answer during the examination, to strengthen test security to deter fraud;*

2. *Require, before the start of the examination, the applicant's parent, guardian, or other responsible adult who meets the requirements of s. 322.09 to provide the third-party administrator with his or her driver's license number and to certify that the parent, guardian, or responsible adult will monitor the applicant during the examination; and*

3. *Require, before issuance by the department of a learner's driver's license to an applicant who has passed an online examination, the applicant's parent, guardian, or other responsible adult who meets the requirements of s. 322.09 to certify to the department that he or she monitored the applicant during the online examination. This certification shall be similar to the certification required by s. 322.05(3). This subsection does not preclude the department from continuing to provide written examinations at driver's license facilities.*

(b) *All data regarding an applicant's completion of the examinations required in ss. 322.12 and 322.1615 must be submitted to the department electronically in a format specified by the department. This shall be the official documentation for the completion of the examination. A third-party provider that is found to be in violation of this paragraph is automatically ineligible to provide online testing on behalf of the department for a minimum of 1 year.*

(c) *The department may adopt rules to administer this subsection.*

Section 28. Subsection (32) of section 334.044, Florida Statutes, is repealed.

Section 29. Subsection (2) of section 413.012, Florida Statutes, is amended to read:

413.012 Confidential records disclosure prohibited; exemptions.—

(2) It is unlawful for any person to disclose, authorize the disclosure, solicit, receive, or make use of any list of names and addresses or any record containing any information set forth in subsection (1) and maintained in the division. The prohibition provided for in this subsection shall not apply to the use of such information for purposes directly connected with the administration of the vocational rehabilitation program or with the monthly dispatch to the Division of ~~Motorist Services Driver Licenses~~ of the Department of Highway Safety and Motor Vehicles of the name in full, place and date of birth, sex, social security number, and resident address of individuals with central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no

greater than 20 degrees. When requested in writing by an applicant or client, or her or his representative, the Division of Blind Services shall release confidential information to the applicant or client or her or his representative.

Section 30. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.	697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.	796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
316.066 (3)(4)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	817.233	3rd	Burning to defraud insurer.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
327.35(2)(b)	3rd	Felony BUI.	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	817.236	3rd	Filing a false motor vehicle insurance application.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	817.413(2)	3rd	Sale of used goods as new.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.	817.505(4)	3rd	Patient brokering.
379.2431 (1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.	843.19	3rd	Injure, disable, or kill police dog or horse.
			860.15(3)	3rd	Overcharging for repairs and parts.
			870.01(2)	3rd	Riot; inciting or encouraging.
			893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3.,

Florida Statute	Felony Degree	Description	
		(2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).	(2) <i>The Department of Highway Safety and Motor Vehicles shall provide administrative assistance to the task force. However, this does not include travel expenses incurred by members of the task force, which shall be borne by the agency that the member represents.</i>
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.	(3) <i>The task force shall evaluate any duplication of law enforcement functions throughout state government and identify any functions that are appropriate for possible consolidation. The task force shall also evaluate administrative functions, including, but not limited to, accreditation, training, legal representation, vehicle fleets, aircraft, civilian-support staffing, information technology, and geographic regions, districts, or troops currently in use. The task force shall also evaluate whether the Florida Highway Patrol should limit its jurisdiction, except while in fresh pursuit, to the State Highway System or the Florida Intrastate Highway System. If the task force concludes that any state law enforcement consolidation is appropriate, the task force shall make recommendations and submit a plan to consolidate those state law enforcement responsibilities. Any plan submitted must include recommendations on the methodology to be used to achieve any state law enforcement consolidation recommended by the task force by June 30, 2013. The task force shall submit to the President of the Senate and the Speaker of the House of Representatives a report which includes any recommendations and plan developed by the task force by December 31, 2011. The task force expires June 30, 2012.</i>
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.	
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.	
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.	
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.	Section 32. (1) <i>The Office of Motor Carrier Compliance of the Department of Transportation is transferred to the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles as provided in Senate Bill 2000 of the General Appropriations Act for the 2011-2012 fiscal year.</i>
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.	(2) <i>Notwithstanding ss. 216.192 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this section.</i>
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.	
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.	Section 33. This act shall take effect July 1, 2011.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.	And the title is amended as follows:
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.	Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 20.23, F.S.; creating motor carrier weight inspection as an area of program responsibility within the Department of Transportation, which replaces motor carrier compliance; amending s. 20.24, F.S.; revising the divisions within the Department of Highway Safety and Motor Vehicles; creating the Office of Motor Carrier Compliance of the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles; amending ss. 110.205, 311.115, 316.302, 316.3025, 316.3026, 316.516, 316.545, 316.640, 320.18, and 321.05, F.S.; conforming provisions to changes made by the act; amending s. 288.816, F.S.; requiring the department rather than the Division of Motor Vehicles to issue special motor vehicle license plates; amending s. 311.121, F.S.; providing for a representative of the department rather than the Division of Driver Licenses to be appointed to the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending s. 316.066, F.S.; revising circumstances under which a law enforcement officer is required to submit to the department a Florida Traffic Crash Report, Long Form; providing for the use of driver exchange-of-information forms under certain circumstances; eliminating provisions authorizing counties to establish certified central traffic records centers, including provisions authorizing the funding of such centers; deleting restrictions on the commercial use of crash reports; amending s. 316.1957, F.S.; requiring that motor vehicle records be maintained by the department; amending s. 316.613, F.S.; requiring the department rather than the Division of Motor Vehicles to provide notice of the requirements for child restraint devices; amending s. 318.15, F.S.; providing for the department rather than the Division of Driver Licenses to administer certain provisions governing the suspension of a person's driver's license and privilege to drive; amending s. 320.05, F.S.; providing for a Division of Motorist Services Procedures Manual; clarifying that the creation and maintenance of records by the division is not a law enforcement function; amending s. 320.275, F.S.; providing for a representative of the department rather than the Divi-
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.	
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	

Section 31. *Effective July 1, 2011, a Law Enforcement Consolidation Task Force is created.*

(1) *Members of the task force shall consist of the executive director of the Department of Highway Safety and Motor Vehicles, the executive director of the Department of Law Enforcement, a representative from the Office of the Attorney General, a representative from the Department of Agriculture and Consumer Services, the Colonel of the Florida Highway Patrol, the Colonel of the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, a representative from the Florida Sheriffs Association, and a representative from the Florida Police Chiefs Association.*

sion of Motor Vehicles to be appointed to the Automobile Dealers Industry Advisory Board; amending s. 321.23, F.S.; specifying the fee to be charged for a copy of a uniform traffic citation; providing for a portion of the fees for crash reports to be distributed to the investigating agency under certain circumstances; authorizing the Department of Highway Safety and Motor Vehicles to scan the records of crash reports, which shall be considered original copies; amending s. 322.02, F.S.; providing for the Division of Motorist Services to administer ch. 322, F.S., relating to driver's licenses; amending s. 322.135, F.S.; providing duties of the tax collectors with respect to driver's license services; directing the tax collectors who are constitutional officers to assume all driver's license issuance services by a certain date and according to a specified schedule; deleting obsolete provisions; authorizing the department to create exceptions by rule for tax collectors in counties having small populations; amending s. 322.20, F.S.; providing for the department and the Division of Motorist Services to maintain certain records; amending s. 322.202, F.S.; clarifying that the Division of Motorist Services is not a law enforcement agency and is not an adjunct of any law enforcement agency; amending s. 322.21, F.S.; requiring that, beginning on a specified date, certain fees be retained by the tax collectors who issue driver's licenses following the transition of the driver's license issuance services; providing for the Division of Motorist Services to collect fees and issue driver's licenses and identification cards and account for all license funds in the administration of ch. 322, F.S.; amending s. 322.56, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to contract with third-party providers to conduct online examinations for applicants of learner's driver's licenses; providing for requirements for the online testing program; prohibiting a third-party provider from providing testing services on behalf of the department for a certain period if the provider fails to comply with certain requirements; authorizing the department to adopt rules; repealing s. 334.044(32), F.S., relating to the authorization of the Office of Motor Carrier Compliance within the Department of Transportation to employ sworn law enforcement officers to enforce traffic and criminal laws in this state; amending s. 413.012, F.S., relating to certain confidential records; conforming a reference to changes made by the act; amending s. 921.0022, F.S.; conforming a cross-reference; creating the Law Enforcement Consolidation Task Force; providing for membership; requiring the Department of Highway Safety and Motor Vehicles to provide administrative assistance to the task force; requiring the agency that is represented by a member of the task force to bear the travel expenses incurred by the member; requiring the task force to evaluate the duplication of law enforcement functions and to identify possible consolidation; requiring the task force to evaluate administrative functions; requiring the task force to make recommendations and submit a report to the Legislature by a certain date; providing for future expiration; transferring the Office of Motor Carrier Compliance of the Department of Transportation to the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; authorizing the Executive Office of the Governor to transfer funds and positions between agencies; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2160** was adopted. **SB 2160** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Mr. President	Gaetz	Norman
Altman	Garcia	Oelrich
Benacquisto	Gardiner	Rich
Bennett	Hays	Richter
Bogdanoff	Hill	Ring
Braynon	Jones	Sachs
Dean	Joyner	Simmons
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Evers	Margolis	Storms
Fasano	Montford	Thrasher
Flores	Negron	Wise

Nays—2

Dockery	Siplin
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By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2162**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2162, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
Christopher L. "Chris" Smith	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Chair	<i>s/ John Legg</i> Lead House Manager
Gary Aubuchon, At Large	Charles S. "Chuck" Chestnut IV, At Large
<i>s/ Dorothy L. Hukill, At Large</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Paige Kreegel, At Large</i>	<i>s/ William L. "Bill" Proctor,</i> At Large
<i>s/ Seth McKeel, At Large</i>	Ron Saunders, At Large
<i>s/ Darryl Ervin Rouson, At Large</i>	<i>s/ William D. Snyder, At Large</i>
Franklin Sands, At Large	
Robert C. "Rob" Schenck, At Large	
Will W. Weatherford, At Large	

Managers on the part of the House

The Conference Committee Amendment for SB 2162, relating to trust funds, provides for the following:

This bill creates the Welfare Transition Trust Fund within the Department of Education. This trust fund is needed in order to implement the transfer of programs to the Department of Education as proposed in legislation before the 2011 Legislature. Specifically, the School Readiness Program, proposed for transfer from the Agency for Workforce Innovation to the Department of Education as part of the creation of the Department of Economic Opportunity, is currently partially funded with federal funds derived from the Temporary Assistance for Needy Families (TANF) Block Grant.

The trust fund is established for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families Program. Trust fund moneys shall be used exclusively for the purpose of providing services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.

All funds transferred to and retained in the trust fund shall be invested pursuant to s. 17.61, Florida Statutes. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any undisbursed balance remaining in the trust fund and interest accruing to the trust fund not distributed at the end of the fiscal year shall remain in the trust fund and shall increase the total funds available for appropriation from the trust fund.

In accordance with s. 19(f)(2), Article III of the State Constitution, the Welfare Transition Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

The effective date of the bill is July 1, 2011.

**Conference Committee Amendment (171528)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *Welfare Transition Trust Fund.*—

(1) *The Welfare Transition Trust Fund is created within the Department of Education.*

(2) *The trust fund is established for use as a depository for receiving federal funds under the Temporary Assistance for Needy Families Program. Trust fund moneys shall be used exclusively for the purpose of providing services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Funds credited to the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.*

(3) *In accordance with s. 19(f)(2), Article III of the State Constitution, the Welfare Transition Trust Fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.*

Section 2. This act shall take effect July 1, 2011, except that this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Education; providing for sources of funds and purposes; providing for future review and termination or recreation of the trust fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2162** was adopted. **SB 2162** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Hill
Alexander	Dockery	Jones
Altman	Evers	Joyner
Benacquisto	Fasano	Latvala
Bennett	Flores	Lynn
Bogdanoff	Gaetz	Margolis
Braynon	Garcia	Montford
Dean	Gardiner	Negron
Detert	Hays	Norman

Oelrich	Sachs	Sobel
Rich	Simmons	Storms
Richter	Siplin	Thrasher
Ring	Smith	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

#### CONFERENCE COMMITTEE REPORT ON SB 2154

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2154, same being:

An act relating to the Florida Housing Finance Corporation.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i>	<i>s/ Joe Negron</i>
Chair	Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i>	<i>s/ Mike Horner</i>
Committee Chair	Chair
Gary Aubuchon, At Large	Lori Berman
Mack Bernard	<i>s/ Jeffrey "Jeff" Brandes</i>
Douglas Vaughn "Doug"	<i>s/ Matthew H. "Matt" Caldwell</i>
Broxson	Charles S. "Chuck" Chestnut IV,
Chris Dorworth	At Large
<i>s/ Brad Drake</i>	<i>s/ Dorothy L. Hukill, At Large</i>
<i>s/ Paige Kreegel, At Large</i>	<i>s/ John Legg, At Large</i>
<i>s/ Carlos Lopez-Cantera, At Large</i>	<i>s/ Seth McKeel, At Large</i>
<i>s/ William L. "Bill" Proctor,</i>	<i>s/ Lake Ray</i>
At Large	Hazelle P. "Hazel" Rogers
<i>s/ Darryl Ervin Rouson, At Large</i>	Franklin Sands, At Large
Ron Saunders, At Large	Robert C. "Rob" Schenck, At Large
<i>s/ William D. Snyder, At Large</i>	Will W. Weatherford, At Large
<i>s/ Ritch Workman</i>	

Managers on the part of the House

The Conference Committee Amendment for SB 2154, creating the Federal Grants Trust Fund within the Executive Office of the Governor, provides for the following:

This bill creates the Federal Grants Trust Fund within the Executive Office of the Governor for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

This trust fund is needed in order to implement the transfer of the Division of Emergency Management from the Department of Community Affairs to the Executive Office of the Governor as proposed in legislation before the 2011 Legislature.

Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any undisbursed balance remaining in the trust fund and interest accruing to the trust fund not distributed at the end of the fiscal year shall remain in the trust fund and be available for carrying out the purposes of the trust fund.

In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2), Florida Statutes.

The effective date of the bill is July 1, 2011.

**Conference Committee Amendment (407470)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 14.235, Florida Statutes, is created to read:

*14.235 Federal Grants Trust Fund; Executive Office of the Governor.—*

(1) *The Federal Grants Trust Fund is created within the Executive Office of the Governor.*

(2) *The trust fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources. Moneys to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the office's operating budget pursuant to the provisions of chapter 216.*

(3) *Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.*

(4) *In accordance with s. 19(f)(2), Art. III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).*

Section 2. This act shall take effect July 1, 2011, except that this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to trust funds; creating s. 14.235, F.S.; creating the Federal Grants Trust Fund within the Executive Office of the Governor; providing for sources of funds and purposes; providing for annual carryforward of trust fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on SB 2154 was adopted. SB 2154 passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

Mr. President	Altman	Bennett
Alexander	Benacquisto	Bogdanoff

Dean	Hays	Oelrich
Detert	Hill	Richter
Diaz de la Portilla	Jones	Ring
Dockery	Latvala	Sachs
Evers	Lynn	Simmons
Fasano	Margolis	Siplin
Gaetz	Montford	Storms
Garcia	Negron	Thrasher
Gardiner	Norman	Wise

Nays—5

Braynon	Joyner	Sobel
Flores	Rich	

Vote after roll call:

Yea to Nay—Dockery

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON CS for SB 1738**

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 1738, same being:

An act relating to state financial information.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i>	<i>s/ Joe Negron</i>
<i>Chair</i>	<i>Vice Chair</i>
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	<i>Larcenia J. Bullard</i>
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	<i>Paula Dockery</i>
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
<i>Jack Latvala</i>	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i>	<i>Joseph Abruzzo</i>
<i>Chair</i>	<i>s/ Janet H. Adkins</i>
<i>s/ Larry Ahern</i>	<i>s/ Ben Albritton</i>
<i>s/ Frank Artiles</i>	<i>Gary Aubuchon, At Large</i>
<i>s/ Dennis K. Baxley</i>	<i>Leonard L. Bembry</i>

Lori Berman  
 Michael Bileca  
*s/ Jason T. Brodeur*  
*s/ Matthew H. "Matt" Caldwell*  
 Daphne D. Campbell  
*s/ Marti Coley*  
*s/ Richard Corcoran*  
*s/ Steve Crisafulli*  
*s/ Jose Felix Diaz*  
 Brad Drake  
*s/ Erik Fresen*  
*s/ Matt Gaetz*  
*s/ Richard "Rich" Glorioso*  
*s/ Tom Goodson*  
*s/ Gayle B. Harrell*  
*s/ Ed Hooper*  
*s/ Matt Hudson, At Large*  
*s/ Clay Ingram*  
 John Patrick Julien  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ Charles McBurney*  
*s/ Larry Metz*  
*s/ Bryan Nelson*  
*s/ H. Marlene O'Toole*  
*s/ Jimmy Patronis*  
*s/ Ray Pilon*  
 Elizabeth W. Porter  
*s/ William L. "Bill" Proctor,*  
 At Large  
 Kenneth L. "Ken" Roberson  
*s/ Patrick Rooney, Jr.*  
 Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck,*  
 At Large  
*s/ William D. Snyder, At Large*  
 Kelli Stargel  
*s/ Carlos Trujillo*  
 Alan B. Williams  
 John Wood  
*s/ Dana D. Young*

Mack Bernard  
*s/ Jeffrey "Jeff" Brandes*  
*s/ Douglas Vaughn "Doug" Broxson*  
 Charles S. "Chuck" Chestnut IV,  
 At Large  
*s/ Fredrick W. "Fred" Costello*  
*s/ Daniel Davis*  
 Chris Dorworth  
*s/ Clay Ford*  
 James C. "Jim" Frishe  
 Joseph A. "Joe" Gibbons  
 Eduardo "Eddy" Gonzalez  
 James W. "J.W." Grant  
*s/ Doug Holder*  
*s/ Mike Horner*  
*s/ Dorothy L. Hukill, At Large*  
 Mia L. Jones  
 Martin David "Marty" Kiar  
*s/ John Legg, At Large*  
 Debbie Mayfield  
*s/ Seth McKeel, At Large*  
*s/ Peter Nehr*  
 Jeanette M. Nunez  
 Mark S. Pafford  
*s/ W. Keith Perry*  
 Scott Plakon  
*s/ Stephen L. Precourt*  
*s/ Lake Ray*  
 Betty Reed  
 Hazelle P. "Hazel" Rogers  
*s/ Darryl Ervin Rouson, At Large*  
 Ron Saunders, At Large  
 Irving "Irv" Slosberg  
*s/ Jimmie T. Smith*  
 Darren Soto  
*s/ W. Gregory "Greg" Steube*  
 Will W. Weatherford, At Large  
*s/ Trudi K. Williams*  
 Ritch Workman

215.922 Agency for Enterprise Business Services.—The Agency for Enterprise Business Services is created within the Department of Management Services.

(1) The head of the agency shall be the Governor and Cabinet.

(2) The agency is a separate budget entity and is not subject to control, supervision, or direction by the Department of Management Services, including, but not limited to, purchasing, transitions involving real or personal property, personnel, or budgetary matters.

(3) The agency shall have an executive director who is the Enterprise Financial Business Operations Officer. The officer shall be appointed by the Governor with at least three affirmative votes of the Governor and Cabinet, subject to confirmation by the Senate. The officer serves at the pleasure of the Governor and Cabinet. The Governor may appoint an interim director until an executive director is appointed by the Governor and confirmed by the Cabinet.

(4) The agency shall have the following duties and responsibilities:

(a) Develop and submit an Enterprise Financial Business Strategic Plan to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2012. The plan must include, but not be limited to, the following:

1. An inventory of all agency financial business systems that are maintained by executive branch agencies. At a minimum the inventory must include the following:

a. The name of each system, the number of end users who must use the system to perform their job functions, and the associated financial business processes and a description of the system functionality that supports these processes.

b. The total cost of operating and maintaining each agency financial business system on a fiscal-year basis. The total cost calculation must, at a minimum, include staffing requirements, hardware and software costs, and contracted services and external service provider costs.

c. A description of any projects and enhancements planned or underway for each agency financial business system for the 2011-2012 and 2012-2013 fiscal years.

d. Any state or federal laws that require the implementation and use of the agency financial business system.

2. Identification of and recommendations relating to the financial business functions that should be standardized and proposed as enterprise financial business functions. For purposes of this identification, an enterprise financial business function is a function that is currently common or should be common among multiple state agencies.

3. An assessment of whether any agency financial business systems should be considered for inclusion in the Florida Financial Management Information System. For purposes of this assessment, in order for an agency financial business system to be considered for inclusion in the system it must:

a. Provide financial and administrative data and information or functionality that is essential to a statewide financial operation.

b. Provide a financial business service that the agency recommends should be an enterprise financial business service.

c. Provide financial data, information, or functionality that is not partially or completely duplicated by a subsystem identified in s. 215.94.

d. Demonstrate that the agency financial business system's financial data, information, or functionality can be provided in a cost-effective manner.

4. The status of projects currently underway that affect agency financial business systems and the subsystems of the Florida Financial Management Information System.

5. The total cost of operating and maintaining each subsystem of the Florida Financial Management Information System pursuant to s. 215.94 on a fiscal-year basis, the staff required for operation and main-

Managers on the part of the House

The Conference Committee Amendment for CS for SB 1738, relating to state financial information, provides for the following:

- Creates the Agency for Enterprise Business Services, which is administratively housed in the Department of Management Services, with the Governor and Cabinet as the agency head.
- Establishes an executive director appointed by Governor and Cabinet with at least three affirmative votes and who must be confirmed by the Senate.
- Provides duties to the new agency including:
  - Developing the Enterprise Financial Business Services Strategic Plan;
  - Providing assistance to the Chief Financial Officer in developing recommendations for the uniform chart of accounts;
  - Serving as a clearinghouse for enterprise information relating to the planning, development, implementation, and evaluation of improvements to enterprise financial business services;
  - Making recommendations to the Legislature for additional substantive changes required to implement the Enterprise Financial Business Services Strategic Plan including the associated governance structure.

**Conference Committee Amendment (842824)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 215.922, Florida Statutes, is created to read:

tenance of each subsystem, the number of end users who must use the subsystem to perform their job functions, and federal law specifically requiring the implementation of the subsystem.

6. Recommendations for modifications and enhancements to the Florida Financial Management Information System which should include projects proposed to replace or enhance its subsystems and the decommissioning of any agency financial business systems. Recommendations must include, but not be limited to:

a. A description of the enterprise financial business services that should be provided by the Florida Financial Management Information System. The description must be sufficient to determine the functionality that will be provided by the system and to identify which agency financial business system services should be incorporated as enterprise financial business services;

b. A proposal of the agency financial business systems that should be considered for inclusion in the Florida Financial Management Information System;

c. Major initiatives and implementation strategies necessary to achieve the recommendations;

d. The proposed standardization of state financial data elements and codes and recommended changes to ensure the use of common data codes by the subsystems;

e. Proposals to eliminate specific impediments to achieving the standardized enterprise financial business services;

f. Proposed substantive and fiscal changes necessary to implement the recommended changes to the Florida Financial Information Management System; and

g. Proposed governance structure changes to the Florida Financial Management Board and its coordinating council.

(b) Provide assistance to the Chief Financial Officer in the recommendation of a uniform chart of accounts.

(c) Serve as a clearinghouse for enterprise information relating to the planning, development, implementation, and evaluation of improvements to enterprise financial business services.

(d) Develop and submit to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2012, recommendations for revisions to the Florida Financial Management Information Systems Act.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state financial information; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Management Services; providing that the office is a separate budget entity not subject to the department; providing an executive director appointed by the Governor, confirmed by the Cabinet, and subject to confirmation by the Senate; providing for an executive director; providing the duties of the agency; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for SB 1738** was adopted. **CS for SB 1738** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Mr. President	Detert	Garcia
Altman	Diaz de la Portilla	Gardiner
Benacquisto	Dockery	Hays
Bennett	Evers	Hill
Bogdanoff	Fasano	Jones
Braynon	Flores	Joyner
Dean	Gaetz	Latvala

Lynn	Rich	Smith
Montford	Ring	Sobel
Negron	Sachs	Storms
Norman	Simmons	Thrasher
Oelrich	Siplin	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2096**

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2096, same being:

An act relating to state financial information.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander Chair	s/ Joe Negron Vice Chair
s/ Thad Altman	s/ Lizbeth Benacquisto
s/ Michael S. "Mike" Bennett	s/ Ellyn Setnor Bogdanoff
s/ Oscar Braynon II	Larcenia J. Bullard
s/ Charles S. "Charlie" Dean, Sr.	s/ Nancy C. Detert
s/ Miguel Diaz de la Portilla	Paula Dockery
s/ Greg Evers	s/ Mike Fasano
s/ Anitere Flores	s/ Don Gaetz, At Large
s/ Rene Garcia	s/ Andy Gardiner, At Large
s/ Alan Hays	Anthony C. "Tony" Hill, Sr.
s/ Dennis L. Jones, D.C.	s/ Arthenia L. Joyner
Jack Latvala	s/ Evelyn J. Lynn
s/ Gwen Margolis	s/ Bill Montford
s/ Jim Norman	s/ Steve Oelrich
s/ Nan H. Rich, At Large	s/ Garrett Richter
s/ Jeremy Ring	s/ Maria Lorts Sachs
s/ David Simmons	s/ Gary Siplin, At Large
s/ Christopher L. "Chris" Smith	s/ Eleanor Sobel
s/ Ronda Storms	s/ John Thrasher, At Large
s/ Stephen R. Wise	

Managers on the part of the Senate

s/ Denise Grimsley Chair	s/ Janet H. Adkins
s/ Ben Albritton	s/ Larry Ahern
Gary Aubuchon, At Large	s/ Frank Artiles
Leonard L. Bemby	s/ Dennis K. Baxley
Mack Bernard	Lori Berman
s/ Jeffrey "Jeff" Brandes	Michael Bileca
s/ Douglas Vaughn "Doug" Broxson	s/ Jason T. Brodeur
Charles S. "Chuck" Chestnut IV, At Large	s/ Matthew H. "Matt" Caldwell
s/ Steve Crisafulli	Daphne D. Campbell
s/ Jose Felix Diaz	s/ Richard Corcoran
Brad Drake	s/ Fredrick W. "Fred" Costello
s/ Erik Fresen	s/ Daniel Davis
s/ Matt Gaetz	Chris Dorworth
s/ Richard "Rich" Glorioso	s/ Clay Ford
	James C. "Jim" Frishe
	Joseph A. "Joe" Gibbons
	Eduardo "Eddy" Gonzalez

Tom Goodson  
*s/ Gayle B. Harrell*  
*s/ Ed Hooper*  
*s/ Matt Hudson*  
*s/ Clay Ingram*  
 John Patrick Julien  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ Charles McBurney*  
*s/ Larry Metz*  
*s/ Bryan Nelson*  
*s/ H. Marlene O'Toole*  
*s/ Jimmy Patronis*  
 Ray Pilon  
 Elizabeth W. Porter  
*s/ William L. "Bill" Proctor,*  
 At Large  
 Kenneth L. "Ken" Roberson  
*s/ Patrick Rooney, Jr.*  
 Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck,*  
 At Large  
*s/ William D. Snyder, At Large*  
 Kelli Stargel  
*s/ Carlos Trujillo*  
 Alan B. Williams  
 John Wood  
*s/ Dana D. Young*

James W. "J.W." Grant  
*s/ Doug Holder*  
*s/ Mike Horner, At Large*  
*s/ Dorothy L. Hukill, At Large*  
 Mia L. Jones  
 Martin David "Marty" Kiar  
*s/ John Legg, At Large*  
 Debbie Mayfield  
*s/ Seth McKeel, At Large*  
*s/ Peter Nehr*  
 Jeanette M. Nunez  
 Mark S. Pafford  
*s/ W. Keith Perry*  
 Scott Plakon  
*s/ Stephen L. Precourt*  
*s/ Lake Ray*  
 Betty Reed  
 Hazelle P. "Hazel" Rogers  
 Darryl Ervin Rouson, At Large  
 Ron Saunders, At Large  
 Irving "Irv" Slosberg  
*s/ Jimmie T. Smith*  
 Darren Soto  
*s/ W. Gregory "Greg" Steube*  
 Will W. Weatherford, At Large  
*s/ Trudi K. Williams*  
 Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for SB 2096, relating to state financial information, provides for the following:

- Requires charter schools and charter technical career centers to post their financial information on the Transparency Florida website.
- Requires the Auditor General to annually submit to the Legislature a list of any school districts, charter schools, charter technical career centers, colleges, state universities, and water management districts that have failed to comply with the transparency requirements.
- Changes the exemption criteria for municipalities or special districts from a population threshold (fewer than 10,000) to a revenue threshold (less than \$10 million in total annual revenues).
- Requires water management districts to post their financial statements on their websites by 9/1/11.
- Requires the Chief Financial Officer to make a state contract management system publically available that includes information and documentation relating to contracts procured by state governmental entities.
- Requires agency procurement staff to update information within 30 days of any major change to a contract or the execution of a new contract. A major change includes a contract renewal, extension, termination or amendment.

**Conference Committee Amendment (360508)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) is added to subsection (7) of section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(i) *Beginning in 2012, the Auditor General shall annually transmit by July 15, to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and water management districts that have failed to comply with the transparency requirements as identified in the audit reports reviewed pursuant to paragraph (b) and those conducted pursuant to (2).*

Section 2. Subsections (2), (5), (6), and (11) through (14) of section 215.985, Florida Statutes, are amended, and subsections (15) and (16) are added to that section, to read:

215.985 Transparency in government spending.—

(2) As used in this section, the term:

(a) "Governmental entity" means any state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, any department, division, bureau, commission, authority, district, or agency thereof, or any public school district, Florida College System institution community college, state university, or associated board.

(b) "Website" means a site on the Internet which is easily accessible to the public at no cost and does not require the user to provide any information.

(c) "Committee" means the Legislative Auditing Committee created in s. 11.40.

(5) The committee shall recommend a format for collecting and displaying information from state universities, public schools, Florida College System institutions community colleges, school districts, charter schools, charter technical career centers, local governmental units, and other governmental entities receiving state appropriations.

(6) By November 1, 2012, and annually thereafter March 1, 2010, the committee shall develop a schedule for adding additional other information to the website by type of information and governmental entity, including timeframes and development entity. The schedule for adding additional information shall be submitted to the President of the Senate and the Speaker of the House of Representatives. Additional information may include:

(a) Disbursements by the governmental entity from funds established within the treasury of the governmental entity, including, for all branches of state government, allotment balances in the Florida Accounting Information Resource Subsystem.

(b) Revenues received by each governmental entity, including receipts or deposits by the governmental entity into funds established within the treasury of the governmental entity.

(c) Information relating to a governmental entity's bonded indebtedness, including, but not limited to, the total amount of obligation stated in terms of principal and interest, an itemization of each obligation, the term of each obligation, the source of funding for repayment of each obligation, the amounts of principal and interest previously paid to reduce each obligation, the balance remaining of each obligation, any refinancing of any obligation, and the cited statutory authority to issue such bonds.

(d) Links to available governmental entity websites.

(11) A ~~any~~ municipality or special district that has total annual revenues of less than \$10 million having a population of 10,000 or fewer is exempt from this section. ~~Population determinations must be based on the most recent population estimates prepared pursuant to s. 186.901.~~

(12) ~~By September 1, 2011, each water management district shall provide a monthly financial statement to its governing board and make such statement available for public access on its website.~~

(13)~~(12)~~ This section does not require or permit the disclosure of information that is considered confidential by state or federal law.

(14)~~(13)~~ The Office of Policy and Budget in the Executive Office of the Governor shall ensure that all data added to the website remains accessible to the public for 10 years.

(15)~~(14)~~ The committee shall prepare an annual report detailing progress in establishing the single website and providing recommendations for enhancement of the content and format of the website and related policies and procedures. The first report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011, and annually by November 1 thereafter.

(16) *The Chief Financial Officer shall provide public access to a state contract management system that provides information and documentation relating to contracts procured by governmental entities.*

(a) *The data collected in the system must include, but need not be limited to, the contracting agency; the procurement method; the contract beginning and ending dates; the type of commodity or service; the purpose of the commodity or service; the compensation to be paid; compliance information, such as performance metrics for the service or commodity; contract violations; the number of extensions or renewals; and the statutory authority for providing the service.*

(b) *Within 30 days after a major change to an existing contract or the execution of a new contract, agency procurement staff of the affected state governmental entity shall update the necessary information in the state contract management system. A major change to a contract includes, but is not limited to, a renewal, termination, or extension of the contract or an amendment to the contract.*

Section 3. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state financial information; amending s. 11.45, F.S.; requiring that the Auditor General annually provide to the Legislature and the Department of Financial Services a list of specified entities that have failed to comply with certain financial transparency requirements; amending s. 215.985, F.S., relating to the Transparency Florida Act; revising the definition of the term “governmental entity”; adding additional governmental entities to those for which the Legislative Auditing Committee recommends a format for collecting and displaying financial information; revising the schedule for adding information to the state’s official website; revising provisions exempting certain municipalities and special districts from the Transparency Florida Act; requiring each water management district to submit monthly detailed financial statements to its governing board and post such statement on its website; requiring the Chief Financial Officer to provide public access to a state contract management system; providing the information that must be available on the system; requiring agency procurement staff to update data in the system; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2096** was adopted. **SB 2096** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Flores	Norman
Alexander	Gaetz	Richter
Altman	Garcia	Ring
Benacquisto	Gardiner	Sachs
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Braynon	Jones	Smith
Dean	Joyner	Sobel
Detert	Latvala	Storms
Diaz de la Portilla	Lynn	Thrasher
Dockery	Margolis	Wise
Evers	Montford	
Fasano	Negron	

Nays—None

Vote after roll call:

Yea—Rich

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2098**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2098, same being:

An act relating to the consolidation of state information technology services.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i>	<i>s/ Joe Negron</i>
Chair	Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
Michael S. “Mike” Bennett	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. “Charlie” Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. “Tony” Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. “Chris” Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i>	<i>s/ Janet H. Adkins</i>
Chair	<i>s/ Larry Ahern</i>
<i>s/ Ben Albritton</i>	<i>s/ Frank Artiles</i>
Gary Aubuchon, At Large	<i>s/ Dennis K. Baxley</i>
Leonard L. Bembry	Lori Berman
Mack Bernard	Michael Bileca
<i>s/ Jeffrey “Jeff” Brandes</i>	<i>s/ Jason T. Brodeur</i>
<i>s/ Douglas Vaughn “Doug” Broxson</i>	<i>s/ Matthew H. “Matt” Caldwell</i>
Charles S. “Chuck” Chestnut IV, At Large	Daphne D. Campbell
<i>s/ Fredrick W. “Fred” Costello</i>	<i>s/ Marti Coley</i>
<i>s/ Daniel Davis</i>	<i>s/ Richard Corcoran</i>
Chris Dorworth	<i>s/ Steve Crisafulli</i>
<i>s/ Clay Ford</i>	<i>s/ Jose Felix Diaz</i>
James C. “Jim” Frishe	Brad Drake
Joseph A. “Joe” Gibbons	<i>s/ Erik Fresen</i>
Eduardo “Eddy” Gonzalez	<i>s/ Matt Gaetz</i>
James W. “J.W.” Grant	<i>s/ Richard “Rich” Glorioso</i>
<i>s/ Doug Holder</i>	<i>s/ Tom Goodson</i>
<i>s/ Mike Horner</i>	<i>s/ Gayle B. Harrell</i>
<i>s/ Dorothy L. Hukill, At Large</i>	<i>s/ Ed Hooper</i>
Mia L. Jones	<i>s/ Matt Hudson</i>
Martin David “Marty” Kiar	<i>s/ Clay Ingram</i>
<i>s/ John Legg, At Large</i>	John Patrick Julien
Debbie Mayfield	<i>s/ Paige Kreegel, At Large</i>
<i>s/ Seth McKeel, At Large</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Peter Nehr</i>	<i>s/ Charles McBurney</i>
Jeanette M. Nunez	<i>s/ Larry Metz</i>
	<i>s/ Bryan Nelson</i>
	<i>s/ H. Marlene O’Toole</i>

Mark S. Pafford  
*s/ W. Keith Perry*  
 Scott Plakon  
*s/ Stephen L. Precourt*  
*s/ Lake Ray*  
 Betty Reed  
 Hazelle P. "Hazel" Rogers  
 Darryl Ervin Rouson, At Large  
 Ron Saunders, At Large  
 Irving "Irv" Slosberg  
*s/ Jimmie T. Smith*  
 Darren Soto  
*s/ W. Gregory "Greg" Steube*  
 Will W. Weatherford, At Large  
*s/ Trudi K. Williams*  
 Ritch Workman

*s/ Jimmy Patronis*  
*s/ Ray Pilon*  
 Elizabeth W. Porter  
*s/ William L. "Bill" Proctor,*  
 At Large  
 Kenneth L. "Ken" Roberson  
*s/ Patrick Rooney, Jr.*  
 Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck,*  
 At Large  
*s/ William D. Snyder,* At Large  
 Kelli Stargel  
*s/ Carlos Trujillo*  
 Alan B. Williams  
 John Wood  
*s/ Dana D. Young*

Managers on the part of the House

- The Conference Committee Amendment for SB 2098, 1st Eng., relating to the consolidation of state information technology services, provides for the following:
- Clarifies the required components of the Agency for Enterprise Information Technology's annual work plan.
- Clarifies the duties of the Agency for Enterprise Information Technology pertaining to the state data center system, to include developing rules relating to its operation.
- Establishes in statute the agency schedule for data center consolidations, providing requirements for the development and submission of appropriate transition plans, providing requirements for the execution of new or updated service level agreements, and establishing agency limitations pertaining to their agency data centers and email services.
- Provides that approval to transition to a statewide email system is contingent on approval by the Legislative Budget Commission.
- Eliminates the Agency Chief Information Officers Council.
- Eliminates the requirement that agencies hire a Chief Information Officer.

**Conference Committee Amendment (490478)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (4), (5), and (6) of section 14.204, Florida Statutes, are amended to read:

14.204 Agency for Enterprise Information Technology.—The Agency for Enterprise Information Technology is created within the Executive Office of the Governor.

(4) The agency shall have the following duties and responsibilities:

(a) Develop strategies for the design, *planning, project management, delivery, and management of the enterprise information technology services established in law, including the state data center system service established in s. 282.201, the information technology security service established in s. 282.318, and the statewide e-mail service established in s. 282.34.*

(b) Monitor the *implementation, delivery, and management of the enterprise information technology services as established in law.*

(c) Make recommendations to the agency head and the Legislature concerning other information technology services that should be designed, delivered, and managed as enterprise information technology services as defined in s. 282.0041.

(d) Plan and establish policies for managing proposed statutorily authorized enterprise information technology services, which includes:

1. Developing business cases that, when applicable, include the components identified in s. 287.0571;
2. Establishing and coordinating project-management teams;

3. Establishing formal risk-assessment and mitigation processes; and
4. Providing for independent monitoring of projects for recommended corrective actions.

(e) ~~Beginning October 1, 2010,~~ Develop, publish, and biennially update a long-term strategic enterprise information technology plan that identifies and recommends strategies and opportunities to improve the delivery of cost-effective and efficient enterprise information technology services to be proposed for establishment pursuant to s. 282.0056.

(f) Perform duties related to *enterprise information technology services, including the state data center system established in ~~as provided in~~ s. 282.201, the information technology security service established in s. 282.318, and the statewide e-mail service established in s. 282.34.*

(g) Coordinate *technology resource acquisition planning, and assist the Department of Management Service's Division of Purchasing with using aggregate buying methodologies whenever possible and with procurement negotiations for hardware and software products and services in order to improve the efficiency and reduce the cost of enterprise information technology services.*

(h) In consultation with the Division of Purchasing in the Department of Management Services, coordinate procurement negotiations for information technology products as defined in s. 282.0041 which will be used by multiple agencies.

(i) In coordination with, and through the services of, the Division of Purchasing in the Department of Management Services, establish best practices for the procurement of information technology products as defined in s. 282.0041 in order to achieve savings for the state.

(j) Develop information technology standards for *the efficient design, planning, project management, implementation, and delivery of enterprise information technology services. All state agencies must make the transition to the new standards.*

(k) Provide annually, by December 31, recommendations to the Legislature relating to techniques for consolidating the purchase of information technology commodities and services; which result in savings for the state, and for establishing a process to achieve savings through consolidated purchases.

(5) ~~The Office of Information Security shall be created within the agency.~~ The agency shall designate a state Chief Information Security Officer who shall ~~oversee the office and~~ report directly to the executive director.

(6) The agency shall operate in a manner that ensures the participation and representation of state agencies ~~and the Agency Chief Information Officers Council established in s. 282.315.~~

Section 2. Subsection (10) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(10) SINGLE INFORMATION AND RECORDS SYSTEM.—~~There shall be~~ Only one offender-based information and records computer system *shall be* maintained by the Department of Corrections for the joint use of the department and the Parole Commission. ~~The~~ This data system shall be managed through the department's *office of information technology Justice Data Center.* The department shall develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council under s. 943.08, such offender-based information, including clemency administration information and other computer services to serve the needs of both the department and the Parole Commission. The department shall notify the commission of all violations of parole and the circumstances thereof.

Section 3. Present subsections (4) through (30) of section 282.0041, Florida Statutes, are redesignated as subsections (2) through (28), respectively, and present subsections (2), (3), (14), and (19) of that section are amended, to read:

282.0041 Definitions.—As used in this chapter, the term:

~~(2) “Agency chief information officer” means the person employed by the agency head to coordinate and manage the information technology functions and responsibilities applicable to that agency, to participate and represent the agency in developing strategies for implementing enterprise information technology services established pursuant to this part, and to develop recommendations for enterprise information technology policy.~~

~~(3) “Agency Chief Information Officers Council” means the council created in s. 282.315.~~

~~(12)(14) “E-mail, messaging, and calendaring service” means the enterprise information technology service that enables users to send, receive, file, store, manage, and retrieve electronic messages, attachments, appointments, and addresses. The e-mail, messaging, and calendaring service must include e-mail account management; help desk; technical support and user provisioning services; disaster recovery and backup and restore capabilities; antispam and antivirus capabilities; archiving and e-discovery; and remote access and mobile messaging capabilities.~~

~~(17)(19) “Primary data center” means a state or nonstate agency data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities and that is established by. A primary data center may be authorized in law or designated by the Agency for Enterprise Information Technology pursuant to s. 282.201.~~

Section 4. Subsection (1) of section 282.0056, Florida Statutes, is amended to read:

282.0056 Development of work plan; development of implementation plans; and policy recommendations.—

(1) For the purposes of carrying out its responsibilities under s. 282.0055, the Agency for Enterprise Information Technology shall develop an annual work plan within 60 days after the beginning of the fiscal year describing the activities that the agency intends to undertake for that year, including proposed outcomes and completion timeframes for the planning and implementation of all enterprise information technology services. The work plan must be presented at a public hearing and that includes the Agency Chief Information Officers Council, which may review and comment on the plan. The work plan must thereafter be approved by the Governor and Cabinet, and thereafter submitted to the President of the Senate and the Speaker of the House of Representatives. The work plan may be amended as needed, subject to approval by the Governor and Cabinet.

Section 5. Subsections (2) and (3) of section 282.201, Florida Statutes, are amended, present subsections (4) and (5) of that section are amended and renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041, is established.

(2) AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY DUTIES.—The Agency for Enterprise Information Technology shall:

(a) Collect and maintain information necessary for developing policies relating to the data center system, including, but not limited to, an inventory of facilities.

(b) Annually approve cost-recovery mechanisms and rate structures for primary data centers which recover costs through charges to customer entities.

(c) By September 30 ~~December 31~~ of each year, submit to the Legislature, the Executive Office of the Governor, and the primary data centers ~~Legislature~~ recommendations to improve the efficiency and cost-effectiveness ~~effectiveness~~ of computing services provided by state data center system facilities. Such recommendations ~~must~~ may include, but need not be limited to:

1. Policies for improving the cost-effectiveness and efficiency of the state data center system, which includes the primary data centers being

transferred to a shared, virtualized server environment, and the associated cost savings resulting from the implementation of such policies.

2. Infrastructure improvements supporting the consolidation of facilities or preempting the need to create additional data centers or computing facilities.

~~3. Standards for an objective, credible energy performance rating system that data center boards of trustees can use to measure state data center energy consumption and efficiency on a biannual basis.~~

3.4. Uniform disaster recovery standards.

~~4.5. Standards for primary data centers which provide cost-effective services and providing~~ transparent financial data to user agencies.

~~5.6. Consolidation of contract practices or coordination of software, hardware, or other technology-related procurements and the associated cost savings.~~

6.7. Improvements to data center governance structures.

(d) By October 1 of each year beginning in 2011, provide recommendations ~~2009, recommend~~ to the Governor and Legislature relating to changes to the schedule for the consolidations of state agency data centers as provided in subsection (4) at least two nonprimary data centers for consolidation into a primary data center or nonprimary data center facility.

~~1. The consolidation proposal must provide a transition plan that includes:~~

~~a. Estimated transition costs for each data center or computing facility recommended for consolidation;~~

~~b. Detailed timeframes for the complete transition of each data center or computing facility recommended for consolidation;~~

~~c. Proposed recurring and nonrecurring fiscal impacts, including increased or decreased costs and associated budget impacts for affected budget entities;~~

~~d. Substantive legislative changes necessary to implement the transition; and~~

~~e. Identification of computing resources to be transferred and those that will remain in the agency. The transfer of resources must include all hardware, software, staff, contracted services, and facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services but excluding application development.~~

~~1.2. The recommendations must shall be based on the goal of maximizing current and future cost savings by. The agency shall consider the following criteria in selecting consolidations that maximize efficiencies by providing the ability to:~~

~~a. Consolidating Consolidate purchase decisions;~~

~~b. Leveraging Leverage expertise and other resources to gain economies of scale;~~

~~c. Implementing Implement state information technology policies more effectively; and~~

~~d. Maintaining or improving Maintain or improve the level of service provision to customer entities; and~~

~~e. Make progress towards the state’s goal of consolidating data centers and computing facilities into primary data centers.~~

~~2.3. The agency shall establish workgroups as necessary to ensure participation by affected agencies in the development of recommendations related to consolidations.~~

~~(e) By December 31, 2010, the agency shall develop and submit to the Legislature an overall consolidation plan for state data centers. The plan shall indicate a timeframe for the consolidation of all remaining non-~~

~~primary data centers into primary data centers, including existing and proposed primary data centers, by 2019.~~

(e)(f) Develop and establish rules relating to the operation of the state data center system which comply with applicable federal regulations, including 2 C.F.R. part 225 and 45 C.F.R. *The agency shall publish notice of rule development in the Florida Administrative Weekly by October 1, 2011. The rules must may address:*

1. Ensuring that financial information is captured and reported consistently and accurately.

2. *Identifying standards for hardware, including standards for a shared, virtualized server environment, and operations system software and other operational software, including security and network infrastructure, for the primary data centers; requiring compliance with such standards in order to enable the efficient consolidation of the agency data centers or computing facilities; and providing an exemption process from compliance with such standards, which must be consistent with paragraph (5)(b).*

~~2. Requiring the establishment of service level agreements executed between a data center and its customer entities for services provided.~~

3. Requiring annual full cost recovery on an equitable rational basis. The cost-recovery methodology must ensure that no service is subsidizing another service and may include adjusting the subsequent year's rates as a means to recover deficits or refund surpluses from a prior year.

4. Requiring that any special assessment imposed to fund expansion is based on a methodology that apportions the assessment according to the proportional benefit to each customer entity.

5. Requiring that rebates be given when revenues have exceeded costs, that rebates be applied to offset charges to those customer entities that have subsidized the costs of other customer entities, and that such rebates may be in the form of credits against future billings.

6. Requiring that all service-level agreements have a contract term of up to 3 years, but may include an option to renew for up to 3 additional years contingent on approval by the board, and require at least a 180-day notice of termination.

~~7. Designating any nonstate data center as a primary data center if the center:~~

~~a. Has an established governance structure that represents customer entities proportionally.~~

~~b. Maintains an appropriate cost allocation methodology that accurately bills a customer entity based on the actual direct and indirect costs to the customer entity, and prohibits the subsidization of one customer entity's costs by another entity.~~

~~c. Has sufficient raised floor space, cooling, and redundant power capacity, including uninterruptible power supply and backup power generation, to accommodate the computer processing platforms and support necessary to host the computing requirements of additional customer entities.~~

~~8. Removing a nonstate data center from primary data center designation if the nonstate data center fails to meet standards necessary to ensure that the state's data is maintained pursuant to subparagraph 7.~~

### (3) STATE AGENCY DUTIES.—

(a) For the purpose of completing its work activities as described in subsection (1), each state agency shall provide to the Agency for Enterprise Information Technology all requested information and any other information relevant to the agency's ability to effectively transition its computer services into a primary data center. The agency shall also participate as required in workgroups relating to specific consolidation planning and implementation tasks as assigned by the Agency for Enterprise Information Technology and determined necessary to accomplish consolidation goals.

(b) Each state agency shall submit to the Agency for Enterprise Information Technology information relating to its data centers and computing facilities as required in instructions issued by July 1 of each year

by the Agency for Enterprise Information Technology. The information required may include:

1. Amount of floor space used and available.

2. Numbers and capacities of mainframes and servers.

3. Storage and network capacity.

4. Amount of power used and the available capacity.

5. Estimated expenditures by service area, including hardware and software, numbers of full-time equivalent positions, personnel turnover, and position reclassifications.

6. A list of contracts in effect for the fiscal year, including, but not limited to, contracts for hardware, software and maintenance, including the expiration date, the contract parties, and the cost of the contract.

7. Service-level agreements by customer entity.

~~(c) The chief information officer of each state agency shall assist the Agency for Enterprise Information Technology at the request of the Agency for Enterprise Information Technology.~~

(c)(d) Each state agency customer of a primary data center shall notify the data center, by May 31 and November 30 of each year, of any significant changes in anticipated utilization of data center services pursuant to requirements established by the boards of trustees of each primary data center.

### (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

(a) *Consolidations of agency data centers shall be made by the date and to the specified primary data center as provided in this section and in accordance with budget adjustments contained in the General Appropriations Act.*

(b) *By December 31, 2011, the following shall be consolidated into the Northwest Regional Data Center:*

1. *The Department of Education's Knott Data Center in the Turlington Building.*

2. *The Department of Education's Division of Vocational Rehabilitation.*

3. *The Department of Education's Division of Blind Services, except for the division's disaster recovery site in Daytona Beach.*

4. *The FCAT Explorer.*

5. *FACTS.org.*

(c) *During the 2011-2012 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:*

1. *By September 30, 2011, the Department of Corrections.*

2. *By March 31, 2012, the Department of Transportation's Burns Building.*

3. *By March 31, 2012, the Department of Transportation's Survey & Mapping Office.*

(d) *During the 2011-2012 fiscal year, the following shall be consolidated into the Northwood Shared Resource Center:*

1. *By July 1, 2011, the Department of Transportation's Office of Motor Carrier Compliance.*

2. *By March 31, 2012, the Department of Highway Safety and Motor Vehicles.*

(e) *During the 2012-2013 fiscal year, the following shall be consolidated into the Southwood Shared Resource Center:*

1. *By September 30, 2012, the Division of Emergency Management and the Department of Community Affairs, except for the Emergency*

*Operation Center's management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke.*

2. *By September 30, 2012, the Department of Revenue's Carlton Building and Imaging Center locations.*

3. *By December 31, 2012, the Department of Health's Test and Development Lab and all remaining data center resources located at the Capital Circle Office Complex.*

(f) *During the 2012-2013 fiscal year, the following shall be consolidated into the Northwood Shared Resource Center:*

1. *By July 1, 2012, the Agency for Health Care Administration.*

2. *By December 31, 2012, the Department of Environmental Protection's Palmetto Commons.*

3. *By March 30, 2013, the Department of Law Enforcement's headquarters location.*

(g) *During the 2013-2014 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:*

1. *The Department of the Lottery's headquarters location.*

2. *The Department of Legal Affairs.*

3. *The Fish and Wildlife Conservation Commission, except for the commission's Fish and Wildlife Research Institute in St. Petersburg.*

4. *The Executive Office of the Governor.*

5. *The Department of Veterans' Affairs.*

6. *The Department of Elderly Affairs.*

7. *The Department of Financial Services' Hartman, Larson, and Fletcher Building Data Centers.*

8. *The Department of Agriculture and Consumer Services' Agriculture Management Information Center in the Mayo Building and Division of Licensing.*

(h) *During the 2014-2015 fiscal year, the following agencies shall work with the Agency for Enterprise Information Technology to begin preliminary planning for consolidation into a primary data center:*

1. *The Department of Health's Jacksonville Lab Data Center.*

2. *The Department of Transportation's district offices, toll offices, and the District Materials Office.*

3. *The Department of Military Affairs' Camp Blanding Joint Training Center in Starke.*

4. *The Department of Community Affairs' Camp Blanding Emergency Operations Center in Starke.*

5. *The Department of Education's Division of Blind Services disaster recovery site in Daytona Beach.*

6. *The Department of Education's disaster recovery site at Santa Fe College.*

7. *The Department of the Lottery's Disaster Recovery Backup Data Center in Orlando.*

8. *The Fish and Wildlife Conservation Commission's Fish and Wildlife Research Institute in St. Petersburg.*

9. *The Department of Children and Family Services' Suncoast Data Center in Tampa.*

10. *The Department of Children and Family Services' Florida State Hospital in Chattahoochee.*

(i) *During the 2015-2016 fiscal year, all computing resources remaining within an agency nonprimary data center or computing facility*

*shall be transferred to a primary data center for consolidation unless otherwise required to remain in the agency for specified financial, technical, or business reasons that must be justified in writing and approved by the Agency for Enterprise Information Technology. Such data centers, computing facilities, and resources must be identified by the Agency for Enterprise Information Technology by October 1, 2014.*

(j) *Any agency that is consolidating agency data centers into a primary data center must execute a new or update an existing service-level agreement within 60 days after the specified consolidation date, as required by s. 282.203, in order to specify the services and levels of service it is to receive from the primary data center as a result of the consolidation. If an agency is unable to execute a service-level agreement by that date, the agency shall submit a report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees within 5 working days after that date which explains the specific issues preventing execution and describing its plan and schedule for resolving those issues.*

(k) *Beginning September 1, 2011, and every 6 months thereafter until data center consolidations are complete, the Agency for Enterprise Information Technology shall provide a status report on the implementation of the consolidations that must be completed during the fiscal year. The report shall be submitted to the Executive Office of the Governor and the chairs of the legislative appropriations committees. The report must, at a minimum, describe:*

1. *Whether the consolidation is on schedule, including progress on achieving the milestones necessary for successful and timely consolidation of scheduled agency data centers and computing facilities; and*

2. *The risks that may affect the progress or outcome of the consolidation and how these risks are being addressed, mitigated, or managed.*

(l) *Each agency identified in this subsection for consolidation into a primary data center shall submit a transition plan to the Agency for Enterprise Information Technology by September 1 of the fiscal year before the fiscal year in which the scheduled consolidation will occur. Transition plans shall be developed in consultation with the appropriate primary data centers and the Agency for Enterprise Information Technology, and must include:*

1. *An inventory of the agency data center's resources being consolidated, including all hardware, software, staff, and contracted services, and the facility resources performing data center management and operations, security, backup and recovery, disaster recovery, system administration, database administration, system programming, job control, production control, print, storage, technical support, help desk, and managed services, but excluding application development;*

2. *A description of the level of services needed to meet the technical and operational requirements of the platforms being consolidated and an estimate of the primary data center's cost for the provision of such services;*

3. *A description of resources for computing services proposed to remain in the department;*

4. *A timetable with significant milestones for the completion of the consolidation; and*

5. *The specific recurring and nonrecurring budget adjustments of budget resources by appropriation category into the appropriate data-processing category pursuant to the legislative budget instructions in s. 216.023 necessary to support agency costs for the transfer.*

(m) *Each primary data center shall develop a transition plan for absorbing the transfer of agency data center resources based upon the timetables for transition as provided in this subsection. The plan shall be submitted to the Agency for Enterprise Information Technology, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by September 30 of the fiscal year before the fiscal year in which the scheduled consolidations will occur. Each plan must include:*

1. *An estimate of the cost to provide data center services for each agency scheduled for consolidation;*

2. A staffing plan that identifies the projected staffing needs and requirements based on the estimated workload identified in the agency transition plan;

3. The fiscal year adjustments to budget categories in order to absorb the transfer of agency data center resources pursuant to the legislative budget request instructions provided in s. 216.023;

4. An analysis of the cost effects resulting from the planned consolidations on existing agency customers; and

5. A description of any issues that must be resolved in order to accomplish as efficiently and effectively as possible all consolidations required during the fiscal year.

(n) The Agency for Enterprise Information Technology shall develop a comprehensive transition plan, which shall be submitted by October 15th of the fiscal year before the fiscal year in which the scheduled consolidations will occur to each primary data center, to the Executive Office of the Governor, and the chairs of the legislative appropriations committees. The transition plan shall be developed in consultation with agencies submitting agency transition plans and with the affected primary data centers. The comprehensive transition plan must include:

1. Recommendations for accomplishing the proposed transitions as efficiently and effectively as possible with minimal disruption to customer agency business processes;

2. Strategies to minimize risks associated with any of the proposed consolidations;

3. A compilation of the agency transition plans submitted by agencies scheduled for consolidation for the following fiscal year; and

4. Revisions to any budget adjustments provided in the agency or primary data center transition plans.

(o) Any agency data center scheduled for consolidation after the 2011-2012 fiscal year may consolidate into a primary data center before its scheduled date contingent upon the approval of the Agency for Enterprise Information Technology.

#### ~~(5)(4)~~ AGENCY LIMITATIONS.—

(a) Unless authorized by the Legislature or as provided in paragraphs (b) and (c), a state agency may not:

1. Create a new computing facility or data center, or expand the capability to support additional computer equipment in an existing computing facility or nonprimary data center;

2. Spend funds before the agency's scheduled consolidation into a primary data center to purchase or modify hardware or operations software that does not comply with hardware and software standards established by the Agency for Enterprise Information Technology pursuant to paragraph (2)(e) for the efficient consolidation of the agency data centers or computing facilities;

~~3.2.~~ Transfer existing computer services to any data center other than a primary ~~nonprimary~~ data center or computing facility;

~~4.3.~~ Terminate services with a primary data center or transfer services between primary data centers without giving written notice of intent to terminate or transfer services 180 days before such termination or transfer; or

5.4. Initiate a new computer service if it does not currently have an internal data center except with a primary data center.

(b) Exceptions to the limitations in subparagraphs (a)1., 2., 3., and 5.4. may be granted by the Agency for Enterprise Information Technology if there is insufficient capacity in a primary data center to absorb the workload associated with agency computing services, if expenditures are compatible with the scheduled consolidation and the standards established pursuant to paragraph (2)(e), or if the equipment or resources are needed to meet a critical agency business need that cannot be satisfied from surplus equipment or resources of the primary data center until the agency data center is consolidated.

1. A request for an exception must be submitted in writing to the Agency for Enterprise Information Technology. The agency must accept, accept with conditions, or deny the request within 60 days after receipt of the written request. The agency's decision is not subject to chapter 120.

2. At a minimum, the agency may not approve a request unless it includes:

a. Documentation approved by the primary data center's board of trustees which confirms that the center cannot meet the capacity requirements of the agency requesting the exception within the current fiscal year.

b. A description of the capacity requirements of the agency requesting the exception.

c. Documentation from the agency demonstrating why it is critical to the agency's mission that the expansion or transfer must be completed within the fiscal year rather than when capacity is established at a primary data center.

(c) Exceptions to subparagraph (a)4. ~~(a)3.~~ may be granted by the board of trustees of the primary data center if the termination or transfer of services can be absorbed within the current cost-allocation plan.

(d) Upon the termination of or transfer of agency computing services from the primary data center, the primary data center shall require information sufficient to determine compliance with this section. If a primary data center determines that an agency is in violation of this section, it shall report the violation to the Agency for Enterprise Information Technology.

~~(6)(5)~~ RULES.—The Agency for Enterprise Information Technology may ~~is authorized to~~ adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~ to administer ~~the provisions of~~ this part relating to the state data center system including the primary data centers.

Section 6. Paragraphs (f) through (l) of subsection (1), paragraph (a) of subsection (2), and paragraph (j) of subsection (3) of section 282.203, Florida Statutes, are amended to read:

282.203 Primary data centers.—

(1) DATA CENTER DUTIES.—Each primary data center shall:

~~(f) By December 31, 2010, submit organizational plans that minimize the annual recurring cost of center operations and eliminate the need for state agency customers to maintain data center skills and staff within their agency. The plans shall:~~

~~1. Establish an efficient organizational structure describing the roles and responsibilities of all positions and business units in the centers;~~

~~2. Define a human resources planning and management process that shall be used to make required center staffing decisions; and~~

~~3. Develop a process for projecting staffing requirements based on estimated workload identified in customer agency service level agreements.~~

~~(f)(g)~~ Maintain the performance of the facility, which includes ensuring proper data backup, data backup recovery, an effective disaster recovery plan, and appropriate security, power, cooling and fire suppression, and capacity.

~~(g)(h)~~ Develop a business continuity plan and conduct a live exercise of the plan at least annually. The plan must be approved by the board and the Agency for Enterprise Information Technology.

~~(h)(i)~~ Enter into a service-level agreement with each customer entity to provide services as defined and approved by the board ~~in compliance with rules of the Agency for Enterprise Information Technology.~~ A service-level agreement may not have a term exceeding 3 years but may include an option to renew for up to 3 years contingent on approval by the board.

1. A service-level agreement, at a minimum, must:

a. Identify the parties and their roles, duties, and responsibilities under the agreement;

b. Identify the legal authority under which the service-level agreement was negotiated and entered into by the parties;

c. State the duration of the contractual term and specify the conditions for contract renewal;

d. Prohibit the transfer of computing services between primary data center facilities without at least 180 days' notice of service cancellation;

e. Identify the scope of work;

f. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit;

g. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by which the business standards for each service are to be objectively measured and reported;

h. Identify applicable funds and funding streams for the services or products under contract;

i. Provide a timely billing methodology for recovering the cost of services provided to the customer entity;

j. Provide a procedure for modifying the service-level agreement to address changes in projected costs of service;

k. Provide that a service-level agreement may be terminated by either party for cause only after giving the other party and the Agency for Enterprise Information Technology notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period; and

1. Provide for mediation of disputes by the Division of Administrative Hearings pursuant to s. 120.573.

2. A service-level agreement may include:

a. A dispute resolution mechanism, including alternatives to administrative or judicial proceedings;

b. The setting of a surety or performance bond for service-level agreements entered into with ~~nonstate~~ agency primary data centers established by law, which may be designated by the Agency for Enterprise Information Technology; or

c. Additional terms and conditions as determined advisable by the parties if such additional terms and conditions do not conflict with the requirements of this section or rules adopted by the Agency for Enterprise Information Technology.

3. The failure to execute a service-level agreement within 60 days after service commencement shall, in the case of an existing customer entity, result in a continuation of the terms of the service-level agreement from the prior fiscal year, including any amendments that were formally proposed to the customer entity by the primary data center within the 3 months before service commencement, and a revised cost-of-service estimate. If a new customer entity fails to execute an agreement within 60 days after service commencement, the data center may cease services.

(i)(+) Plan, design, establish pilot projects for, and conduct experiments with information technology resources, and implement enhancements in services if such implementation is cost-effective and approved by the board.

(j)(+) Enter into a memorandum of understanding with the agency where the data center is administratively located *if the data center requires the agency to provide any administrative* ~~which establishes the services to be provided by that agency~~ to the data center and the cost of such services.

(k)(+) Be the custodian of resources and equipment that are located, operated, supported, and managed by the center for the purposes of chapter 273.

(l) Assume administrative access rights to the resources and equipment, such as servers, network components, and other devices that are consolidated into the primary data center.

1. Upon the date of each consolidation specified in s. 282.201, the General Appropriations Act, or the Laws of Florida, each agency shall relinquish all administrative access rights to such resources and equipment.

2. Each primary data center shall provide its customer agencies with the appropriate level of access to applications, servers, network components, and other devices necessary for agencies to perform their core business activities and functions.

(2) BOARD OF TRUSTEES.—Each primary data center shall be headed by a board of trustees as defined in s. 20.03.

(a) The members of the board shall be appointed by the agency head or chief executive officer of the representative customer entities of the primary data center and shall serve at the pleasure of the appointing customer entity. Each agency head or chief executive officer may appoint an alternate member for each board member appointed pursuant to this subsection.

1. During the first fiscal year that a state agency is to consolidate its data center operations to a primary data center and for the following full fiscal year, the agency shall have a single trustee having one vote on the board of the state primary data center where it is to consolidate, unless it is entitled in the second year to a greater number of votes as provided in subparagraph 3. ~~For each of the first 2 fiscal years that a center is in operation, membership shall be as provided in subparagraph 3. based on projected customer entity usage rates for the fiscal operating year of the primary data center. However, at a minimum:~~

~~a. During the Southwood Shared Resource Center's first 2 operating years, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, the Department of Health, and the Department of Revenue must each have at least one trustee.~~

~~b. During the Northwood Shared Resource Center's first operating year, the Department of State and the Department of Education must each have at least one trustee.~~

2. Board ~~After the second full year of operation,~~ membership shall be as provided in subparagraph 3. based on the most recent estimate of customer entity usage rates for the prior year and a projection of usage rates for the first 9 months of the next fiscal year. Such calculation must be completed before the annual budget meeting held before the beginning of the next fiscal year so that any decision to add or remove board members can be voted on at the budget meeting and become effective on July 1 of the subsequent fiscal year.

3. Each customer entity that has a projected usage rate of 4 percent or greater during the fiscal operating year of the primary data center shall have one trustee on the board.

4. The total number of votes for each trustee shall be apportioned as follows:

a. Customer entities of a primary data center whose usage rate represents 4 but less than 15 percent of total usage shall have one vote.

b. Customer entities of a primary data center whose usage rate represents 15 but less than 30 percent of total usage shall have two votes.

c. Customer entities of a primary data center whose usage rate represents 30 but less than 50 percent of total usage shall have three votes.

d. A customer entity of a primary data center whose usage rate represents 50 percent or more of total usage shall have four votes.

e. A single trustee having one vote shall represent those customer entities that represent less than 4 percent of the total usage. The trustee shall be selected by a process determined by the board.

(3) BOARD DUTIES.—Each board of trustees of a primary data center shall:

(j) Maintain the capabilities of the primary data center's facilities. Maintenance responsibilities include, but are not limited to, ensuring that adequate conditioned floor space, fire suppression, cooling, and power is in place; replacing aging equipment when necessary; and making decisions related to data center expansion and renovation, periodic upgrades, and improvements that are required to ensure the ongoing suitability of the facility as an enterprise data center consolidation site in the state data center system. To the extent possible, the board shall ensure that its approved annual cost-allocation plan recovers sufficient funds from its customers to provide for these needs pursuant to s. 282.201(2)(e).

Section 7. Section 282.204, Florida Statutes, is amended to read:

282.204 Northwood Shared Resource Center.—The Northwood Shared Resource Center is an agency established within the Department of *Management Services Children and Family Services* for administrative purposes only.

(1) The center is a primary data center and ~~is shall be~~ a separate budget entity that is not subject to control, supervision, or direction of the department in any manner, including, but not limited to, purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(2) The center shall be headed by a board of trustees as provided in s. 282.203, who shall comply with all requirements of that section related to the operation of the center and with the rules of the Agency for Enterprise Information Technology related to the design and delivery of enterprise information technology services.

Section 8. Sections 282.3055 and 282.315, Florida Statutes, are repealed.

Section 9. Subsections (3) through (7) of section 282.318, Florida Statutes, are amended to read:

282.318 Enterprise security of data and information technology.—

(3) The ~~Office of Information Security within the~~ Agency for Enterprise Information Technology is responsible for establishing rules and publishing guidelines for ensuring an appropriate level of security for all data and information technology resources for executive branch agencies. The ~~agency office~~ shall also perform the following duties and responsibilities:

(a) Develop, and annually update by February 1, an enterprise information security strategic plan that includes security goals and objectives for the strategic issues of information security policy, risk management, training, incident management, and survivability planning.

(b) Develop enterprise security rules and published guidelines for:

1. Comprehensive risk analyses and information security audits conducted by state agencies.

2. Responding to suspected or confirmed information security incidents, including suspected or confirmed breaches of personal information or exempt data.

3. Agency security plans, including strategic security plans and security program plans.

4. The recovery of information technology and data following a disaster.

5. The managerial, operational, and technical safeguards for protecting state government data and information technology resources.

(c) Assist agencies in complying with the provisions of this section.

(d) Pursue appropriate funding for the purpose of enhancing domestic security.

(e) Provide training for agency information security managers.

(f) Annually review the strategic and operational information security plans of executive branch agencies.

(4) To assist the ~~Agency for Enterprise Information Technology Office of Information Security~~ in carrying out its responsibilities, each agency head shall, at a minimum:

(a) Designate an information security manager to administer the security program of the agency for its data and information technology resources. This designation must be provided annually in writing to the ~~Agency for Enterprise Information Technology office~~ by January 1.

(b) Submit to the ~~Agency for Enterprise Information Technology office~~ annually by July 31, the agency's strategic and operational information security plans developed pursuant to the rules and guidelines established by the ~~Agency for Enterprise Information Technology office~~.

1. The agency strategic information security plan must cover a 3-year period and define security goals, intermediate objectives, and projected agency costs for the strategic issues of agency information security policy, risk management, security training, security incident response, and survivability. The plan must be based on the enterprise strategic information security plan created by the ~~Agency for Enterprise Information Technology office~~. Additional issues may be included.

2. The agency operational information security plan must include a progress report for the prior operational information security plan and a project plan that includes activities, timelines, and deliverables for security objectives that, subject to current resources, the agency will implement during the current fiscal year. The cost of implementing the portions of the plan which cannot be funded from current resources must be identified in the plan.

(c) Conduct, and update every 3 years, a comprehensive risk analysis to determine the security threats to the data, information, and information technology resources of the agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for performing postauditing duties.

(d) Develop, and periodically update, written internal policies and procedures, which include procedures for notifying the ~~Agency for Enterprise Information Technology office~~ when a suspected or confirmed breach, or an information security incident, occurs. Such policies and procedures must be consistent with the rules and guidelines established by the ~~Agency for Enterprise Information Technology office~~ to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for performing postauditing duties.

(e) Implement appropriate cost-effective safeguards to address identified risks to the data, information, and information technology resources of the agency.

(f) Ensure that periodic internal audits and evaluations of the agency's security program for the data, information, and information technology resources of the agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General and the Agency for Enterprise Information Technology for performing postauditing duties.

(g) Include appropriate security requirements in the written specifications for the solicitation of information technology and information technology resources and services, which are consistent with the rules and guidelines established by the ~~Agency for Enterprise Information Technology office~~.

(h) Provide security awareness training to employees and users of the agency's communication and information resources concerning information security risks and the responsibility of employees and users to comply with policies, standards, guidelines, and operating procedures adopted by the agency to reduce those risks.

(i) Develop a process for detecting, reporting, and responding to suspected or confirmed security incidents, including suspected or con-

firmed breaches consistent with the security rules and guidelines established by the *Agency for Enterprise Information Technology office*.

1. Suspected or confirmed information security incidents and breaches must be immediately reported to the *Agency for Enterprise Information Technology office*.

2. For incidents involving breaches, agencies shall provide notice in accordance with s. 817.5681 and to the *Agency for Enterprise Information Technology office* in accordance with this subsection.

(5) Each state agency shall include appropriate security requirements in the specifications for the solicitation of contracts for procuring information technology or information technology resources or services which are consistent with the rules and guidelines established by the *Agency for Enterprise Information Technology Office of Information Security*.

(6) The Agency for Enterprise Information Technology may adopt rules relating to information security and to administer the provisions of this section.

~~(7) By December 31, 2010, the Agency for Enterprise Information Technology shall develop, and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a proposed implementation plan for information technology security. The agency shall describe the scope of operation, conduct costs and requirements analyses, conduct an inventory of all existing security information technology resources, and develop strategies, timeframes, and resources necessary for statewide migration.~~

Section 10. Subsections (2), (3), and (4) of section 282.33, Florida Statutes, are amended to read:

282.33 Objective standards for data center energy efficiency.—

(2) State shared resource data centers and other data centers that the Agency for Enterprise Information Technology has determined will be recipients for consolidating data centers, which are designated by the Agency for Enterprise Information Technology, shall evaluate their data center facilities for energy efficiency using the standards established in this section.

(a) Results of these evaluations shall be reported to the Agency for Enterprise Information Technology, the President of the Senate, and the Speaker of the House of Representatives. Reports shall enable the tracking of energy performance over time and comparisons between facilities.

(b) ~~Beginning By~~ December 31, 2010, and every 3 years ~~biennially~~ thereafter, the Agency for Enterprise Information Technology shall submit to the Legislature recommendations for reducing energy consumption and improving the energy efficiency of state primary data centers.

~~(3) The primary means of achieving maximum energy savings across all state data centers and computing facilities shall be the consolidation of data centers and computing facilities as determined by the Agency for Enterprise Information Technology. State data centers and computing facilities in the state data center system shall be established as an enterprise information technology service as defined in s. 282.0041. The Agency for Enterprise Information Technology shall make recommendations on consolidating state data centers and computing facilities, pursuant to s. 282.0056, by December 31, 2009.~~

~~(3)(4) If~~ When the total cost of ownership of an energy-efficient product is less than or equal to the cost of the existing data center facility or infrastructure, technical specifications for energy-efficient products should be incorporated in the plans and processes for replacing, upgrading, or expanding data center facilities or infrastructure, including, but not limited to, network, storage, or computer equipment and software.

Section 11. Section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A ~~statewide state~~ e-mail service system that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be de-

signed to meet the needs of all executive branch agencies, *and may also be used by nonstate agency entities*. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(1) The Southwood Shared Resource Center, a primary data center, shall be the provider of the statewide e-mail service for all state agencies. The center shall centrally host, manage, operate, and support the service, or outsource the hosting, management, operational, or support components of the service in order to achieve the primary goals identified in this section.

(2) *The Agency for Enterprise Information Technology, in cooperation and consultation with all state agencies, shall prepare and submit for approval by the Legislative Budget Commission at a meeting scheduled before June 30, 2011, a proposed plan for the migration of all state agencies to the statewide e-mail service. The plan for migration must include:*

(a) *A cost-benefit analysis that compares the total recurring and nonrecurring operating costs of the current agency e-mail systems, including monthly mailbox costs, staffing, licensing and maintenance costs, hardware, and other related e-mail product and service costs to the costs associated with the proposed statewide e-mail service. The analysis must also include:*

1. *A comparison of the estimated total 7-year life-cycle cost of the current agency e-mail systems versus the feasibility of funding the migration and operation of the statewide e-mail service.*

2. *An estimate of recurring costs associated with the energy consumption of current agency e-mail equipment, and the basis for the estimate.*

3. *An identification of the overall cost savings resulting from state agencies migrating to the statewide e-mail service and decommissioning their agency e-mail systems.*

(b) *A proposed migration date for all state agencies to be migrated to the statewide e-mail service. The Agency for Enterprise Information Technology shall work with the Executive Office of the Governor to develop the schedule for migrating all state agencies to the statewide e-mail service except for the Department of Legal Affairs. The Department of Legal Affairs shall provide to the Agency for Enterprise Information Technology by June 1, 2011, a proposed migration date based upon its decision to participate in the statewide e-mail service and the identification of any issues that require resolution in order to migrate to the statewide e-mail service.*

(c) *A budget amendment, submitted pursuant to chapter 216, for adjustments to each agency's approved operating budget necessary to transfer sufficient budget resources into the appropriate data processing category to support its statewide e-mail service costs.*

(d) *A budget amendment, submitted pursuant to chapter 216, for adjustments to the Southwood Shared Resource Center approved operating budget to include adjustments in the number of authorized positions, salary budget and associated rate, necessary to implement the statewide e-mail service.*

(3) *Contingent upon approval by the Legislative Budget Commission, the Southwood Shared Resource Center may contract for the provision of a statewide e-mail service. Executive branch agencies must be completely migrated to the statewide e-mail service based upon the migration date included in the proposed plan approved by the Legislative Budget Commission.*

(4) *Notwithstanding chapter 216, General Revenue funds may be increased or decreased for each agency provided the net change to General Revenue in total for all agencies is zero or less.*

(5) *Subsequent to the approval of the consolidated budget amendment to reflect budget adjustments necessary to migrate to the statewide e-mail service, an agency may make adjustments subject to s. 216.177, notwithstanding provisions in chapter 216 which may require such adjustments to be approved by the Legislative Budget Commission.*

(6) No agency may initiate a new e-mail service or execute a new e-mail contract or amend a current e-mail contract, other than with the Southwood Shared Resource Center, for nonessential products or services unless the Legislative Budget Commission denies approval for the Southwood Shared Resource Center to enter into a contract for the statewide e-mail service.

(7) The Agency for Enterprise Information Technology shall work with the Southwood Shared Resource Center to develop an implementation plan that identifies and describes the detailed processes and timelines for an agency's migration to the statewide e-mail service based on the migration date approved by the Legislative Budget Commission. The agency may establish and coordinate workgroups consisting of agency e-mail management, information technology, budget, and administrative staff to assist the agency in the development of the plan.

(8) Each executive branch agency shall provide all information necessary to develop the implementation plan, including, but not limited to, required mailbox features and the number of mailboxes that will require migration services. Each agency must also identify any known business, operational, or technical plans, limitations, or constraints that should be considered when developing the plan.

(2) The Agency for Enterprise Information Technology, in consultation with the Southwood Shared Resource Center, shall establish and coordinate a multiagency project team to develop a competitive solicitation for establishing the statewide e-mail service.

(a) The Southwood Shared Resource Center shall issue the competitive solicitation by August 31, 2010, with vendor responses required by October 15, 2010. Issuance of the competitive solicitation does not obligate the agency and the center to conduct further negotiations or to execute a contract. The decision to conduct or conclude negotiations, or execute a contract, must be made solely at the discretion of the agency.

(b) The competitive solicitation must include detailed specifications describing:

1. The current e-mail approach for state agencies and the specific business objectives met by the present system.

2. The minimum functional requirements necessary for successful statewide implementation and the responsibilities of the prospective service provider and the agency.

3. The form and required content for submitted proposals, including, but not limited to, a description of the proposed system and its internal and external sourcing options, a 5-year life cycle based pricing based on cost per mailbox per month, and a decommissioning approach for current e-mail systems; an implementation schedule and implementation services; a description of e-mail account management, help desk, technical support, and user provisioning services; disaster recovery and backup and restore capabilities; antispam and antivirus capabilities; remote access and mobile messaging capabilities; and staffing requirements.

(c) Other optional requirements specifications may be included in the competitive solicitation if not in conflict with the primary goals of the statewide e-mail service.

(d) The competitive solicitation must permit alternative financial and operational models to be proposed, including, but not limited to:

1. Leasing or usage based subscription fees;

2. Installing and operating the e-mail service within the Southwood Shared Resource Center or in a data center operated by an external service provider; or

3. Provisioning the e-mail service as an Internet-based offering provided to state agencies. Specifications for proposed models must be optimized to meet the primary goals of the e-mail service.

(3) By December 31, 2010, or within 1 month after negotiations are complete, whichever is later, the multiagency project team and the Agency for Enterprise Information Technology shall prepare a business case analysis containing its recommendations for procuring the statewide e-mail service for submission to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Re-

presentatives. The business case is not subject to challenge or protest pursuant to chapter 120. The business case must include, at a minimum:

(a) An assessment of the major risks that must be managed for each proposal compared to the risks for the current state agency e-mail system and the major benefits that are associated with each.

(b) A cost-benefit analysis that estimates all major cost elements associated with each sourcing option, focusing on the nonrecurring and recurring life cycle costs of each option. The analysis must include a comparison of the estimated total 5-year life cycle cost of the current agency e-mail systems versus each enterprise e-mail sourcing option in order to determine the feasibility of funding the migration and operation of the statewide e-mail service and the overall level of savings that can be expected. The 5-year life cycle costs for each state agency must include, but are not limited to:

1. The total recurring operating costs of the current agency e-mail systems, including monthly mailbox costs, staffing, licensing and maintenance costs, hardware, and other related e-mail product and service costs.

2. An estimate of nonrecurring hardware and software refresh, upgrade, or replacement costs based on the expected 5-year obsolescence of current e-mail software products and equipment through the 2014 fiscal year, and the basis for the estimate.

3. An estimate of recurring costs associated with the energy consumption of current agency e-mail equipment, and the basis for the estimate.

4. Any other critical costs associated with the current agency e-mail systems which can reasonably be estimated and included in the business case analysis.

(c) A comparison of the migrating schedules of each sourcing option to the statewide e-mail service, including the approach and schedule for the decommissioning of all current state agency e-mail systems beginning with phase 1 and phase 2 as provided in subsection (4).

(4) All agencies must be completely migrated to the statewide e-mail service as soon as financially and operationally feasible, but no later than June 30, 2015.

(a) The following statewide e-mail service implementation schedule is established for state agencies:

1. Phase 1. The following agencies must be completely migrated to the statewide e-mail system by June 30, 2012: the Agency for Enterprise Information Technology; the Department of Community Affairs, including the Division of Emergency Management; the Department of Corrections; the Department of Health; the Department of Highway Safety and Motor Vehicles; the Department of Management Services, including the Division of Administrative Hearings; the Division of Retirement; the Commission on Human Relations; and the Public Employees Relations Commission; the Southwood Shared Resource Center; and the Department of Revenue.

2. Phase 2. The following agencies must be completely migrated to the statewide e-mail system by June 30, 2013: the Department of Business and Professional Regulation; the Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans' Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.

3. Phase 3. The following agencies must be completely migrated to the statewide e-mail system by June 30, 2014: the Agency for Health Care Administration; the Agency for Workforce Innovation; the Department of Financial Services, including the Office of Financial Regulation and the Office of Insurance Regulation; the Department of Agriculture and Consumer Services; the Executive Office of the Governor; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Agency for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.

~~4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Elderly Affairs; and the Department of Legal Affairs.~~

~~(b) Agency requests to modify their scheduled implementing date must be submitted in writing to the Agency for Enterprise Information Technology. Any exceptions or modifications to the schedule must be approved by the Agency for Enterprise Information Technology based only on the following criteria:~~

~~1. Avoiding nonessential investment in agency e-mail hardware or software refresh, upgrade, or replacement.~~

~~2. Avoiding nonessential investment in new software or hardware licensing agreements, maintenance or support agreements, or e-mail staffing for current e-mail systems.~~

~~3. Resolving known agency e-mail problems through migration to the statewide e-mail service.~~

~~4. Accommodating unique agency circumstances that require an acceleration or delay of the implementation date.~~

~~(5) In order to develop the implementation plan for the statewide e-mail service, the Agency for Enterprise Information Technology shall establish and coordinate a statewide e-mail project team. The agency shall also consult with and, as necessary, form workgroups consisting of agency e-mail management staff, agency chief information officers, agency budget directors, and other administrative staff. The statewide e-mail implementation plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2011.~~

~~(6) Unless authorized by the Legislature or as provided in subsection (7), a state agency may not:~~

~~(a) Initiate a new e-mail service or execute a new e-mail contract or new e-mail contract amendment for nonessential products or services with any entity other than the provider of the statewide e-mail service;~~

~~(b) Terminate a statewide e-mail service without giving written notice of termination 180 days in advance; or~~

~~(c) Transfer e-mail system services from the provider of the statewide e-mail service.~~

~~(7) Exceptions to paragraphs (6)(a), (b), and (c) may be granted by the Agency for Enterprise Information Technology only if the Southwood Shared Resource Center is unable to meet agency business requirements for the e-mail service, and if such requirements are essential to maintain agency operations. Requests for exceptions must be submitted in writing to the Agency for Enterprise Information Technology and include documented confirmation by the Southwood Shared Resource Center board of trustees that it cannot meet the requesting agency's e-mail service requirements.~~

~~(8) Each agency shall include the budget issues necessary for migrating to the statewide e-mail service in its legislative budget request before the first full year it is scheduled to migrate to the statewide service in accordance with budget instructions developed pursuant to s. 216.023.~~

~~(9) The Agency for Enterprise Information Technology shall adopt rules to standardize the format for state agency e-mail addresses.~~

~~(10) State agencies must fully cooperate with the Agency for Enterprise Information Technology in the performance of its responsibilities established in this section.~~

~~(11) The Agency for Enterprise Information Technology shall recommend changes to an agency's scheduled date for migration to the statewide e-mail service pursuant to this section, annually by December 31, until migration to the statewide service is complete.~~

Section 12. Paragraph (h) of subsection (3) and paragraph (b) of subsection (4) of section 287.042, Florida Statutes, are amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(3) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(h) Development, ~~in consultation with the Agency Chief Information Officers Council,~~ of procedures to be used by state agencies when procuring information technology commodities and contractual services to ensure compliance with public records requirements and records retention and archiving requirements.

(4)

(b) To prescribe, ~~in consultation with the Agency Chief Information Officers Council,~~ procedures for procuring information technology and information technology consultant services which provide for public announcement and qualification, competitive solicitations, contract award, and prohibition against contingent fees. Such procedures ~~are~~ shall be limited to information technology consultant contracts for which the total project costs, or planning or study activities, are estimated to exceed the threshold amount provided ~~for~~ in s. 287.017, for CATEGORY TWO.

Section 13. *The Northwood Shared Resource Center is transferred by a type one transfer, as defined in s. 20.06(1), Florida Statutes, from the Department of Children and Family Services to the Department of Management Services.*

Section 14. *The Agency for Enterprise Information Technology, in coordination with the Southwood Shared Resource Center, shall provide a written status report to the Executive Office of the Governor and to the chairs of the legislative appropriations committees detailing the progress made by the agencies required to migrate to the statewide e-mail service by the required migration date. The status report must be provided every 6 months, beginning September 1, 2011, until implementation is complete.*

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the consolidation of state information technology services; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information Technology; deleting references to the Office of Information Security and the Agency Chief Information Officers Council; amending s. 20.315, F.S.; requiring that the Department of Corrections' Office of Information Technology manage the department's data system; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to the agency's annual work plan; amending s. 282.201, F.S.; revising the duties of the agency; requiring the agency to submit certain recommendations to the Legislature, the Executive Office of the Governor, and the primary data centers; deleting obsolete provisions; conforming provisions to changes made by the act; providing a schedule for the consolidations of state agency data centers; requiring agencies to update their service-level agreements and to develop consolidation plans; requiring the Agency for Enterprise Information Technology to submit a status report to the Governor and Legislature and to develop a comprehensive transition plan; requiring primary data centers to develop transition plans; revising agency limitations relating to technology services; amending s. 282.203, F.S.; deleting obsolete provisions; revising duties of primary data centers relating to state agency resources and equipment relinquished to the centers; requiring state agencies to relinquish all administrative access rights to certain resources and equipment upon consolidation; providing for the appointment of alternate board members; revising provisions relating to state agency representation on data center boards; conforming a cross-reference; amending s. 282.204, F.S.; establishing the Northwood Shared Resource Center in the Department of Management Services rather than the Department of Children and Family Services; repealing s. 282.3055, F.S., requiring each agency to appoint an agency chief information officer; repealing s. 282.315, F.S., relating to the Agency Chief Information Officers Council; amending s. 282.318, F.S.; deleting references to the Office of Information Security with respect to responsibility for enterprise security; deleting obsolete provisions; amending s. 282.33, F.S.; deleting an obsolete provision; re-

vising the schedule for the Agency for Enterprise Information Technology to submit certain recommendations to the Legislature; amending s. 282.34, F.S.; revising provisions relating to the statewide e-mail service; deleting the schedule and requiring the agency to develop and submit a plan to the Legislative Budget Commission for the migration of state agencies to the service; specifying what the plan must include; prohibiting state agencies from executing contracts for certain e-mail services; requiring the development of an implementation plan; requiring state agencies to provide all information necessary for the implementation plan; amending ss. 287.042, F.S.; conforming provisions to changes made by the act; transferring the Northwood Shared Resource Center to the Department of Management Services; requiring the agency to coordinate with the Southwood Shared Resource Center to provide a status report to the Executive Office of the Governor and to the Legislature; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2098** was adopted. **SB 2098** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Garcia	Rich
Alexander	Gardiner	Richter
Altman	Hays	Ring
Benacquisto	Hill	Sachs
Bennett	Jones	Simmons
Bogdanoff	Joyner	Siplin
Braynon	Latvala	Smith
Dean	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	
Gaetz	Oelrich	

Nays—1

Detert

Vote after roll call:

Nay—Dockery

By direction of the President the following Conference Committee Report was read:

#### CONFERENCE COMMITTEE REPORT ON CS for CS for SB 1292

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 1292, same being:

An act relating to the Chief Financial Officer.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ *JD Alexander*  
Chair  
s/ *Thad Altman*

s/ *Joe Negron*  
Vice Chair  
s/ *Lizbeth Benacquisto*

s/ *Michael S. "Mike" Bennett*  
s/ *Oscar Braynon II*  
s/ *Charles S. "Charlie" Dean, Sr.*  
s/ *Miguel Diaz de la Portilla*  
s/ *Greg Evers*  
s/ *Anitere Flores*  
s/ *Rene Garcia*  
s/ *Alan Hays*  
s/ *Dennis L. Jones, D.C.*  
s/ *Jack Latvala*  
s/ *Gwen Margolis*  
s/ *Jim Norman*  
s/ *Nan H. Rich, At Large*  
s/ *Jeremy Ring*  
s/ *David Simmons*  
s/ *Christopher L. "Chris" Smith*  
s/ *Ronda Storms*  
s/ *Stephen R. Wise*

s/ *Ellyn Setnor Bogdanoff*  
s/ *Larcenia J. Bullard*  
s/ *Nancy C. Detert*  
s/ *Paula Dockery*  
s/ *Mike Fasano*  
s/ *Don Gaetz, At Large*  
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s/ *Evelyn J. Lynn*  
s/ *Bill Montford*  
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s/ *Garrett Richter*  
s/ *Maria Lorts Sachs*  
s/ *Gary Siplin, At Large*  
s/ *Eleanor Sobel*  
s/ *John Thrasher, At Large*

Managers on the part of the Senate

s/ *Denise Grimsley*  
Chair  
s/ *Larry Ahern*  
s/ *Frank Artiles*  
s/ *Dennis K. Baxley*  
s/ *Lori Berman*  
s/ *Michael Bileca*  
s/ *Jason T. Brodeur*  
s/ *Matthew H. "Matt" Caldwell*  
s/ *Daphne D. Campbell*  
s/ *Marti Coley*  
s/ *Richard Corcoran*  
s/ *Steve Crisafulli*  
s/ *Jose Felix Diaz*  
s/ *Brad Drake*  
s/ *Erik Fresen*  
s/ *Matt Gaetz*  
s/ *Richard "Rich" Glorioso*  
s/ *Tom Goodson*  
s/ *Gayle B. Harrell*  
s/ *Ed Hooper*  
s/ *Matt Hudson, At Large*  
s/ *Clay Ingram*  
s/ *John Patrick Julien*  
s/ *Paige Kreegel, At Large*  
s/ *Carlos Lopez-Cantera, At Large*  
s/ *Charles McBurney*  
s/ *Larry Metz*  
s/ *Bryan Nelson*  
s/ *H. Marlene O'Toole*  
s/ *Jimmy Patronis*  
s/ *Ray Pilon*  
s/ *Elizabeth W. Porter*  
s/ *William L. "Bill" Proctor,*  
At Large  
s/ *Kenneth L. "Ken" Roberson*  
s/ *Patrick Rooney, Jr.*  
s/ *Franklin Sands, At Large*  
s/ *Robert C. "Rob" Schenck,*  
At Large  
s/ *William D. Snyder, At Large*  
s/ *Kelli Stargel*  
s/ *Carlos Trujillo*  
s/ *Alan B. Williams*  
s/ *John Wood*  
s/ *Dana D. Young*

Joseph Abruzzo  
s/ *Janet H. Adkins*  
s/ *Ben Albritton*  
s/ *Gary Aubuchon, At Large*  
s/ *Leonard L. Bembry*  
s/ *Mack Bernard*  
s/ *Jeffrey "Jeff" Brandes*  
s/ *Douglas Vaughn "Doug" Broxson*  
s/ *Charles S. "Chuck" Chestnut IV,*  
At Large  
s/ *Fredrick W. "Fred" Costello*  
s/ *Daniel Davis*  
s/ *Chris Dorworth*  
s/ *Clay Ford*  
s/ *James C. "Jim" Frishe*  
s/ *Joseph A. "Joe" Gibbons*  
s/ *Eduardo "Eddy" Gonzalez*  
s/ *James W. "J.W." Grant*  
s/ *Doug Holder*  
s/ *Mike Horner*  
s/ *Dorothy L. Hukill, At Large*  
s/ *Mia L. Jones*  
s/ *Martin David "Marty" Kiar*  
s/ *John Legg, At Large*  
s/ *Debbie Mayfield*  
s/ *Seth McKeel, At Large*  
s/ *Peter Nehr*  
s/ *Jeanette M. Nunez*  
s/ *Mark S. Pafford*  
s/ *W. Keith Perry*  
s/ *Scott Plakon*  
s/ *Stephen L. Precourt*  
s/ *Lake Ray*  
s/ *Betty Reed*  
s/ *Hazelle P. "Hazel" Rogers*  
s/ *Darryl Ervin Rouson, At Large*  
s/ *Ron Saunders, At Large*  
s/ *Irving "Irv" Slosberg*  
s/ *Jimmie T. Smith*  
s/ *Darren Soto*  
s/ *W. Gregory "Greg" Steube*  
s/ *Will W. Weatherford, At Large*  
s/ *Trudi K. Williams*  
s/ *Ritch Workman*

Managers on the part of the House

The Conference Committee Amendment for CS for CS for SB 1292, relating to the Chief Financial Officer, provides for the following:

- Beginning October 1, 2011, the CFO will begin conducting workshops with state agencies, local governments, educational entities and entities of higher education to gather information for the development of a uniform chart of accounts.

- The CFO will provide to the state agencies, local governments, educational entities and entities of higher education a draft chart of accounts by July 1, 2013.
- The CFO shall accept comments and input from state agencies, local governments, educational entities and entities of higher education regarding the draft chart of accounts through November 1, 2013.
- By January 15, 2014, the CFO will present a report to the Governor, President of the Senate and the Speaker of the House of Representatives recommending a uniform chart of accounts which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities and entities of higher education. The report will include the estimated cost of adopting and implementing a uniform enterprise-wide chart of accounts.

**Conference Committee Amendment (830612)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 215.89, Florida Statutes, is created to read:

215.89 *Charts of account.*—

(1) **LEGISLATIVE INTENT.**—*It is the intent of the Legislature that a mechanism be provided for obtaining detailed, uniform reporting of government financial information to enable citizens to view compatible information on the use of public funds by governmental entities. The Legislature intends that uniform reporting requirements be developed specifically to promote accountability and transparency in the use of public funds. In order to accommodate the different financial management systems currently in use, separate charts of account may be used as long as the financial information is captured and reported consistently and is compatible with any reporting entity.*

(2) **DEFINITIONS.**—*As used in this section, the term:*

(a) *“Charts of account” means a compilation of uniform data codes that are to be used for reporting governmental assets, liabilities, equities, revenues, and expenditures to the Chief Financial Officer. Uniform data codes shall capture specific details of the assets, liabilities, equities, revenues, and expenditures that are of interest to the public.*

(b) *“State agency” means an official, officer, commission, board, authority, council, committee, or department of the executive branch; a state attorney, public defender, criminal conflict and civil regional counsel, or capital collateral regional counsel; the Florida Clerks of Court Operations Corporation; the Justice Administrative Commission; the Florida Housing Finance Corporation; the Florida Public Service Commission; the State Board of Administration; the Supreme Court or a district court of appeal, circuit court, or county court; or the Judicial Qualifications Commission.*

(c) *“Local government” means a municipality, county, water management district, special district, or any other entity created by a local government.*

(d) *“Educational entity” means a school district or an entity created by a school district.*

(e) *“Entity of higher education” means a state university, a state or Florida College System institution, or an entity created by a state university or state or Florida College System institution.*

(f) *“State and local government financial information” means the assets, liabilities, equities, revenues, and expenditure information that is recorded in financial management systems of state agencies, local governments, educational entities, and entities of higher education.*

(3) **REPORTING STRUCTURE.**—

(a) *Beginning October 1, 2011, the Chief Financial Officer shall conduct workshops with state agencies, local governments, educational entities, and entities of higher education to gather information pertaining to uniform statewide reporting requirements to be used to develop charts of account by the Chief Financial Officer. A draft proposed charts of account shall be provided by July 1, 2013, to the state agencies, local governments, educational entities, and entities of higher education.*

(b) *The Chief Financial Officer shall accept comments from state agencies, local governments, educational entities, entities of higher education, and other interested parties regarding the proposed charts of account until November 1, 2013.*

(c) *By January 15, 2014, the Chief Financial Officer, after consultation with affected state agencies, local governments, educational entities, entities of higher education, and the Auditor General, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report must include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account.*

Section 2. *The Legislature finds that this act fulfills an important state interest.*

Section 3. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Chief Financial Officer; creating s. 215.89, F.S.; providing legislative intent; providing definitions; requiring the Chief Financial Officer to conduct workshops with state agencies, local governments, educational entities, and entities of higher education to gather information pertaining to uniform reporting requirements; requiring the Chief Financial Officer to accept comments from state agencies, local governments, educational entities, entities of higher education, and interested parties regarding proposed charts of account by a certain date; requiring the Chief Financial Officer to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which meet certain requirements by a certain date; requiring the report to include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account; providing a declaration of important state interest; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **CS for CS for SB 1292** was adopted. **CS for CS for SB 1292** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2104**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2104, same being:

An act relating to Governmental Reorganization.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Chair  
*s/ Ben Albritton*  
Gary Aubuchon, At Large  
Leonard L. Bemby  
Mack Bernard  
*s/ Jeffrey "Jeff" Brandes*  
*s/ Douglas Vaughn "Doug" Broxson*  
Charles S. "Chuck" Chestnut IV  
At Large  
*s/ Fredrick W. "Fred" Costello*  
*s/ Daniel Davis*  
Chris Dorworth  
Clay Ford  
James C. "Jim" Frishe  
Joseph A. "Joe" Gibbons  
Eduardo "Eddy" Gonzalez  
James W. "J.W." Grant  
*s/ Doug Holder*  
*s/ Mike Horner*  
*s/ Dorothy L. Hukill, At Large*  
Mia L. Jones  
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*s/ Seth McKeel, At Large*  
*s/ Peter Nehr*  
Jeanette M. Nunez  
Mark S. Pafford  
*s/ W. Keith Perry*  
Scott Plakon  
*s/ Stephen L. Precourt*  
*s/ Lake Ray*  
Betty Reed  
Hazelle P. "Hazel" Rogers  
Darryl Ervin Rouson, At Large  
Ron Saunders, At Large

*s/ Janet H. Adkins*  
*s/ Larry Ahern*  
*s/ Frank Artiles*  
*s/ Dennis K. Baxley*  
Lori Berman  
Michael Bileca  
*s/ Jason T. Brodeur*  
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Daphne D. Campbell  
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Richard Corcoran  
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*s/ Richard "Rich" Glorioso*  
*s/ Tom Goodson*  
*s/ Gayle B. Harrell*  
*s/ Ed Hooper*  
*s/ Matt Hudson*  
*s/ Clay Ingram*  
John Patrick Julien  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ Charles McBurney*  
*s/ Larry Metz*  
*s/ Bryan Nelson*  
*s/ H. Marlene O'Toole*  
*s/ Jimmy Patronis*  
*s/ Ray Pilon*  
Elizabeth W. Porter  
*s/ William L. "Bill" Proctor*  
At Large  
Kenneth L. "Ken" Roberson  
*s/ Patrick Rooney, Jr.*  
Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck,*

Irving "Irv" Slosberg  
*s/ Jimmie T. Smith*  
Darren Soto  
*s/ W. Gregory "Greg" Steube*  
Will W. Weatherford, At Large  
*s/ Trudi K. Williams*  
Ritch Workman

At Large  
*s/ William D. Snyder, At Large*  
Kelli Stargel  
*s/ Carlos Trujillo*  
Alan B. Williams  
John Wood  
*s/ Dana D. Young*

Managers on the part of the House

The Conference Committee Amendment for SB 2104, 1st Eng., relating to governmental reorganization, provides for the following:

- Moves the Statewide Office for Suicide Prevention from Executive Office of Governor to Department of Children and Family Services.
- Repeals statute creating Seaport Security Standards Advisory Council.
- Removes Office of Drug Control from involvement in approving waivers to seaport security standards and maritime domain security awareness training.
- Repeals section of statute relating to Office of Drug Control; modifies intent language; moves Statewide Drug Policy Advisory Council from Office of Drug Control to the Department of Health.
- Removes the director of the Office of Drug Control from the Suicide Prevention Coordinating Council and replaces with staff from the Governor's Office of Planning and Budgeting.
- Amends section 1006.07, F.S. to eliminate language requiring the approval role of the Office of Drug Control for materials provided to school districts relating to suicide prevention educational resources.

**Conference Committee Amendment (341472)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (3), (4), and (5) of section 14.2019, Florida Statutes, are amended to read:

14.2019 Statewide Office for Suicide Prevention.—

(1) The Statewide Office for Suicide Prevention is created ~~as a unit of the Office of Drug Control~~ within the *Department of Children and Family Services* ~~Executive Office of the Governor~~.

~~(3) Contingent upon a specific appropriation, the director of the Office of Drug Control shall employ a coordinator for the Statewide office for Suicide Prevention who shall work under the direction of the director to achieve the goals and objectives set forth in this section.~~

(3)(4) The Statewide Office for Suicide Prevention may seek and accept grants or funds from any federal, state, or local source to support the operation and defray the authorized expenses of the office and the Suicide Prevention Coordinating Council. Revenues from grants shall be deposited in the Grants and Donations Trust Fund within the *Department of Children and Family Services* ~~Executive Office of the Governor~~. In accordance with s. 216.181(11), the Executive Office of the Governor may request changes to the approved operating budget to allow the expenditure of any additional grant funds collected pursuant to this subsection.

(4)(5) Agencies under the control of the Governor or the Governor and Cabinet are directed, and all others are encouraged, to provide information and support to the Statewide Office for Suicide Prevention as requested.

Section 2. Subsection (2) of section 14.20195, Florida Statutes, is amended to read:

14.20195 Suicide Prevention Coordinating Council; creation; membership; duties.—There is created within the Statewide Office for Suicide Prevention a Suicide Prevention Coordinating Council. The council shall develop strategies for preventing suicide.

(2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of 27 ~~28~~ voting members and one nonvoting member.

(a) Thirteen members shall be appointed by the director of the *Statewide Office for Suicide Prevention of Drug Control* and shall represent the following organizations:

1. The Florida Association of School Psychologists.
2. The Florida Sheriffs Association.
3. The Suicide Prevention Action Network USA.
4. The Florida Initiative of Suicide Prevention.
5. The Florida Suicide Prevention Coalition.
6. The American Foundation of Suicide Prevention.
7. The Florida School Board Association.
8. The National Council for Suicide Prevention.
9. The state chapter of AARP.
10. The Florida Alcohol and Drug Abuse Association.
11. The Florida Council for Community Mental Health.
12. The Florida Counseling Association.
13. NAMI Florida.

(b) The following state officials or their designees shall serve on the coordinating council:

1. The Secretary of Elderly Affairs.
2. The State Surgeon General.
3. The Commissioner of Education.
4. The Secretary of Health Care Administration.
5. The Secretary of Juvenile Justice.
6. The Secretary of Corrections.
7. The executive director of the Department of Law Enforcement.
8. The executive director of the Department of Veterans' Affairs.
9. The Secretary of Children and Family Services.
10. The director of the Agency for Workforce Innovation.

(c) The Governor shall appoint four additional members to the coordinating council. The appointees must have expertise that is critical to the prevention of suicide or represent an organization that is not already represented on the coordinating council.

(d) For the members appointed by the director of the *Statewide Office for Suicide Prevention of Drug Control*, seven members shall be appointed to initial terms of 3 years, and seven members shall be appointed to initial terms of 4 years. For the members appointed by the Governor, two members shall be appointed to initial terms of 4 years, and two members shall be appointed to initial terms of 3 years. Thereafter, such members shall be appointed to terms of 4 years. Any vacancy on the coordinating council shall be filled in the same manner as the original appointment, and any member who is appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member's predecessor. A member is eligible for reappointment.

(e) The director of the *Statewide Office for Suicide Prevention of Drug Control* shall be a nonvoting member of the coordinating council and shall act as chair.

(f) Members of the coordinating council shall serve without compensation. Any member of the coordinating council who is a public em-

ployee is entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 3. *Section 311.115, Florida Statutes, is repealed.*

Section 4. Subsections (1), (3), (8), (10), and (11) of section 311.12, Florida Statutes, are amended to read:

311.12 Seaport security.—

(1) SECURITY STANDARDS.—

(a) The statewide minimum standards for seaport security applicable to seaports listed in s. 311.09 shall be those based on the Florida Seaport Security Assessment 2000 and set forth in the Port Security Standards Compliance Plan delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000. ~~The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards at its offices for distribution to the public and provide copies to each affected seaport upon request.~~

(b) A seaport may implement security measures that are more stringent, more extensive, or supplemental to the minimum security standards established by this subsection.

(c) The provisions of s. 790.251 are not superseded, preempted, or otherwise modified in any way by the provisions of this section.

(3) SECURITY PLAN.—Each seaport listed in s. 311.09 shall adopt and maintain a security plan specific to that seaport which provides for a secure seaport infrastructure that promotes the safety and security of state residents and visitors and the flow of legitimate trade and travel.

(a) Every 5 years after January 1, 2007, each seaport director, with the assistance of the Regional Domestic Security Task Force and in conjunction with the United States Coast Guard, shall revise the seaport's security plan based on the director's ongoing assessment of security risks, the risks of terrorist activities, and the specific and identifiable needs of the seaport for ensuring that the seaport is in substantial compliance with the minimum security standards established under subsection (1).

(b) Each adopted or revised security plan must be reviewed and approved by the ~~Office of Drug Control and the~~ Department of Law Enforcement for compliance with federal facility security assessment requirements under 33 C.F.R. s. 105.305 and the minimum security standards established under subsection (1). Within 30 days after completion, a copy of the written review shall be delivered to the United States Coast Guard, the Regional Domestic Security Task Force, and the Domestic Security Oversight Council.

(8) WAIVER FROM SECURITY REQUIREMENTS.—~~The Office of Drug Control and the~~ Department of Law Enforcement may modify or waive any physical facility requirement or other requirement contained in the minimum security standards upon a determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. An alternate means of compliance must not diminish the safety or security of the seaport and must be verified through an extensive risk analysis conducted by the seaport director.

(a) Waiver requests shall be submitted in writing, along with supporting documentation, to the ~~Office of Drug Control and the~~ Department of Law Enforcement. ~~The office and the~~ department ~~has~~ have 90 days to jointly grant or reject the waiver, in whole or in part.

(b) The seaport may submit any waivers that are not granted or are ~~jointly~~ rejected to the Domestic Security Oversight Council for review within 90 days. The council shall recommend that ~~the Office of Drug Control and the~~ Department of Law Enforcement grant the waiver or reject the waiver, in whole or in part. ~~The office and the~~ department shall give great weight to the council's recommendations.

(c) A request seeking a waiver from the seaport law enforcement personnel standards established under s. 311.122(3) may not be granted for percentages below 10 percent.

(d) Any modifications or waivers granted under this subsection shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to subsection (10).

(10) ~~REPORTS.—The Department of Law Enforcement, in consultation with the Office of Drug Control,~~ shall annually complete a report indicating the observations and findings of all reviews, inspections, or other operations relating to the seaports conducted during the year and any recommendations resulting from such reviews, inspections, and operations. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the governing body of each seaport or seaport authority, and each seaport director. The report must include each director's response indicating what actions, if any, have been taken or are planned to be taken pursuant to the observations, findings, and recommendations reported by the department.

(11) FUNDING.—

(a) In making decisions regarding security projects or other funding applicable to each seaport listed in s. 311.09, the Legislature may consider the Department of Law Enforcement's annual report under subsection (10) as authoritative, especially regarding each seaport's degree of substantial compliance with the minimum security standards established in subsection (1).

(b) The Legislature shall regularly review the ongoing costs of operational security on seaports, the impacts of this section on those costs, mitigating factors that may reduce costs without reducing security, and the methods by which seaports may implement operational security using a combination of sworn law enforcement officers and private security services.

(c) Subject to the provisions of this chapter and appropriations made for seaport security, state funds may not be expended for security costs without certification of need for such expenditures by the Office of Ports Administrator within the Department of Law Enforcement.

(d) If funds are appropriated for seaport security, ~~the Office of Drug Control,~~ the Department of Law Enforcement, and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans. Any seaport that receives state funds for security projects must enter into a joint participation agreement with the appropriate state entity and use the seaport security plan as the basis for the agreement.

1. If funds are made available over more than 1 fiscal year, the agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year.

2. The agreement may include specific timeframes for completion of a security project and the applicable funding reimbursement dates. The agreement may also require a contractual penalty of up to \$1,000 per day to be imposed for failure to meet project completion dates if state funding is available. Any such penalty shall be deposited into the State Transportation Trust Fund and used for seaport security operations and capital improvements.

Section 5. Subsection (1) of section 311.123, Florida Statutes, is amended to read:

311.123 Maritime domain security awareness training program.—

(1) The Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement ~~and the Office of Drug Control within the Executive Office of the Governor,~~ shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan required under s. 311.12(3).

Section 6. Subsection (2) of section 397.331, Florida Statutes, is amended to read:

397.331 Definitions; legislative intent.—

(2) It is the intent of the Legislature to establish and institutionalize a rational process for long-range planning, information gathering, strategic decisionmaking, and funding for the purpose of limiting substance abuse. The Legislature finds that the creation of a ~~state Office of Drug Control and a Statewide Drug Policy Advisory Council~~ affords the best means of establishing and institutionalizing such a process.

Section 7. *Section 397.332, Florida Statutes, is repealed.*

Section 8. Paragraphs (a), (b), and (c) of subsection (1) of section 397.333, Florida Statutes, are amended to read:

397.333 Statewide Drug Policy Advisory Council.—

(1)(a) The Statewide Drug Policy Advisory Council *shall be located in the Department of Health* ~~is created within the Executive Office of the Governor.~~ The *Surgeon General or his or her designee* ~~director of the Office of Drug Control~~ shall be a nonvoting, ex officio member of the advisory council and shall act as chairperson. The director of the Office of Planning and Budgeting *or his or her designee* shall be a nonvoting, ex officio member of the advisory council. The *Department of Health or its successor agency* ~~Office of Drug Control and the Office of Planning and Budgeting~~ shall provide staff support for the advisory council.

(b) The following state officials shall be appointed to serve on the advisory council:

1. The Attorney General, or his or her designee.
2. The executive director of the Department of Law Enforcement, or his or her designee.
3. The Secretary of Children and Family Services, or his or her designee.
4. The *director of the Office of Planning and Budgeting in the Executive Office of the Governor* ~~State Surgeon General~~, or his or her designee.
5. The Secretary of Corrections, or his or her designee.
6. The Secretary of Juvenile Justice, or his or her designee.
7. The Commissioner of Education, or his or her designee.
8. The executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee.
9. The Adjutant General of the state as the Chief of the Department of Military Affairs, or his or her designee.

(c) In addition, the Governor shall appoint 7 ~~11~~ members of the public to serve on the advisory council. Of the 7 ~~11~~ appointed members, one member must have professional or occupational expertise in drug enforcement, one member must have professional or occupational expertise in substance abuse prevention, one member must have professional or occupational expertise in substance abuse treatment, and two members must have professional or occupational expertise in faith-based substance abuse treatment services. The remainder of the members appointed should have professional or occupational expertise in, or be generally knowledgeable about, issues that relate to drug enforcement and substance abuse programs and services. The members appointed by the Governor must, to the extent possible, equitably represent all geographic areas of the state.

Section 9. Subsections (2) and (5) and paragraph (a) of subsection (6) of section 943.031, Florida Statutes, are amended to read:

943.031 Florida Violent Crime and Drug Control Council.—

(2) MEMBERSHIP.—The council shall consist of 14 members, as follows:

- (a) The Attorney General or a designate.
- (b) A designate of the executive director of the Department of Law Enforcement.
- (c) The secretary of the Department of Corrections or a designate.

- (d) The Secretary of Juvenile Justice or a designate.
- (e) The Commissioner of Education or a designate.
- (f) The president of the Florida Network of Victim/Witness Services, Inc., or a designate.
- (g) ~~The policy coordinator in the Public Safety Unit of the Governor's Office of Planning and Budgeting~~ ~~director of the Office of Drug Control~~ ~~within the Executive Office of the Governor~~, or a designate.
- (h) The Chief Financial Officer, or a designate.
- (i) Six members appointed by the Governor, consisting of two sheriffs, two chiefs of police, one medical examiner, and one state attorney or their designates.

The Governor, when making appointments under this subsection, must take into consideration representation by geography, population, ethnicity, and other relevant factors to ensure that the membership of the council is representative of the state at large. Designates appearing on behalf of a council member who is unable to attend a meeting of the council are empowered to vote on issues before the council to the same extent the designating council member is so empowered.

(5) DUTIES OF COUNCIL.—The council shall provide advice and make recommendations, as necessary, to the executive director of the department.

(a) The council may advise the executive director on the feasibility of undertaking initiatives which include, but are not limited to, the following:

1. Establishing a program ~~that which~~ provides grants to criminal justice agencies that develop and implement effective violent crime prevention and investigative programs and which provides grants to law enforcement agencies for the purpose of drug control, criminal gang, and illicit money laundering investigative efforts or task force efforts that are determined by the council to significantly contribute to achieving the state's goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, subject to the limitations provided in this section. The grant program may include an innovations grant program to provide startup funding for new initiatives by local and state law enforcement agencies to combat violent crime or to implement drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts by law enforcement agencies, including, but not limited to, initiatives such as:

- a. Providing enhanced community-oriented policing.
- b. Providing additional undercover officers and other investigative officers to assist with violent crime investigations in emergency situations.
- c. Providing funding for multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that cannot be reasonably funded completely by alternative sources and that significantly contribute to achieving the state's goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.

2. Expanding the use of automated fingerprint identification systems at the state and local level.

3. Identifying methods to prevent violent crime.

4. Identifying methods to enhance multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort,

or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.

5. Enhancing criminal justice training programs ~~that which~~ address violent crime, drug control, illicit money laundering investigative techniques, or efforts to control and eliminate criminal gangs.

6. Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to:

a. Enhanced victim and witness counseling services that also provide crisis intervention, information referral, transportation, and emergency financial assistance.

b. A well-publicized rewards program for the apprehension and conviction of criminals who perpetrate violent crimes.

7. Enhancing information sharing and assistance in the criminal justice community by expanding the use of community partnerships and community policing programs. Such expansion 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 visibility within the community.

(b) The full council shall:

1. Receive periodic reports from regional violent crime investigation and statewide drug control strategy implementation coordinating teams which relate to violent crime trends or the investigative needs or successes in the regions, including discussions regarding the activity of significant criminal gangs in the region, factors, and trends relevant to the implementation of the statewide drug strategy, and the results of drug control and illicit money laundering investigative efforts funded in part by the council.

2. Maintain and use criteria for the disbursement of funds from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account or any other account from which the council may disburse proactive investigative funds as may be established within the Department of Law Enforcement Operating Trust Fund or other appropriations provided to the Department of Law Enforcement by the Legislature in the General Appropriations Act. The criteria shall allow for the advancement of funds to reimburse agencies regarding violent crime investigations as approved by the full council and the advancement of funds to implement proactive drug control strategies or significant criminal gang investigative efforts as authorized by the Drug Control Strategy and Criminal Gang Committee or the Victim and Witness Protection Review Committee. Regarding violent crime investigation reimbursement, an expedited approval procedure shall be established for rapid disbursement of funds in violent crime emergency situations.

(c) As used in this section, "significant criminal gang investigative efforts" eligible for proactive funding must involve at a minimum an effort against a known criminal gang that:

- 1. Involves multiple law enforcement agencies.
- 2. Reflects a dedicated significant investigative effort on the part of each participating agency in personnel, time devoted to the investigation, and agency resources dedicated to the effort.
- 3. Reflects a dedicated commitment by a prosecuting authority to ensure that cases developed by the investigation will be timely and effectively prosecuted.
- 4. Demonstrates a strategy and commitment to dismantling the criminal gang via seizures of assets, significant money laundering and organized crime investigations and prosecutions, or similar efforts.

The council may require satisfaction of additional elements, to include reporting criminal investigative and criminal intelligence information related to criminal gang activity and members in a manner required by the department, as a prerequisite for receiving proactive criminal gang funding.

(6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.—

(a) The Drug Control Strategy and Criminal Gang Committee is created within the Florida Violent Crime and Drug Control Council, consisting of the following council members:

1. The Attorney General or a designate.
2. The designate of the executive director of the Department of Law Enforcement.
3. The secretary of the Department of Corrections or a designate.
4. The director of the Office of *Planning and Budgeting in the Executive Office of the Governor* ~~Drug Control within the Executive Office of the Governor~~ or a designate.
5. The state attorney, the two sheriffs, and the two chiefs of police, or their designates.

Section 10. Subsection (1) of section 943.042, Florida Statutes, is amended to read:

943.042 Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.—

(1) There is created a Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund. The account shall be used to provide emergency supplemental funds to:

(a) State and local law enforcement agencies *that which* are involved in complex and lengthy violent crime investigations, or matching funding to multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state’s goal of reducing drug-related crime ~~as articulated by the Office of Drug Control~~, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333;

(b) State and local law enforcement agencies *that which* are involved in violent crime investigations which constitute a significant emergency within the state; or

(c) Counties *that which* demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial.

Section 11. *Subsection (7) of section 1006.07, Florida Statutes, is repealed.*

Section 12. *In accordance with s. 11.242, Florida Statutes, the Division of Statutory Revision of the Office of Legislative Services is requested to prepare a reviser’s bill for consideration by the 2012 Regular Session of the Legislature to conform the Florida Statutes to the changes made by this act.*

Section 13. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Office of Drug Control; amending s. 14.2019, F.S.; relocating the Statewide Office for Suicide Prevention into the Department of Children and Family Services; requiring the director of the Statewide Office for Suicide Prevention to employ a coordinator for the office; requiring revenues from grants accepted by the Statewide Office for Suicide Prevention to be deposited into the Grants and Donations Trust Fund within the Department of Children and Family Services rather than the Executive Office of the Governor; amending s. 14.20195, F.S.; requiring the director of the Statewide Office for Suicide Prevention, rather than the director of the Office of Drug Control, to appoint members to the Suicide Prevention Coordinating Council; providing that the director of the Statewide Office for Suicide Prevention is a nonvoting member of the coordinating council; repealing s. 311.115, F.S., relating to Seaport Security Standards Advisory Council within the Office of Drug Control; amending s. 311.12, F.S.; deleting the provision that requires the Office of Drug Control within the Executive Office of the Governor to maintain a sufficient number of copies of the standards for seaport security at its offices for distribution to the public and provide

copies to each affected seaport upon request; conforming provisions to changes made by the act; amending s. 311.123, F.S.; deleting the provision that requires the Office of Drug Control within the Executive Office of the Governor to create a maritime domain security awareness training program; amending s. 397.331, F.S.; conforming provisions to changes made by the act; repealing s. 397.332, F.S., relating to the creation of the Office of Drug Control; amending s. 397.333, F.S.; relocating the Statewide Drug Policy Advisory Council into the Department of Health; requiring the Surgeon General or his or her designee, rather than the director of the Office of Drug Control, to be a nonvoting, ex officio member of the advisory council; requiring the department to provide staff support for the advisory council; revising the state officials that are appointed to serve on the advisory council; amending s. 943.031, F.S.; revising the membership of the Florida Violent Crime and Drug Control Council; conforming provisions to changes made by the act; revising the membership of the Drug Control Strategy and Criminal Gang Committee; amending s. 943.042, F.S.; conforming provisions relating to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account to changes made by the act; repealing s. 1006.07(7), F.S., relating to suicide prevention education; requesting the Division of Statutory Revision of the Office of Legislative Services to prepare a reviser’s bill to conform the Florida Statutes to the changes made by the act; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2104** was adopted. **SB 2104** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—4

Dockery	Joyner	Siplin
Smith		

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2106**

The Honorable Mike Haridopolos May 5, 2011  
President of the Senate

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2106, same being:

An act relating to Florida Energy and Climate Commission.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.

- 2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander  
Chair  
s/ Thad Altman  
s/ Michael S. "Mike" Bennett  
s/ Oscar Braynon II  
s/ Charles S. "Charlie" Dean, Sr.  
s/ Miguel Diaz de la Portilla  
s/ Greg Evers  
s/ Anitere Flores  
s/ Rene Garcia  
s/ Alan Hays  
s/ Dennis L. Jones, D.C.  
Jack Latvala  
s/ Gwen Margolis  
s/ Jim Norman  
s/ Nan H. Rich, At Large  
s/ Jeremy Ring  
s/ David Simmons  
s/ Christopher L. "Chris" Smith  
s/ Ronda Storms  
s/ Stephen R. Wise

s/ Joe Negron  
Vice Chair  
s/ Lizbeth Benacquisto  
s/ Ellyn Setnor Bogdanoff  
Larcenia J. Bullard  
s/ Nancy C. Detert  
Paula Dockery  
s/ Mike Fasano  
s/ Don Gaetz, At Large  
s/ Andy Gardiner, At Large  
s/ Anthony C. "Tony" Hill, Sr.  
s/ Arthenia L. Joyner  
s/ Evelyn J. Lynn  
s/ Bill Montford  
s/ Steve Oelrich  
s/ Garrett Richter  
s/ Maria Lorts Sachs  
s/ Gary Siplin, At Large  
s/ Eleanor Sobel  
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley  
Chair  
s/ Ben Albritton  
Gary Aubuchon, At Large  
Leonard L. Bemby  
Mack Bernard  
s/ Jeffrey "Jeff" Brandes  
s/ Douglas Vaughn "Doug"  
Broxson  
Charles S. "Chuck" Chestnut IV,  
At Large  
s/ Fredrick W. "Fred" Costello  
s/ Daniel Davis  
Chris Dorworth  
s/ Clay Ford  
James C. "Jim" Frishe  
Joseph A. "Joe" Gibbons  
Eduardo "Eddy" Gonzalez  
James W. "J.W." Grant  
s/ Doug Holder  
s/ Mike Horner  
s/ Dorothy L. Hukill, At Large  
Mia L. Jones  
Martin David "Marty" Kiar  
s/ John Legg, At Large  
Debbie Mayfield  
s/ Seth McKeel, At Large  
s/ Peter Nehr  
Jeanette M. Nunez  
Mark S. Pafford  
s/ W. Keith Perry  
Scott Plakon  
s/ Stephen L. Precourt  
s/ Lake Ray  
Betty Reed  
Hazelle P. "Hazel" Rogers  
Darryl Ervin Rouson, At Large  
Ron Saunders, At Large  
Irving "Irv" Slosberg  
s/ Jimmie T. Smith  
Darren Soto  
s/ W. Gregory "Greg" Steube  
Will W. Weatherford, At Large  
s/ Trudi K. Williams  
Ritch Workman

s/ Janet H. Adkins  
s/ Larry Ahern  
s/ Frank Artiles  
s/ Dennis K. Baxley  
Lori Berman  
Michael Bileca  
s/ Jason T. Brodeur  
s/ Matthew H. "Matt" Caldwell  
Daphne D. Campbell  
s/ Marti Coley  
s/ Richard Corcoran  
s/ Steve Crisafulli  
s/ Jose Felix Diaz  
Brad Drake  
s/ Erik Fresen  
s/ Matt Gaetz  
s/ Richard "Rich" Glorioso  
s/ Tom Goodson  
s/ Gayle B. Harrell  
s/ Ed Hooper  
s/ Matt Hudson  
s/ Clay Ingram  
John Patrick Julien  
s/ Paige Kreegel, At Large  
s/ Carlos Lopez-Cantera, At Large  
s/ Charles McBurney  
s/ Larry Metz  
s/ Bryan Nelson  
s/ H. Marlene O'Toole  
s/ Jimmy Patronis  
s/ Ray Pilon  
Elizabeth W. Porter  
William L. "Bill" Proctor,  
At Large  
Kenneth L. "Ken" Roberson  
s/ Patrick Rooney, Jr.  
Franklin Sands, At Large  
s/ Robert C. "Rob" Schenck,  
At Large  
s/ William D. Snyder, At Large  
Kelli Stargel  
s/ Carlos Trujillo  
Alan B. Williams  
John Wood  
s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for SB 2106, relating to the Florida Energy and Climate Commission, provides for the following:

- Provides for a type two transfer of the Florida Energy and Climate Commission within the Governor's Office to the Department of Agriculture and Consumer Services;
- Abolishes the Commission and transfers the majority of the Commission's duties to the Department of Agriculture and Consumer Services;
- Transfers the duties of petroleum allocation from the Commission to the Division of Emergency Management;
- Transfers energy emergency contingency plans to the Division of Emergency Management;
- Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies; and
- Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

**Conference Committee Amendment (947936)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *The powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Energy and Climate Commission within the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Agriculture and Consumer Services.*

Section 2. Paragraph (y) of subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(y) Information relative to ss. 212.08(7)(ccc) and 220.192 to the ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ for use in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 3. Subsections (3), (4), (5), and (8) and paragraph (b) of subsection (6) of section 220.192, Florida Statutes, are amended to read:

220.192 Renewable energy technologies investment tax credit.—

(3) CORPORATE APPLICATION PROCESS.—Any corporation wishing to obtain tax credits available under this section must submit to the ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ an application for tax credit that includes a complete description of all eligible costs for which the corporation is seeking a credit and a description of the total amount of credits sought. The ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ shall make a determination on the eligibility of the applicant for the credits sought and certify the determination to the applicant and the Department of Revenue. The corporation must attach the ~~Department of Agriculture and Consumer Services' Florida Energy and Climate Commission's~~ certification to the tax return on which the credit is claimed. The ~~Department of Agriculture and Consumer Services is Florida Energy and Climate Commission~~ shall be responsible for ensuring that the corporate income tax credits granted in each fiscal year do not exceed the limits provided for in this section. The ~~Department of Agriculture and Consumer Services may Florida Energy and Climate Commission is authorized to~~ adopt the necessary rules, guidelines, and ~~application materials~~ for the application process.

(4) TAXPAYER APPLICATION PROCESS.—To claim a credit under this section, each taxpayer must apply to the ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ for an allocation of each type of annual credit by the date es-

published by the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*. The application form ~~adopted may be established by the Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~. The form must include an affidavit from each taxpayer certifying that all information contained in the application, including all records of eligible costs claimed as the basis for the tax credit, are true and correct. Approval of the credits under this section ~~is shall be accomplished~~ on a first-come, first-served basis, based upon the date complete applications are received by the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*. A taxpayer ~~must shall~~ submit only one complete application based upon eligible costs incurred within a particular state fiscal year. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line. If a taxpayer does not receive a tax credit allocation due to the exhaustion of the annual tax credit authorizations, then such taxpayer may reapply in the following year for those eligible costs and will have priority over other applicants for the allocation of credits.

(5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

(a) In addition to its existing audit and investigation authority, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, and records of the tax credit applicant, which are necessary to verify the eligible costs included in the tax credit return and to ensure compliance with this section. The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall provide technical assistance when requested by the Department of Revenue on any technical audits or examinations performed pursuant to this section.

(b) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of an audit or examination or from information received from the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.

(c) The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* may revoke or modify any written decision granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.

(d) The taxpayer shall file with the Department of Revenue an amended return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax and interest within 60 days after the taxpayer receives notification from the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the taxpayer shall file an amended return or other report as provided in this paragraph within 60 days after a final order is issued after proceedings.

(e) A notice of deficiency may be issued by the Department of Revenue at any time within 3 years after the taxpayer receives formal notification from the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any changes to its tax credit claimed, a notice of deficiency may be issued at any time.

(6) TRANSFERABILITY OF CREDIT.—

(b) To perfect the transfer, the transferor shall provide the Department of Revenue with a written transfer statement notifying the Department of Revenue of the transferor's intent to transfer the tax credits to the transferee; the date the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and

the amount of tax credits to be transferred. The Department of Revenue shall, upon receipt of a transfer statement conforming to the requirements of this section, provide the transferee with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply such tax credits.

(8) PUBLICATION.—The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall determine and publish on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 4. Paragraphs (d) and (e) of subsection (2) and subsection (5) of section 288.1089, Florida Statutes, are amended to read:

288.1089 Innovation Incentive Program.—

(2) As used in this section, the term:

~~(d) “Commission” means the Florida Energy and Climate Commission.~~

~~(d)(e) “Cumulative investment” means cumulative capital investment and all eligible capital costs, as defined in s. 220.191.~~

~~(e) “Department” means the Department of Agriculture and Consumer Services.~~

(5) Enterprise Florida, Inc., shall evaluate proposals for all three categories of innovation incentive awards and transmit recommendations for awards to the office. Before making its recommendations on alternative and renewable energy projects, Enterprise Florida, Inc., shall solicit comments and recommendations from the *department Florida Energy and Climate Commission*. For each project, the evaluation and recommendation to the office must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.
2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.
3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.
4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.
5. A description of the project's impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. ~~The department commission shall give greater preference to projects that provide such matching funds or other in-kind contributions.~~
2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.
3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.
4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.
5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.
6. The degree to which a project demonstrates efficient use of energy and material resources.
7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.
8. The ability to administer a complete project.
9. Project duration and timeline for expenditures.
10. The geographic area in which the project is to be conducted in relation to other projects.
11. The degree of public visibility and interaction.

Section 5. Subsection (9) of section 288.9607, Florida Statutes, is amended to read:

288.9607 Guaranty of bond issues.—

(9) The membership of the corporation is authorized and directed to conduct such investigation as it may deem necessary for promulgation of regulations to govern the operation of the guaranty program authorized by this section. The regulations may include such other additional provisions, restrictions, and conditions as the corporation, after its investigation referred to in this subsection, shall determine to be proper to achieve the most effective utilization of the guaranty program. This may include, without limitation, a detailing of the remedies that must be exhausted by bondholders, a trustee acting on their behalf, or other credit provided before calling upon the corporation to perform under its guaranty agreement and the subrogation of other rights of the corporation with reference to the capital project and its operation or the financing in the event the corporation makes payment pursuant to the applicable guaranty agreement. The regulations promulgated by the

corporation to govern the operation of the guaranty program may contain specific provisions with respect to the rights of the corporation to enter, take over, and manage all financed properties upon default. These regulations shall be submitted by the corporation to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ for approval.

Section 6. Subsection (5) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(5) ~~The Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals, including, but not limited to:

- (a) An evaluation of utility load forecasts, including an assessment of alternative supply-side and demand-side resource options.
- (b) An analysis of various policy options that can be implemented to achieve a least-cost strategy, including nonutility programs targeted at reducing and controlling the per capita use of electricity in the state.
- (c) An analysis of the impact of state and local building codes and appliance efficiency standards on the need for utility-sponsored conservation and energy efficiency measures and programs.

Section 7. Subsection (3) of section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.

(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.

(b) The commission's rule:

1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.

2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.

3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.

4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.

5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.

6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.

7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.

8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.

(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.

Section 8. Section 377.6015, Florida Statutes, is amended to read:

377.6015 *Department of Agriculture and Consumer Services; powers and duties Florida Energy and Climate Commission.*—

~~(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.~~

~~(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.~~

~~1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.~~

~~2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.~~

~~3. Members shall be appointed to 3 year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3-year terms, two members to 2-year terms, and one member to a 1-year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 2-year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.~~

~~4. The Governor shall select from the membership of the commission one person to serve as chair.~~

~~5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

~~6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive calendar days after the receipt of the recommendations, the council shall~~

~~initiate, in accordance with this section, the nominating process within 30 days.~~

~~7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the vacancy occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~8. The Governor or the Governor's successor may recall an appointee.~~

~~9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.~~

~~(b) Members must meet the following qualifications and restrictions:~~

~~1. A member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, transportation and land use, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.~~

~~2. Each member shall, at the time of appointment and at each commission meeting during his or her term of office, disclose:~~

~~a. Whether he or she has any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~b. Whether he or she is employed by or is engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~(c) The chair may designate the following ex officio, nonvoting members to provide information and advice to the commission at the request of the chair:~~

~~1. The chair of the Florida Public Service Commission, or his or her designee.~~

~~2. The Public Counsel, or his or her designee.~~

~~3. A representative of the Department of Agriculture and Consumer Services.~~

~~4. A representative of the Department of Financial Services.~~

~~5. A representative of the Department of Environmental Protection.~~

~~6. A representative of the Department of Community Affairs.~~

~~7. A representative of the Board of Governors of the State University System.~~

~~8. A representative of the Department of Transportation.~~

~~(2) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(3) Meetings of the commission may be held in various locations around the state and at the call of the chair; however, the commission must meet at least six times each year.~~

~~(1)(4) The department commission may:~~

~~(a) Employ staff and counsel as needed in the performance of its duties.~~

(b) Prosecute and defend legal actions in its own name.

(c) Form advisory groups consisting of members of the public to provide information on specific issues.

~~(2)(5)~~ The ~~department commission~~ shall:

(a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.

(b) Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.

(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.

(d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.

~~(e) Administer petroleum planning and emergency contingency planning pursuant to ss. 377.701, 377.703, and 377.704.~~

~~(e)(f)~~ Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.

~~(g) Complete the annual assessment of the efficacy of Florida's Energy and Climate Change Action Plan, upon completion by the Governor's Action Team on Energy and Climate Change pursuant to the Governor's Executive Order 2007-128, and provide specific recommendations to the Governor and the Legislature each year to improve results.~~

~~(f)(h)~~ Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. 377.801-377.807 ~~377.801-377.806~~.

~~(g)(i)~~ Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions.

~~(h)(j)~~ Be a party in the proceedings to adopt goals and submit comments to the Public Service Commission pursuant to s. 366.82.

~~(i)(k)~~ Adopt rules pursuant to chapter 120 in order to implement all powers and duties described in this section.

Section 9. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 377.602, Florida Statutes, are amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608:

(1) “~~Department~~” “~~Commission~~” means the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.

(2) “Energy resources” includes, but shall not be limited to:

(a) Energy converted from solar radiation, wind, hydraulic potential, tidal movements, biomass, geothermal sources, and other energy resources the ~~department commission~~ determines to be important to the production or supply of energy.

(b) Propane, butane, motor gasoline, kerosene, home heating oil, diesel fuel, other middle distillates, aviation gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual fuels, crude oil, and other petroleum products and hydrocarbons as may be determined by the ~~department commission~~ to be of importance.

Section 10. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the ~~department commission~~.—

(1) The ~~department commission~~ may collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The ~~department commission~~ may prepare periodic reports of energy data it collects.

(3) The ~~department commission~~ may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(4) The ~~department commission~~ shall maintain internal validation procedures to assure the accuracy of information received.

Section 11. Section 377.604, Florida Statutes, is amended to read:

377.604 Required reports.—Every person who produces, imports, exports, refines, transports, transmits, converts, stores, sells, or holds known reserves of any form of energy resources used as fuel shall report to the ~~department commission~~, at the request of and in a manner prescribed by the ~~department commission~~, on forms provided by the ~~department commission~~. Such forms shall be designed in such a manner as to indicate:

(1) The identity of the person or persons making the report.

(2) The quantity of energy resources extracted, produced, imported, exported, refined, transported, transmitted, converted, stored, or sold except at retail.

(3) The quantity of energy resources known to be held in reserve in the state.

(4) The identity of each refinery from which petroleum products have normally been obtained and the type and quantity of products secured from that refinery for sale or resale in this state.

(5) Any other information which the ~~department commission~~ deems proper pursuant to the intent of ss. 377.601-377.608.

Section 12. Section 377.605, Florida Statutes, is amended to read:

377.605 Use of existing information.—The ~~department commission~~ may utilize to the fullest extent possible any existing energy information already prepared for state or federal agencies. Every state, county, and municipal agency shall cooperate with the ~~department commission~~ and shall submit any information on energy to the ~~department commission~~ upon request.

Section 13. Section 377.606, Florida Statutes, is amended to read:

377.606 Records of the ~~department commission~~; limits of confidentiality.—The information or records of individual persons, as defined in this section, obtained by the ~~department commission~~ as a result of a report, investigation, or verification required by the ~~department commission~~ shall be open to the public, except such information the disclosure of which would be likely to cause substantial harm to the competitive position of the person providing such information and which is requested to be held confidential by the person providing such information. Such proprietary information is confidential and exempt from the provisions of s. 119.07(1). Information reported by entities other than the ~~department commission~~ in documents or reports open to public inspection shall under no circumstances be classified as confidential by the ~~department commission~~. Divulgence of proprietary information as is requested to be held confidential, except upon order of a court of competent jurisdiction or except to an officer of the state entitled to receive the same in his or her official capacity, shall be a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. ~~Nothing in~~ This section ~~does not shall be construed to~~ prohibit the publication or divulgence by other means of data so classified as to prevent identification of particular accounts or reports made to the ~~department commission~~ in compliance with s. 377.603 or to prohibit the disclosure of such information to properly qualified legislative committees. The ~~department commission~~ shall establish a system which permits reasonable access to information developed.

Section 14. Section 377.608, Florida Statutes, is amended to read:

377.608 Prosecution of cases by state attorney.—The state attorney shall prosecute all cases certified to him or her for prosecution by the ~~department commission~~ immediately upon receipt of the evidence transmitted by the ~~department commission~~, or as soon thereafter as practicable.

Section 15. Subsections (1), (2), and (3) of section 377.701, Florida Statutes, are amended to read:

## 377.701 Petroleum allocation.—

(1) The *Division of Emergency Management* ~~Florida Energy and Climate Commission~~ shall assume the state's role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The *Division of Emergency Management* ~~commission~~ shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

(2) The *Division of Emergency Management* ~~commission~~ shall, in addition to assuming the duties and responsibilities provided by subsection (1), perform the following:

(a) In projecting available supplies of petroleum, coordinate with the Department of Revenue to secure information necessary to assure the sufficiency and accuracy of data submitted by persons affected by any federal fuel allocation program.

(b) Require such periodic reports from public and private sources as may be necessary to the fulfillment of its responsibilities under this act. Such reports may include: petroleum use; all sales, including end-user sales, except retail gasoline and retail fuel oil sales; inventories; expected supplies and allocations; and petroleum conservation measures.

(c) In cooperation with the Department of Revenue and other relevant state agencies, provide for long-range studies regarding the usage of petroleum in the state in order to:

1. Comprehend the consumption of petroleum resources.
2. Predict future petroleum demands in relation to available resources.
3. Report the results of such studies to the Legislature.

(3) For the purpose of determining accuracy of data, all state agencies shall timely provide the *Division of Emergency Management* ~~commission~~ with petroleum-use information in a format suitable to the needs of the allocation program.

Section 16. Section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.—

(1) **LEGISLATIVE INTENT.**—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601(2), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) **FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.**—The *department* ~~commission~~ shall perform the following functions, *unless as otherwise provided*, consistent with the development of a state energy policy:

(a) The *Division of Emergency Management* *is responsible for the* ~~commission shall assume the responsibility for~~ development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The *Division of Emergency Management* ~~commission~~ shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The *department* ~~is~~ ~~commission shall be~~ responsible for performing or coordinating the functions of any federal energy programs delegated

to the state, including energy supply, demand, conservation, or allocation.

(c) The *department* ~~commission~~ shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor and the Legislature.

(d) The *department* ~~commission~~ shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and ~~is shall be~~ responsible for the coordination of multiagency energy conservation programs and plans.

(e) The *department* ~~commission~~ shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which *is responsible* ~~shall have responsibility~~ for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state's environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The *department* ~~commission~~ shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations of policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy conservation.

3. Development and conduct of educational and training programs relating to energy conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(g) The *department may* ~~commission has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) The *department* ~~commission~~ shall promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental

agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Community Affairs, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the *department commission* shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The *department commission* shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily responsible for this function. ~~To this end, The Department of Management Services, in consultation with the department, commission~~ shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

(j) The *department commission* shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This shall include developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government and private sector functions. The *department commission* shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The *department commission* shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies as may provide such information to consumers.

(k) The *department commission* shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the *department commission* shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the *department commission* data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the *department commission*.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a

source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(l) The *department commission* shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the *Division of Emergency Management commission* shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(3) The *Department of Environmental Protection is commission* shall be responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

Section 17. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made, in the case of Florida, through the Department of Agriculture and Consumer Services ~~Commerce~~.

Section 18. Section 377.801, Florida Statutes, is amended to read:

377.801 Short title.—Sections 377.801-377.807 ~~377.801-377.806~~ may be cited as the "Florida Energy and Climate Protection Act."

Section 19. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.—As used in ss. 377.801-377.807 ~~377.801-377.806~~, the term:

(1) "Act" means the Florida Energy and Climate Protection Act.

(2) "Department" "~~Commission~~" means the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(4) "Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, as defined in s. 366.91, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(5) "Renewable energy technology" means any technology that generates or utilizes a renewable energy resource.

(6) "Solar energy system" means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems

in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy shall be included in this definition.

(7) "Solar photovoltaic system" means a device that converts incident sunlight into electrical current.

(8) "Solar thermal system" means a device that traps heat from incident sunlight in order to heat water.

Section 20. Subsection (1), paragraph (f) of subsection (2), and subsections (3) through (6) of section 377.804, Florida Statutes, are amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(1) The Renewable Energy and Energy-Efficient Technologies Grants Program is established within the ~~department commission~~ to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings.

(2) Matching grants for projects described in subsection (1) may be made to any of the following:

(f) Other qualified persons, as determined by the ~~department commission~~.

(3) The ~~department commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

(4) Factors the ~~department commission~~ shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The ~~department commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The ~~department commission~~ shall solicit the expertise of state agencies, Enterprise Florida, Inc., and state universities, and may solicit the expertise of other public and private entities it deems appropriate, in evaluating project proposals. State agencies shall cooperate with the ~~department commission~~ and provide such assistance as requested.

(6) ~~The commission shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology. Factors for consideration in awarding grants relating to bioenergy projects may include, but are not limited to, the degree to which:~~

(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

(b) The project produces bioenergy from Florida-grown crops or biomass.

(c) The project demonstrates efficient use of energy and material resources.

(d) The project fosters overall understanding and appreciation of bioenergy technologies.

(e) Matching funds and in-kind contributions from an applicant are available.

(f) The project duration and the timeline for expenditures are acceptable.

(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Section 21. Subsections (1), (6), and (7) of section 377.806, Florida Statutes, are amended to read:

377.806 Solar Energy System Incentives Program.—

(1) PURPOSE.—The Solar Energy System Incentives Program is established within the *Department of Agriculture and Consumer Services* ~~commission~~ to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(6) REBATE AVAILABILITY.—The ~~department commission~~ shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) RULES.—The ~~department commission~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications and administer the issuance of rebates.

Section 22. Section 377.807, Florida Statutes, is amended to read:

377.807 Energy-efficient appliance rebate program.—

(1) ~~The department may~~ *Florida Energy and Climate Commission* is authorized to develop and administer a consumer rebate program for residential energy-efficient appliances, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

(2) The ~~department commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 designating eligible appliances, rebate amounts, and the administration of the issuance of rebates. The rules shall be consistent with 42 U.S.C. s. 15821 and any subsequent implementing federal regulations or guidance.

(3) The *department* may ~~commission is authorized to~~ enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, or other arrangements such that the most efficient means of administering consumer rebates can be achieved.

Section 23. Subsections (2) through (5) of section 377.808, Florida Statutes, are amended to read:

377.808 Florida Green Government Grants Act.—

(2) The *department* ~~Florida Energy and Climate Commission~~ shall use funds specifically appropriated to award grants under this section to assist local governments, including municipalities, counties, and school districts, in the development and implementation of programs that achieve green standards. Green standards shall be determined by the *department* ~~commission~~ and shall provide for cost-efficient solutions, reducing greenhouse gas emissions, improving quality of life, and strengthening the state's economy.

(3) The *department* ~~commission~~ shall adopt rules pursuant to chapter 120 to administer the grants provided for in this section. In accordance with the rules adopted by the *department* ~~commission~~ under this section, the *department* ~~commission~~ may provide grants from funds specifically appropriated for this purpose to local governments for the costs of achieving green standards, including necessary administrative expenses. The rules of the *department* ~~commission~~ shall:

(a) Designate one or more suitable green government standards frameworks from which local governments may develop a greening government initiative and from which projects may be eligible for funding pursuant to this section.

(b) Require that projects that plan, design, construct, upgrade, or replace facilities reduce greenhouse gas emissions and be cost-effective, environmentally sound, permissible, and implementable.

(c) Require local governments to match state funds with direct project cost sharing or in-kind services.

(d) Provide for a scale of matching requirements for local governments on the basis of population in order to assist rural and undeveloped areas of the state with any financial burden of addressing climate change impacts.

(e) Require grant applications to be submitted on appropriate forms developed and adopted by the *department* ~~commission~~ with appropriate supporting documentation and require records to be maintained.

(f) Establish a system to determine the relative priority of grant applications. The system shall consider greenhouse gas reductions, energy savings and efficiencies, and proven technologies.

(g) Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

(h) Provide for termination of grants when program requirements are not met.

(4) Each local government is limited to not more than two grant applications during each application period announced by the *department* ~~commission~~. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.

(5) The *department* ~~commission~~ shall perform an adequate overview of each grant, which may include technical review, site inspections, disbursement approvals, and auditing to successfully implement this section.

Section 24. Subsection (1) of section 377.809, Florida Statutes, is amended to read:

377.809 Energy Economic Zone Pilot Program.—

(1) The Department of Community Affairs, in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-

191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. The Office of Tourism, Trade, and Economic Development and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall provide technical assistance to the departments in developing and administering the program.

Section 25. Subsections (3) and (6) of section 403.44, Florida Statutes, are amended to read:

403.44 Florida Climate Protection Act.—

(3) The department may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. When developing the rules, the department shall consult with the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ and the Florida Public Service Commission and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010. The rules shall not become effective until ratified by the Legislature.

(6) Recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration, the department shall submit the proposed rules to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, which shall review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department. The report shall address:

(a) The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting statewide targets.

(b) The administrative burden to the state of implementing, monitoring, and enforcing the program.

(c) The administrative burden on entities covered under the cap.

(d) The impacts on electricity prices for consumers.

(e) The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.

(f) The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.

(g) The potential effects on leakage if economic activity relocates out of the state.

(h) The effectiveness of the combination of measures in meeting identified targets.

(i) The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.

(j) The overall costs and benefits of a cap-and-trade system to the economy of the state.

(k) The impacts on low-income consumers that result from energy price increases.

(l) The consistency of the program with other state and possible federal efforts.

(m) The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.

(n) The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.

(o) The conditions and options for eliminating the Florida program if a federal program were to supplant it.

(p) The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.

(q) The desirability of and possibilities of broadening the scope of the state's cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.

Section 26. Section 526.207, Florida Statutes, is amended to read:

526.207 Studies and reports.—

(1) The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall conduct a study to evaluate and recommend the life-cycle greenhouse gas emissions associated with all renewable fuels, including, but not limited to, biodiesel, renewable diesel, biobutanol, and ethanol derived from any source. In addition, the *department commission* shall evaluate and recommend a requirement that all renewable fuels introduced into commerce in the state, as a result of the renewable fuel standard, shall reduce the life-cycle greenhouse gas emissions by an average percentage. The *department commission* may also evaluate and recommend any benefits associated with the creation, banking, transfer, and sale of credits among fuel refiners, blenders, and importers.

(2) The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2010.

Section 27. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; *energy and water policy coordination*.—The commissioner may create an Office of *Energy and Water Coordination* under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to *energy and water policy* affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 28. Subsection (3) of section 570.954, Florida Statutes, is amended to read:

570.954 Farm-to-fuel initiative.—

~~(3) The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.~~

Section 29. Subsections (5), (11), (12), and (13) of section 1004.648, Florida Statutes, are amended to read:

1004.648 Florida Energy Systems Consortium.—

(5) The director, whose office ~~is shall be~~ located at the University of Florida, shall report to the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* created pursuant to s. 377.6015.

(11) The oversight board, in consultation with the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*, shall ensure that the consortium:

(a) Maintains accurate records of any funds received by the consortium.

(b) Meets financial and technical performance expectations, which may include external technical reviews as required.

(12) The steering committee shall consist of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in

Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4); a university representative appointed by the President of Florida International University; and a ~~representative of the Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~. The steering committee ~~is shall~~ be responsible for establishing and ensuring the success of the consortium's mission under subsection (9).

(13) By November 1 of each year, the consortium shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

Section 30. Sections 1 and 2 of chapter 2010-282, Laws of Florida, are amended to read:

Section 1. (1) As provided in this section and section 2, a portion of the total amount appropriated in this act shall be ~~used~~ *utilized* by the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* to pay rebates to eligible applicants who submit an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program administered by the *department commission*, as approved by the United States Department of Energy. An applicant is eligible for a rebate under this section if:

(a) A complete application is submitted to the *department commission* on or before November 30, 2010.

(b) The central air conditioner, air source heat pump, or geothermal heat pump system replacement for which the applicant is seeking a rebate was purchased from or contracted for purchase with a Florida-licensed contractor after August 29, 2010, but before September 15, 2010, and fully installed prior to submission of the application for a rebate.

(c) The *department commission* determines that the application complies with this section and any existing agreement with the United States Department of Energy governing the Florida ENERGY STAR Residential HVAC Rebate Program.

(d) The applicant provides the following information to the *department commission* on or before November 30, 2010:

1.a. A copy of the sales receipt indicating a date of purchase after August 29, 2010, but before September 15, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system; or

b. A copy of the contract for the purchase and installation of the system indicating a contract date after August 29, 2010, but before September 15, 2010, and a copy of the sales receipt indicating a date of purchase after August 29, 2010, but on or before November 30, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system.

2. A copy of the mechanical building permit issued by the county or municipality and pulled by the Florida-licensed contractor who installed the system for the residence.

3. A copy of the Air Distribution System Test Report results from a Florida-certified Class 1 energy gauge rater, a Florida-licensed mechanical contractor, or a recognized test and balance agent. The results from the test must indicate the home has no more than 15 percent leakage to the outside as measured by 0.10 Qn.out or less.

4. A copy of the summary of the Manual J program completed for the residence to indicate that the proper methodology for sizing the new system was completed.

(2) The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall pay a \$1,500 rebate to each consumer who submits an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program if the application is approved by the *department commission* in accordance with this act. The *depart-*

~~ment commission~~ shall pay all rebates authorized in this section prior to paying any rebates authorized in section 2.

Section 2. Notwithstanding s. 377.806(6), Florida Statutes, the ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ shall utilize up to \$28,902,623, less any amount in excess of \$2,467,244 used to pay rebates pursuant to section 1, to pay a percentage of each unpaid and approved rebate application submitted pursuant to the Solar Energy System Incentives Program established in s. 377.806, Florida Statutes. An applicant is eligible for a rebate under this section if the application submitted complies with s. 377.806, Florida Statutes. The percentage of each approved rebate to be paid shall be derived by dividing the remaining appropriation by the total dollar value of the backlog of final approved solar rebates, pursuant to the authorized limits provided in s. 377.806, Florida Statutes.

Section 31. *For the 2011-2012 fiscal year only, notwithstanding s. 216.181(2)(b), Florida Statutes, the Department of Agriculture may submit an amendment to the Legislative Budget Commission for increased budget authority for a fixed capital outlay appropriation for federal energy grants. Any such amendment is subject to the review and notice procedures provided in s. 216.177, Florida Statutes.*

Section 32. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Energy and Climate Commission; transferring the duties of the Florida Energy and Climate Commission with respect to planning and developing the state's energy policy and its duties under the Florida Energy and Climate Protection Act to the Department of Agriculture and Consumer Services; providing for the transfer of the commission's duties and records, personnel, property, unexpended balances of appropriations, allocations, and other funds, administrative authority, administrative rules, pending issues, and existing contracts to the Department of Agriculture and Consumer Services; amending ss. 213.053, 220.192, 288.1089, 288.9607, 366.82, 366.92, 377.6015, 377.602, 377.603, 377.604, 377.605, 377.606, and 377.608, F.S.; eliminating the Florida Energy and Climate Commission and transferring its duties to the Department of Agriculture and Consumer Services; conforming provisions to changes made by the act; amending s. 377.701, F.S.; transferring the duties of petroleum allocation from the Florida Energy and Climate Commission to the Division of Emergency Management; amending s. 377.703, F.S.; conforming provisions to changes made by the act; transferring energy emergency contingency plans to the Division of Emergency Management; providing for the Department of Management Services to coordinate the energy conservation programs of all state agencies; transferring administration of the Coastal Energy Impact Program to the Department of Environmental Protection; amending ss. 377.711, 377.801, 377.803, 377.804, 377.806, 377.807, 377.808, 377.809, 403.44, 526.207, 570.954, and 1004.648, F.S.; conforming provisions to changes made by the act; amending s. 570.074, F.S.; providing for the creation of the Office of Energy and Water within the Department of Agriculture and Consumer Services; amending ss. 1 and 2 of chapter 2010-282, Laws of Florida; conforming cross references in the chapter to changes made in the act; authorizing the Department of Agriculture to submit a request to the Legislative Budget Commission for a fixed capital outlay appropriation for federal energy grants; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2106** was adopted. **SB 2106** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Hill
Alexander	Dockery	Jones
Altman	Evers	Latvala
Benacquisto	Fasano	Lynn
Bennett	Flores	Margolis
Bogdanoff	Gaetz	Montford
Braynon	Garcia	Negron
Dean	Gardiner	Norman
Detert	Hays	Rich

Richter	Siplin	Thrasher
Ring	Smith	Wise
Sachs	Sobel	
Simmons	Storms	

Nays—2

Joyner	Oelrich
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By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2110**

The Honorable Mike Haridopolos  
President of the Senate May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2110, same being:

An act relating to the Auditor General.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	<i>s/ Larcenia J. Bullard</i>
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	Bill Montford
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Chair	<i>s/ Janet H. Adkins</i>
<i>s/ Ben Albritton</i>	<i>s/ Larry Ahern</i>
Gary Aubuchon, At Large	<i>s/ Frank Artiles</i>
Leonard L. Bemby	<i>s/ Dennis K. Baxley</i>
Mack Bernard	Lori Berman
<i>s/ Jeffrey "Jeff" Brandes</i>	Michael Bileca
<i>s/ Douglas Vaughn "Doug"</i>	<i>s/ Jason T. Brodeur</i>
Broxson	<i>s/ Matthew H. "Matt" Caldwell</i>
Charles S. "Chuck" Chestnut IV, At Large	Daphne D. Campbell
<i>s/ Fredrick W. "Fred" Costello</i>	<i>s/ Marti Coley</i>
<i>s/ Daniel Davis</i>	<i>s/ Richard Corcoran</i>
Chris Dorworth	<i>s/ Steve Crisafulli</i>
<i>s/ Clay Ford</i>	<i>s/ Jose Felix Diaz</i>
James C. "Jim" Frishe	Brad Drake
	<i>s/ Erik Fresen</i>
	<i>s/ Matt Gaetz</i>

Joseph A. "Joe" Gibbons  
 Eduardo "Eddy" Gonzalez  
 James W. "J.W." Grant  
*s/ Doug Holder*  
*s/ Mike Horner*  
*s/ Dorothy L. Hukill*, At Large  
 Mia L. Jones  
 Martin David "Marty" Kiar  
*s/ John Legg*, At Large  
 Debbie Mayfield  
*s/ Seth McKeel*, At Large  
*s/ Peter Nehr*  
 Jeanette M. Nunez  
 Mark S. Pafford  
*s/ W. Keith Perry*  
 Scott Plakon  
*s/ Stephen L. Precourt*  
*s/ Lake Ray*  
 Betty Reed  
 Hazelle P. "Hazel" Rogers  
 Darryl Ervin Rouson, At Large  
 Ron Saunders, At Large  
 Irving "Irv" Slosberg  
*s/ Jimmie T. Smith*  
 Darren Soto  
*s/ W. Gregory "Greg" Steube*  
 Will W. Weatherford, At Large  
*s/ Trudi K. Williams*  
 Ritch Workman

*s/ Richard "Rich" Glorioso*  
*s/ Tom Goodson*  
*s/ Gayle B. Harrell*  
*s/ Ed Hooper*  
*s/ Matt Hudson*  
*s/ Clay Ingram*  
 John Patrick Julien  
*s/ Paige Kreegel*, At Large  
*s/ Carlos Lopez-Cantera*, At Large  
*s/ Charles McBurney*  
*s/ Larry Metz*  
*s/ Bryan Nelson*  
*s/ H. Marlene O'Toole*  
*s/ Jimmy Patronis*  
*s/ Ray Pilon*  
 Elizabeth W. Porter  
*s/ William L. "Bill" Proctor*,  
 At Large  
 Kenneth L. "Ken" Roberson  
*s/ Patrick Rooney, Jr.*  
 Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck*,  
 At Large  
*s/ William D. Snyder*, At Large  
 Kelli Stargel  
*s/ Carlos Trujillo*  
 Alan B. Williams  
 John Wood  
*s/ Dana D. Young*

*Amendments of 1996, 31 U.S.C. ss. 7501-7507 and other applicable federal law.*

(d) "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(e) "Local governmental entity" means a county agency, municipality, or special district as defined in s. 189.403, but does not include any housing authority established under chapter 421.

(f) "Management letter" means a statement of the auditor's comments and recommendations.

(g) "Operational audit" means ~~an a financial-related~~ audit whose purpose is to evaluate management's performance in *establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements and other guidelines. Operational audits must be conducted in accordance with government auditing standards. Such audits examine and to determine the extent to which the internal controls that are control, as designed and placed in operation to promote, promote and encourage encourages* the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, *and identify weaknesses in those internal controls.*

(h) "Performance audit" means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.
2. Structure or design of the program to accomplish its goals and objectives.
3. Adequacy of the program to meet the needs identified by the Legislature or governing body.
4. Alternative methods of providing program services or products.
5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.
6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.
7. Compliance of the program with appropriate policies, rules, or laws.
8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(i) "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(j) "State agency" means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

(2) DUTIES.—The Auditor General shall:

(a) Conduct audits of records and perform related duties as prescribed by law, concurrent resolution of the Legislature, or as directed by the Legislative Auditing Committee.

(b) Annually conduct a financial audit of state government.

#### Managers on the part of the House

The Conference Committee Amendment for SB 2110, relating to the Auditor General, provides for the following:

- Modifies statutory requirements relating to the frequency of certain operational and financial audits conducted by the Auditor General.
- Requires the Auditor General to submit an annual report which includes a projected two-year work plan.
- Authorizes the Auditor General to audit virtual education providers receiving state funds or funds from local ad valorem taxes.
- Authorizes the Auditor General audit water management district

**Conference Committee Amendment (377130)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(1) DEFINITIONS.—As used in ss. 11.40-11.513, the term:

(a) "Audit" means a financial audit, operational audit, or performance audit.

(b) "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed.

(c) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with *auditing standards* generally accepted ~~in the United States auditing standards~~ and government auditing standards as adopted by the Board of Accountancy. *When applicable, the scope of financial audits shall encompass the additional activities necessary to establish compliance with the Single Audit Act*

(c) Annually conduct financial audits of all *state* universities and ~~state district boards of trustees of community colleges.~~

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census.

(e) ~~Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties that have populations of 150,000 or more, according to the most recent federal decennial statewide census. Through fiscal year 2008-2009, annually conduct an audit of the Wireless Emergency Telephone System Fund as described in s. 365.173.~~

~~(f) Annually conduct audits of the accounts and records of the Florida School for the Deaf and the Blind.~~

~~(f)(g) At least every 3 2 years, conduct operational audits of the accounts and records of state agencies, state and universities, state colleges, district school boards, the Florida Clerks of Court Operations Corporation, water management districts, and the Florida School for the Deaf and the Blind. In connection with these audits, the Auditor General shall give appropriate consideration to reports issued by state agencies' inspectors general or universities' inspectors general and the resolution of findings therein.~~

~~(g)(h) At least every 3 2 years, conduct a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means any statutory provision provisions related to local government financial reporting. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. The Auditor General shall determine the scope of the such audits. The local government financial reporting system should provide for the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials to accomplish the following goals:~~

1. Enhance citizen participation in local government;
2. Improve the financial condition of local governments;
3. Provide essential government services in an efficient and effective manner; and
4. Improve decisionmaking on the part of the Legislature, state agencies, and local government officials on matters relating to local government.

~~(h)(i) At least ~~Once~~ every 3 years, conduct a performance audit audits of the Department of Revenue's administration of the ad valorem tax laws as described in s. 195.096. The audit report shall report on the activities of the ad valorem tax program of the Department of Revenue related to the ad valorem tax rolls. The Auditor General shall include, for at least four counties reviewed, findings as to the accuracy of assessment procedures, projections, and computations made by the department, using the same generally accepted appraisal standards and procedures to which the department and the property appraisers are required to adhere. However, the report may not include any findings or statistics related to any ad valorem tax roll that is in litigation between the state and county officials at the time the report is issued.~~

~~(j) Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more, according to the most recent federal decennial statewide census.~~

~~(i)(k) Once every 3 years, review a sample of each state agency's internal audit reports at each state agency, as defined in s. 20.055(1), to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, government auditing standards.~~

~~(j)(l) Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall~~

perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the Auditor General's previous report. The Auditor General shall ~~notify~~ ~~provide a copy of his or her determination to~~ each member of the audited entity's governing body and ~~to~~ the Legislative Auditing Committee ~~of the results of his or her determination.~~

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

(3) **AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.**—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(a) The accounts and records of any governmental entity created or established by law.

(b) The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

(c) The accounts and records of any charter school created or established by law.

(d) The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

(e) The public records associated with any appropriation made by the Legislature to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

(f) State financial assistance provided to any nonstate entity as defined by s. 215.97.

(g) The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

(h) Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

(i) Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this paragraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(j) The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this paragraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(k) The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.

(l) The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

(m) The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.

(n) The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.

(o) The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.

(p) The school readiness system, including the early learning coalitions, created under s. 411.01.

(q) The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.

(r) Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.

(s) The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

(t) The Florida Engineers Management Corporation created pursuant to chapter 471.

~~(u) The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.~~

~~(u)(\*)~~ The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

~~(v)(\*)~~ The corporation defined in part II of chapter 946, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

~~(w)(\*)~~ The Florida Virtual School pursuant to s. 1002.37.

~~(x) Virtual education providers receiving state funds or funds from local ad valorem taxes.~~

#### (4) SCHEDULING AND STAFFING OF AUDITS.—

(a) Each financial audit required or authorized by this section, when practicable, shall be made and completed within not more than 9 months following the end of each audited fiscal year of the state agency or political subdivision, or at such lesser time which may be provided by law or concurrent resolution or directed by the Legislative Auditing Committee. When the Auditor General determines that conducting any audit or engagement otherwise required by law would not be possible due to workload or would not be an efficient or effective use of his or her resources based on an assessment of risk, then, in his or her discretion, the Auditor General may temporarily or indefinitely postpone such audits or other engagements for such period or any portion thereof, unless otherwise directed by the committee.

(b) The Auditor General may, when in his or her judgment it is necessary, designate and direct any auditor employed by the Auditor General to audit any accounts or records within the authority of the Auditor General to audit. The auditor shall report his or her findings for review by the Auditor General, who shall prepare the audit report.

(c) The audit report when final shall be a public record. The audit workpapers and notes are not a public record; however, those workpapers necessary to support the computations in the final audit report may be made available by a majority vote of the Legislative Auditing Committee after a public hearing showing proper cause. The audit workpapers and notes shall be retained by the Auditor General until no longer useful in his or her proper functions, after which time they may be destroyed.

(d) At the conclusion of the audit, the Auditor General or the Auditor General's designated representative shall discuss the audit with the official whose office is subject to audit and submit to that official a list of the Auditor General's findings which may be included in the audit re-

port. If the official is not available for receipt of the list of audit findings, then delivery is presumed to be made when it is delivered to his or her office. The official shall submit to the Auditor General or the designated representative, within 30 days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all of the findings, including corrective action to be taken to preclude a recurrence of all findings.

(e) The Auditor General shall provide the successor independent certified public accountant of a district school board with access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

#### (5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—

(a) The Legislative Auditing Committee shall direct the Auditor General to make an audit of any municipality whenever petitioned to do so by at least 20 percent of the registered electors in the last general election of that municipality pursuant to this subsection. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the registered electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(d)5. which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

(b) At least one registered elector in the most recent general election must file a letter of intent with the municipal clerk prior to any petition of the electors of that municipality for the purpose of an audit. Each petition must be submitted to the supervisor of elections and contain, at a minimum:

1. The elector's printed name;
2. The signature of the elector;
3. The elector's residence address;
4. The elector's date of birth; and
5. The date signed.

All petitions must be submitted for verification within 1 calendar year after the audit petition origination by the municipal electors.

(6) REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY THE AUDITOR GENERAL.—Whenever a local governmental entity requests the Auditor General to conduct an audit of all or part of its operations and the Auditor General conducts the audit under his or her own authority or at the direction of the Legislative Auditing Committee, the expenses of the audit shall be paid by the local governmental entity. The Auditor General shall estimate the cost of the audit. Fifty percent of the cost estimate shall be paid by the local governmental entity before the initiation of the audit and deposited into the General Revenue Fund of the state. After the completion of the audit, the Auditor General shall notify the local governmental entity of the actual cost of the audit. The local governmental entity shall remit the remainder of the cost of the audit to the Auditor General for deposit into the General Revenue Fund of the state. If the local governmental entity fails to comply with paying the remaining cost of the audit, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

#### (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(a) The Auditor General shall notify the Legislative Auditing Committee of any local governmental entity, district school board, charter school, or charter technical career center that does not comply with the

reporting requirements of s. 218.39. The committee shall proceed in accordance with s. 11.40(5).

(b) The Auditor General, in consultation with the Board of Accountancy, shall review all audit reports submitted pursuant to s. 218.39. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request. If the governmental entity does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

(c) The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Information Program of the Department of Community Affairs.

(d) During the Auditor General's review of audit reports, he or she shall contact those units of local government, as defined in s. 218.403, that are not in compliance with s. 218.415 and request evidence of corrective action. The unit of local government shall provide the Auditor General with evidence of corrective action within 45 days after the date it is requested by the Auditor General. If the unit of local government fails to comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. The committee shall proceed in accordance with s. 11.40(5).

(e) The Auditor General shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee of any audit report reviewed by the Auditor General pursuant to paragraph (b) which contains a statement that a local governmental entity, charter school, charter technical career center, or district school board has met one or more of the conditions specified in s. 218.503. If the Auditor General requests a clarification regarding information included in an audit report to determine whether a local governmental entity, charter school, charter technical career center, or district school board has met one or more of the conditions specified in s. 218.503, the requested clarification must be provided within 45 days after the date of the request. If the local governmental entity, charter school, charter technical career center, or district school board does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. If, after obtaining the requested clarification, the Auditor General determines that the local governmental entity, charter school, charter technical career center, or district school board has met one or more of the conditions specified in s. 218.503, he or she shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.

(f) The Auditor General shall annually compile and transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee a summary of significant findings and financial trends identified in audit reports reviewed in paragraph (b) or otherwise identified by the Auditor General's review of such audit reports and financial information, and identified in audits of district school boards conducted by the Auditor General. The Auditor General shall include financial information provided pursuant to s. 218.32(1)(c) for entities with fiscal years ending on or after June 30, 2003, within his or her reports submitted pursuant to this paragraph.

(g) If the Auditor General discovers significant errors, improper practices, or other significant discrepancies in connection with his or her audits of a state agency or state officer, the Auditor General shall notify the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee. The President of the Senate and the Speaker of the House of Representatives shall promptly forward a copy of the notification to the chairs of the respective legislative committees, which in the judgment of the President of the Senate and the Speaker of the House of Representatives are substantially concerned with the functions of the state agency or state officer involved. Thereafter, and in no event later than the 10th day of the next succeeding legislative session, the person in charge of the state agency involved, or the state officer involved, as the case may be, shall explain in writing to the President of the Senate, the Speaker of the House of Representatives, and to the Legislative Auditing Committee the reasons or justifications for such errors, improper practices, or other significant discrepancies and the corrective measures, if any, taken by the agency.

(h) The Auditor General shall *annually compile and* transmit to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Auditing Committee by December 1 of each year a *report that includes a projected 2-year work plan identifying the audit and other accountability activities to be undertaken* and a list of statutory and fiscal changes recommended by the Auditor General. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

(8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for audits of local governmental entities, charter schools, charter technical career centers, and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Governmental Entity, Charter School, Charter Technical Career Center, and District School Board Financial Emergencies Act as stated in s. 218.501.

(9) TECHNICAL ADVICE PROVIDED BY THE AUDITOR GENERAL.—The Auditor General may provide technical advice to:

(a) The Department of Education in the development of a compliance supplement for the financial audit of a district school board conducted by an independent certified public accountant.

(b) Governmental entities on their financial and accounting systems, procedures, and related matters.

(c) Governmental entities on promoting the building of competent and efficient accounting and internal audit organizations in their offices.

Section 2. Section 25.075, Florida Statutes, is amended to read:

25.075 Uniform case reporting system.—

(1) The Supreme Court shall develop a uniform case reporting system, including a uniform means of reporting categories of cases, time required in the disposition of cases, and manner of disposition of cases.

(2) If any clerk ~~shall willfully fails fail~~ to report to the Supreme Court as directed by the court, the clerk shall be guilty of misfeasance in office.

~~(3) The Auditor General shall audit the reports made to the Supreme Court in accordance with the uniform system established by the Supreme Court.~~

Section 3. Subsection (5) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

~~(5)(a) The corporation shall submit an annual audited financial statement to the Auditor General in a form and manner prescribed by the Auditor General. The Auditor General shall conduct an annual audit of the operations of the corporation, including the use of funds and compliance with the provisions of this section and ss. 28.36 and 28.37.~~

~~(b)~~ Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether or not the clerks of the courts have complied with the requirements of this section and s. 28.36. In addition, each clerk of court shall forward a copy of the portion of the financial audit relating to the court-related duties of the clerk of court to the Supreme Court. The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable performance standards certified by the corporation.

Section 4. *Subsection (7) of section 195.096, Florida Statutes, is repealed.*

Section 5. Subsection (17) of section 218.31, Florida Statutes, is amended to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(17) "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with *auditing standards* generally accepted in the United States ~~auditing standards~~ and government auditing standards as adopted by the Board of Accountancy and as prescribed by rules promulgated by the Auditor General. *When applicable, the scope of financial audits shall encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507 and other applicable federal law.*

Section 6. Subsection (5) of section 273.05, Florida Statutes, is amended to read:

273.05 Surplus property.—

(5) The custodian shall maintain records of property that is certified as surplus with information indicating the value and condition of the property. Agency records for property certified as surplus shall comply with rules issued by the *Chief Financial Officer* ~~Auditor General~~.

Section 7. *Subsection (3) of section 365.173, Florida Statutes, is repealed.*

Section 8. *Subsection (3) of section 943.25, Florida Statutes, is repealed.*

Section 9. Subsection (3) of section 1002.36, Florida Statutes, is amended to read:

1002.36 Florida School for the Deaf and the Blind.—

(3) AUDITS.—The Auditor General shall conduct ~~annual~~ audits of the accounts and records of the Florida School for the Deaf and the Blind as provided in s. 11.45. The Department of Education's Inspector General is authorized to conduct investigations at the school as provided in s. 1001.20(4)(e).

Section 10. Subsection (5) of section 1009.53, Florida Statutes, is amended to read:

1009.53 Florida Bright Futures Scholarship Program.—

(5) The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or the equivalent. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status; however, an institution must make a refund to the department within 30 days after the end of the semester of any funds received for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period, unless the student has been granted an exception by the department pursuant to subsection (11).

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall *provide for a* ~~prepare an annual report that includes an annual~~ financial audit, as defined in s. 11.45, conducted by an independent certified public accountant or the Auditor General for each fiscal year in which the institution expends program moneys in excess of \$100,000. At least every 2 years, the *audit report* shall include an examination ~~audit~~ of the institution's administration of the program and *the institution's a complete* accounting of the moneys for the program *since the last examination of the institution's administration of the program.* ~~This report on the~~

*audit* must be submitted to the department *within 9 months after the end of the fiscal year* ~~annually by March 1~~. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(d) *Any institution that is not subject to an audit pursuant to this subsection shall attest, under penalty of perjury, that the moneys were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.*

Section 11. For the purpose of incorporating the amendment made by this act to section 11.45, Florida Statutes, in a reference thereto, subsection (3) of section 11.40, Florida Statutes, is reenacted to read:

11.40 Legislative Auditing Committee.—

(3) The Legislative Auditing Committee may direct the Auditor General or the Office of Program Policy Analysis and Government Accountability to conduct an audit, review, or examination of any entity or record described in s. 11.45(2) or (3).

Section 12. Paragraph (b) of subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, require every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance to pay \$3 as a court cost. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be liable for payment of such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(b) All funds in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund shall be disbursed only in compliance with s. 943.25(8)(9).

Section 13. Paragraph (c) of subsection (1) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(c) Design, implement, maintain, evaluate, revise, or adopt a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25(8)(9).

Section 14. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Auditor General; amending s. 11.45, F.S.; redefining the term "financial audit" to conform with applicable auditing standards; defining the term "operational audit" to provide the objectives of such audits; clarifying the requirement for the Auditor General to conduct financial audits of the accounts and records of all district school boards in counties of a specified size once every 3 years; revising duties and responsibilities of the Auditor General; requiring that the Auditor



s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for CS for CS for SB 1314, relating to state financial matters, provides for the following:

- This bill makes agencies more accountable in their contracting practices, and the Legislature more informed about the agencies' actions. Specifically, the bill:
- Defines a new budget category "Lease or lease/purchase of equipment." in s. 216.011, Florida Statutes for the Legislature to better track expenditures.
- Requires each state agency to provide certain contract information in its Legislative Budget Request when granting a concession contract.
- Requires state agencies to identify the specific appropriation in the contract that will be used to make payment for the first year of the contract with a \$5 million threshold, unless the Legislature specifically authorizes otherwise.
- The Act applies to contracts, contract amendments, contract extensions, or contract renewals which are executed on or after July 1, 2011.

**Conference Committee Amendment (615258)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Present paragraph (vv) of subsection (1) of section 216.011, Florida Statutes, is redesignated as paragraph (ww), and a new paragraph (vv) is added to that subsection, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(vv) "Lease or lease-purchase of equipment" means the appropriations category used to fund the lease or lease-purchase of equipment, fixtures, and other tangible personal property.

Section 2. Present subsections (6) through (9) of section 216.023, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section, to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(6) As part of the legislative budget request, each state agency must include the following information for each contract in which the consideration to be paid to the agency is a percentage of the vendor revenue and in excess of \$10 million under the contract period:

- (a) The name of the vendor.
- (b) A brief description of the services provided by the vendor.
- (c) The term of the contract and the years remaining on the contract.
- (d) The amount of revenue generated or expected to be generated by the vendor under the contract for the prior fiscal year, the current fiscal year, and the next fiscal year.
- (e) The amount of revenue remitted or expected to be remitted to the state agency by the vendor for the prior fiscal year, the current fiscal year, and the next fiscal year.
- (f) The value of capital improvements, if any, on state property which have been funded by the vendor over the term of the contract.
- (g) The remaining amount of capital improvements, if any, on state property which have not been fully amortized by June 30 of the prior fiscal year.
- (h) The amount, if any, of state appropriations made to the state agency to pay for services provided by the vendor.

Section 3. Section 216.313, Florida Statutes, is created to read:

*216.313 Contract appropriation; requirements.—An executive or judicial branch public officer or employee may not enter into any contract or agreement on behalf of the state or judicial branch which binds the state or its executive agencies or the judicial branch for the purchase of services or tangible personal property in excess of \$5 million unless the contract identifies the specific appropriation of state funds from which the state will make payment under the contract in the first year of the contract, unless the Legislature expressly authorizes the agency or the judicial branch to enter into such contract absent a specific appropriation of funds.*

Section 4. Subsections (2) and (3) of section 287.056, Florida Statutes, are amended to read:

287.056 Purchases from purchasing agreements and state term contracts.—

~~(2) Agencies may have the option to purchase commodities or contractual services from state term contracts procured, pursuant to s. 287.057, by the department.~~

~~(2)(3)~~ Agencies and eligible users may use a request for quote to obtain written pricing or services information from a state term contract vendor for commodities or contractual services available on state term contract from that vendor. The purpose of a request for quote is to determine whether a price, term, or condition more favorable to the agency or eligible user than that provided in the state term contract is available. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under s. 120.57(3).

Section 5. Section 45 of chapter 2010-151, Laws of Florida, is amended to read:

Section 45. Contracts for academic program reviews, auditing services, health services, or Medicaid services are subject to the transaction or user fees imposed under ss. 287.042(1)(h) and 287.057(22), Florida Statutes, only to the extent that such contracts were not subject to such transaction or user fees before July 1, 2010.

Section 6. This act shall take effect July 1, 2011, and applies to initial contracts and agreements, amendments to a contract or agreement, and extensions or renewals of a contract or agreement which are executed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state financial matters; amending s. 216.011, F.S.; defining the term "lease or lease-purchase of equipment"; amending s. 216.023, F.S.; requiring that specified information relating to certain contracts be included in an agency's legislative budget request; creating s. 216.313, F.S.; requiring certain state contracts to identify the appropriation that funds a contract; amending s. 287.056, F.S.; deleting a provision relating to an option to purchase commodities or contractual services from state term contracts; amending s. 45, chapter 2010-151, Laws of Florida; providing that certain contracts are subject to transaction fees; providing for application of the act to certain contracts and agreements; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on CS for CS for SB 1314 was adopted. CS for CS for SB 1314 passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—37

Mr. President	Evers	Joyner
Alexander	Fasano	Latvala
Altman	Flores	Lynn
Benacquisto	Gaetz	Margolis
Braynon	Garcia	Montford
Dean	Gardiner	Negron
Detert	Hays	Norman
Diaz de la Portilla	Hill	Oelrich
Dockery	Jones	Rich

Richter	Siplin	Thrasher
Ring	Smith	Wise
Sachs	Sobel	
Simmons	Storms	

Nays—None

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for HB 251 as further amended, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward, Clerk*

**CS for CS for CS for HB 251**—A bill to be entitled An act relating to sexual offenses; providing a short title; amending s. 90.404, F.S.; revising offenses that are considered "child molestation" for purposes of admitting evidence of other crimes, wrongs, or acts in a criminal case involving child molestation; providing for admission of evidence of other crimes, wrongs, or acts in cases involving a sexual offense; defining the term "sexual offense"; amending s. 92.55, F.S.; authorizing the use of service or therapy animals in courts hearing sexual offense cases under certain circumstances; requiring certain property or material that is used in a criminal proceeding to remain in the care, custody, and control of the law enforcement agency, the state attorney, or the court; prohibiting the reproduction of such property or material by the defendant when specified criteria are met by the state attorney; permitting access to the materials by the defendant; amending s. 395.1021, F.S.; requiring a licensed facility that provides emergency room services to arrange for the gathering of forensic medical evidence required for investigation and prosecution from a victim who has reported a sexual battery to a law enforcement agency or who requests that such evidence be gathered for a possible future report; amending s. 775.15, F.S.; providing that a prosecution for video voyeurism in violation of specified provisions may, in addition to existing time periods, be commenced within 1 year after the victim of video voyeurism obtains actual knowledge of the existence of such a recording or the recording is confiscated by a law enforcement agency, whichever occurs first; providing that dissemination of a recording before such knowledge or confiscation does not affect such a time period; amending s. 794.052, F.S.; requiring a law enforcement officer to provide or arrange for transportation of a victim of sexual battery to an appropriate facility for medical treatment or forensic examination; providing for a review of a police officer's final report by a victim and an opportunity for a statement by a victim; amending ss. 794.056 and 938.085, F.S.; requiring that an additional court cost or surcharge be assessed against a defendant who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, certain criminal offenses; providing for proceeds of the additional court cost or surcharge to be deposited into the Rape Crisis Program Trust Fund; reenacting s. 20.435(21)(a), F.S., relating to the Rape Crisis Program Trust Fund, to incorporate the amendment made to s. 794.056, F.S., in a reference thereto; reenacting s. 794.055(3)(b), F.S., relating to access to services for victims of sexual battery, to incorporate the amendment made to s. 938.085, F.S., in a reference thereto; amending s. 960.003, F.S.; providing for hepatitis testing of persons charged with certain offenses; amending s. 1003.42, F.S.; requiring that public schools provide comprehensive health education that addresses concepts of Internet safety; providing an effective date.

**House Amendment 1 to Senate Amendment 1 (858423) (with title amendment)**—Remove lines 5-28 and insert:

Section 13. *The sum of \$1.5 million in nonrecurring funds from the General Revenue Fund is appropriated in fiscal year 2011-2012 to the Department of Legal Affairs for the purpose of funding Lauren's Kids, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, tax I.D. number 26-1252588, to educate adults and children about sexual abuse topics through an in-school curriculum and maintain a 24-hour Crisis Hotline.*

And the title is amended as follows:

Remove lines 34-37 and insert: offenses; providing an appropriation to the Department of Legal Affairs for the purpose of funding a nonprofit organization for specified purposes; amending s. 1003.42, F.S.; requiring that public

On motion by Senator Fasano, the Senate concurred in the House amendment to the Senate amendment.

**CS for CS for CS for HB 251** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for HB 7005 as further amended, and requests the concurrence of the Senate.

*Robert L. "Bob" Ward, Clerk*

**CS for CS for HB 7005**—A bill to be entitled An act relating to unemployment compensation; amending s. 213.053, F.S.; increasing the number of employer payroll service providers who qualify for access to unemployment tax information by filing a memorandum of understanding; amending s. 443.031, F.S.; revising provisions relating to statutory construction; amending s. 443.036, F.S.; revising and providing definitions; revising the term "misconduct" to include conduct outside of the workplace and additional lapses in behavior; amending s. 443.041, F.S.; conforming a cross-reference; amending s. 443.091, F.S.; conforming provisions to changes made by the act; requiring that an applicant for benefits participate in an initial skills review; providing exceptions; requiring the administrator or operator of the initial skills review to notify specified entities regarding review completion and results; amending s. 443.101, F.S.; clarifying "good cause" for voluntarily leaving employment; disqualifying a person for benefits due to the receipt of severance pay; revising provisions relating to the effects of criminal acts on eligibility for benefits; amending s. 443.111, F.S.; providing a definition; reducing the amount and revising the calculation of the number of weeks of a claimant's benefit eligibility; amending s. 443.1216, F.S.; conforming provisions to changes made by the act; amending s. 443.131, F.S.; providing definitions; revising an employer's unemployment compensation contribution rate by certain factors; amending s. 443.141, F.S.; providing an employer payment schedule for 2012, 2013, and 2014 contributions; amending s. 443.151, F.S.; revising allowable forms of evidence in benefit appeals; revising the judicial venue for reviewing commission orders; amending s. 443.171, F.S.; specifying that evidence of mailing an agency document is based on the date stated on the document; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing severability; providing applicability; providing appropriations for purposes of implementation; providing that the act fulfills an important state interest; providing effective dates.

**House Amendment 1 to Senate Amendment 1 (700945) (with title amendment)**—Remove lines 421-592



s/ Carlos Lopez-Cantera, At Large s/ Seth McKeel, At Large  
 s/ William L. "Bill" Proctor, At Large s/ Darryl Ervin Rouson, At Large  
 At Large Franklin Sands, At Large  
 Ron Saunders, At Large Robert C. "Rob" Schenck, At Large  
 s/ William D. Snyder, At Large Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2100, 2nd Eng., relating to retirement, provides for the following:

- Effective July 1, 2011, requires 3% employee contribution for all FRS members. DROP participants are not required to pay employee contributions.
- For employees initially enrolled on or after July 1, 2011, the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.
- For employees initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100% of employer contributions upon completion of 8 years of creditable service. For existing employees, vesting will remain at 6 years of creditable service.
- For employees, initially enrolled on or after July 1, 2011, increases the normal retirement age and years of service requirements, as follows:
  - For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
  - For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.
- Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.
- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire effective June 30, 2016, and the current 3% cost-of-living adjustment will be reinstated.
- To implement the bill for the 2011-12 fiscal year, funds the Division of Retirement with four positions and \$207,070 in recurring funds and 31,184 in non-recurring funds.

**Conference Committee Amendment (328098)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) of subsection (2) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(2) DEFINITIONS.—As used in this section, the term:

(g) "Retired state officer or employee" or "retiree" means any state or state university officer or employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state or state university office or employment. *The term also includes* ~~In addition to these requirements,~~ any state officer or state employee who retires under the *Florida Retirement System Investment Plan Public Employee Optional Retirement Program* established under part II of chapter 121 ~~shall be considered a "retired state officer or employee" or "retiree" as used in this section~~ if he or she:

1. Meets the age and service requirements to qualify for normal retirement as set forth in s. 121.021(29); or

2. Has attained the age specified by s. 72(t)(2)(A)(i) of the Internal Revenue Code and has 6 years of creditable service.

Section 2. Section 112.0801, Florida Statutes, is amended to read:

112.0801 Group insurance; participation by retired employees.—

(1) Any state agency, county, municipality, special district, community college, or district school board ~~that which~~ provides life, health, accident, hospitalization, or annuity insurance, or all of any kinds of such insurance, for its officers and employees and their dependents upon a group insurance plan or self-insurance plan shall allow all former personnel who ~~have retired before~~ ~~prior to~~ October 1, 1987, as well as those who retire on or after such date, and their eligible dependents, the option of continuing to participate in ~~the such~~ group insurance plan or self-insurance plan. Retirees and their eligible dependents shall be offered the same health and hospitalization insurance coverage as is offered to active employees at a premium cost of no more than the premium cost applicable to active employees. For ~~the~~ retired employees and their eligible dependents, the cost of ~~any such~~ continued participation ~~in any type of plan or any of the cost thereof~~ may be paid by the employer or by the retired employees. To determine health and hospitalization plan costs, the employer shall commingle the claims experience of the retiree group with the claims experience of the active employees; and, for other types of coverage, the employer may commingle the claims experience of the retiree group with the claims experience of active employees. Retirees covered under Medicare may be experience-rated separately from the retirees not covered by Medicare and from active employees ~~if, provided that~~ the total premium does not exceed that of the active group and coverage is basically the same as for the active group.

(2) For purposes of this section, "retiree" means any officer or employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement and who begins receiving retirement benefits immediately after retirement from employment. In addition to these requirements, any officer or employee who retires under the *Florida Retirement System Investment Plan Public Employee Optional Retirement Program* established under part II of chapter 121 ~~is shall be~~ considered a "retired officer or employee" or "retiree" as used in this section if he or she:

- (a) Meets the age and service requirements to qualify for normal retirement as set forth in s. 121.021(29); or
- (b) Has attained the age specified by s. 72(t)(2)(A)(i) of the Internal Revenue Code and has ~~the years of service required for vesting as set forth in s. 121.021(45) 6 years of creditable service.~~

Section 3. Paragraphs (b) and (c) of subsection (2) and paragraph (e) of subsection (3) of section 112.363, Florida Statutes, are amended to read:

112.363 Retiree health insurance subsidy.—

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

(b) For purposes of this section, a person is deemed retired from a state-administered retirement system when he or she terminates employment with all employers participating in the Florida Retirement System as described in s. 121.021(39) and:

1. For a ~~member participant~~ ~~of the investment plan Public Employee Optional Retirement Program~~ established under part II of chapter 121, the participant meets the age or service requirements to qualify for normal retirement as set forth in s. 121.021(29) ~~and meets the definition of retiree in s. 121.4501(2).~~
2. For a member of the Florida Retirement System ~~Pension Plan defined benefit program,~~ or any employee who maintains creditable service under ~~both the pension plan defined benefit program and the investment plan Public Employee Optional Retirement Program,~~ the member begins drawing retirement benefits from the ~~pension plan defined benefit program of the Florida Retirement System.~~

~~(c) 1. Effective July 1, 2001, any person retiring on or after that such date as a member of the Florida Retirement System, including a member any participant of the investment plan defined contribution program administered pursuant to part II of chapter 121, must have satisfied the~~

vesting requirements for his or her membership class under the *pension plan Florida Retirement System defined benefit program* as administered under part I of chapter 121. *However,*

2. Notwithstanding the provisions of subparagraph 1., a person retiring due to disability must either qualify for a regular or in-line-of-duty disability benefit as provided in s. 121.091(4) or qualify for a disability benefit under a disability plan established under part II of chapter 121, as appropriate.

(3) RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.—

(e)1. Beginning July 1, 2001, each eligible retiree of the *pension plan defined benefit program* of the Florida Retirement System, or, if the retiree is deceased, his or her beneficiary who is receiving a monthly benefit from such retiree's account and who is a spouse, or a person who meets the definition of joint annuitant in s. 121.021(28), shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by \$5; however, no eligible retiree or beneficiary may receive a subsidy payment of more than \$150 or less than \$30. If there are multiple beneficiaries, the total payment *may* must not be greater than the payment to which the retiree was entitled. The health insurance subsidy amount payable to any person receiving the retiree health insurance subsidy payment on July 1, 2001, *may* shall not be reduced solely by operation of this subparagraph.

2. Beginning July 1, 2002, each eligible *member participant* of the *investment plan Public Employee Optional Retirement Program* of the Florida Retirement System who has met the requirements of this section, or, if the *member participant* is deceased, his or her spouse who is the *member's participant's* designated beneficiary, shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as provided in this subparagraph, completed at the time of retirement, multiplied by \$5; however, *an* no eligible retiree or beneficiary may *not* receive a subsidy payment of more than \$150 or less than \$30. For purposes of determining a *member's participant's* creditable service used to calculate the health insurance subsidy, a *member's participant's* years of service credit or fraction thereof shall be based on the *member's participant's* work year as defined in s. 121.021(54). Credit *must* shall be awarded for a full work year if *whenever* health insurance subsidy contributions have been made *as required by law* for each month in the *member's participant's* work year. In addition, all years of creditable service retained under the Florida Retirement System *Pension Plan* *defined benefit program* shall be included as creditable service for purposes of this section. Notwithstanding any other provision in this section *to the contrary*, the spouse at the time of death *is* shall be the *member's participant's* beneficiary unless such *member participant* has designated a different beneficiary subsequent to the *member's participant's* most recent marriage.

Section 4. Subsection (1) of section 112.65, Florida Statutes, is amended to read:

112.65 Limitation of benefits.—

(1) ESTABLISHMENT OF PROGRAM.—The normal retirement benefit or pension payable to a retiree who becomes a member of any retirement system or plan and who has not previously participated in such plan, on or after January 1, 1980, *may* shall not exceed 100 percent of his or her average final compensation. However, *nothing contained in* this section *does not* shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments. For the purposes of this section, benefits accruing in individual *member participant* accounts established under the *investment plan Public Employee Optional Retirement Program* established in part II of chapter 121 are considered supplemental benefits. As used in this section, the term "average final compensation" means the average of the member's earnings over a period of time which the governmental entity has established by statute, charter, or ordinance.

Section 5. Paragraph (g) of subsection (3) of section 121.011, Florida Statutes, is amended, and paragraph (h) is added to that subsection, to read:

121.011 Florida Retirement System.—

(3) PRESERVATION OF RIGHTS.—

(g) Any member of the Florida Retirement System or any member of an existing system under this chapter who is not retired and who is, has been, or shall be dismissed from employment shall be considered terminated from active membership in such system.

1. If such dismissal is rescinded by proper authority or through legal proceedings, the member is eligible to receive retirement service credit for such period of dismissal *if provided*:

a. The dismissal action taken against the member is determined to be incorrect and is negated, the employee is made whole for the period of the dismissal or any portion thereof, and employment is reinstated; and

b. The employer pays into the Retirement System Trust Fund the total required employer contributions for the period for which the employee is made whole, plus interest at 6.5 percent compounded annually until full payment is made. The employee shall pay the total employee contributions, ~~plus interest~~, if applicable. *The employer shall pay the interest on employee contributions, if applicable.*

2. If the dismissal action is subsequently changed to a suspension by proper authority or through legal proceedings, the member is eligible to receive retirement service credit, provided the member's employment is reinstated, restoring the employee-employer relationship, and the employee pays the total required employer and employee contributions and complies with all requirements in paragraph (e).

(h) *Effective July 1, 2011, the retirement system shall require employer and employee contributions as provided in s. 121.071 and part III of this chapter.*

Section 6. Subsections (3), (7), and (15), paragraph (a) of subsection (19), paragraph (b) of subsection (22), and subsections (24), (29), (38), (39), (45), (55), and (59) of section 121.021, Florida Statutes, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(3) "*Florida Retirement System*" or "system" means the general retirement system established by this chapter, ~~to be known and cited as the "Florida Retirement System,"~~ including, but not limited to, the defined benefit retirement program administered under the provisions of ~~part I of this part, referred to as the "Florida Retirement System Pension Plan" or "pension plan,"~~ ~~chapter~~ and the defined contribution retirement program known as the *Public Employee Optional Retirement Program* and administered under the provisions of part II of this chapter, referred to as the "*Florida Retirement System Investment Plan*" or "*investment plan*".

(7) "*Division*" means the *Division of Retirement in the department.* "*City*" means any municipality duly incorporated under the laws of the state.

(15) "*Special risk member*" or "*Special Risk Class member*" means a member of the Florida Retirement System who meets the eligibility and criteria required under s. 121.0515 for participation in the *Special Risk Class*.

(a) Until October 1, 1978, "*special risk member*" means any officer or employee whose application is approved by the administrator and who receives salary payments for work performed as a peace officer; law enforcement officer; police officer; highway patrol officer; custodial employee at a correctional or detention facility; correctional agency employee whose duties and responsibilities involve direct contact with inmates, but excluding secretarial and clerical employees; firefighter; or an employee in any other job in the field of law enforcement or fire protection if the duties of such person are certified as hazardous by his or her employer.

(b) ~~Effective October 1, 1978, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with s. 121.0515. Such member must be employed as a law enforcement officer, a firefighter, or a correctional officer and must meet certain other special criteria as set forth in s. 121.0515.~~

~~(c) Effective October 1, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with s. 121.0515. Such member must be employed as a law enforcement officer, a firefighter, a correctional officer, an emergency medical technician, or a paramedic and must meet certain other special criteria as set forth in s. 121.0515.~~

~~(d)1. Effective January 1, 2001, "special risk member" includes any member who is employed as a community-based correctional probation officer and meets the special criteria set forth in s. 121.0515(2)(c).~~

~~2. Effective January 1, 2001, "special risk member" includes any professional health care bargaining unit or non-unit member who is employed by the Department of Corrections or the Department of Children and Family Services and meets the special criteria set forth in s. 121.0515(2)(f).~~

~~(e) Effective July 1, 2001, the term "special risk member" includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in s. 121.0515(2)(g).~~

~~(f) Effective August 1, 2008, "special risk member" includes any member who meets the special criteria for continued membership set forth in s. 121.0515(2)(k).~~

(19) "Prior service" under *part I* of this chapter means:

(a) Service for which the member had credit under one of the existing systems and received a refund of his or her contributions upon termination of employment. Prior service ~~shall also include~~ include that service between December 1, 1970, and the date the system becomes noncontributory for which the member had credit under the Florida Retirement System and received a refund of his or her contributions upon termination of employment.

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(b) ~~Under no circumstances shall~~ Compensation for a member participating in the *pension plan* defined benefit retirement program or the *investment plan* Public Employee Optional Retirement Program of the Florida Retirement System *may not* include:

1. Fees paid professional persons for special or particular services or ~~include~~ salary payments made from a faculty practice plan authorized by the Board of Governors of the State University System for eligible clinical faculty at a college in a state university that has a faculty practice plan; or

2. Any bonuses or other payments prohibited from inclusion in the member's average final compensation ~~and defined in subsection (47).~~

(24)(a) "Average final compensation" means:

1. For members initially enrolled before July 1, 2011, the average of the 5 highest fiscal years of compensation for creditable service before ~~prior to~~ retirement, termination, or death. For in-line-of-duty disability benefits, if less than 5 years of creditable service have been completed, the term "average final compensation" means the average annual compensation of the total number of years of creditable service. Each year used to calculate the ~~in the calculation of~~ average final compensation commences ~~shall commence~~ on July 1.

2. For members initially enrolled on or after July 1, 2011, the average of the 8 highest fiscal years of compensation for creditable service before retirement, termination, or death. For in-line-of-duty disability benefits, if less than 8 years of creditable service have been completed, the term means the average annual compensation of the total number of years of creditable service. Each year used to calculate average final compensation commences on July 1.

~~(b)(a)~~ The average final compensation ~~includes~~ shall include:

1. Accumulated annual leave payments, not to exceed 500 hours; and
2. All payments defined as compensation in subsection (22).

~~(c)(b)~~ The average final compensation ~~does~~ shall not include:

1. Compensation paid to professional persons for special or particular services;
2. Payments for accumulated sick leave made due to retirement or termination;
3. Payments for accumulated annual leave in excess of 500 hours;
4. Bonuses as defined in subsection (47);
5. Third party payments made on and after July 1, 1990; or
6. Fringe benefits (for example, automobile allowances or housing allowances).

(29) "Normal retirement date" means the date a member attains normal retirement age and is vested, which is determined as follows:

(a)1. If a Regular Class member, a Senior Management Service Class member, or an Elected Officers' Class member *initially enrolled before July 1, 2011:*

~~a.1.~~ The first day of the month the member ~~completes 6 or more~~ years of creditable service and attains age 62; or

~~b.2.~~ The first day of the month following the date the member completes 30 years of creditable service, regardless of age.

2. *If a Regular Class member, a Senior Management Service Class member, or an Elected Officers' Class member initially enrolled on or after July 1, 2011:*

a. *The first day of the month the member attains age 65; or*

b. *The first day of the month following the date the member completes 33 years of creditable service, regardless of age.*

(b)1. If a Special Risk Class member *initially enrolled before July 1, 2011:*

~~a.1.~~ The first day of the month the member ~~completes 6 or more~~ years of creditable service in the Special Risk Class and attains age 55 and completes the years of creditable service in the Special Risk Class equal to or greater than the years of service required for vesting;

~~b.2.~~ The first day of the month following the date the member completes 25 years of creditable service in the Special Risk Class, regardless of age; or

~~c.3.~~ The first day of the month following the date the member completes 25 years of creditable service and attains age 52, which service may include a maximum of 4 years of military service credit ~~if as long as~~ such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

2. *If a Special Risk Class member initially enrolled on or after July 1, 2011:*

a. *The first day of the month the member attains age 60 and completes the years of creditable service in the Special Risk Class equal to or greater than the years of service required for vesting;*

b. *The first day of the month following the date the member completes 30 years of creditable service in the Special Risk Class, regardless of age; or*

c. *The first day of the month following the date the member completes 30 years of creditable service and attains age 57, which service may include a maximum of 4 years of military service credit if such credit is not claimed under any other system and the remaining years are in the Special Risk Class.*

"Normal retirement age" is attained on the "normal retirement date."

(38) "Continuous service" means creditable service as a member, beginning with the first day of employment with an employer covered under a state-administered retirement system consolidated herein and continuing for as long as the member remains in an employer-employee relationship with an employer covered under this chapter. An absence of 1 calendar month or more from an employer's payroll shall be considered

a break in continuous service, except for periods of absence during which an employer-employee relationship continues to exist and such period of absence is creditable under this chapter or under one of the existing systems consolidated herein. However, a law enforcement officer as defined in s. 121.0515(3)(2)(a) who was a member of a state-administered retirement system under chapter 122 or chapter 321 and who resigned and was subsequently reemployed in a law enforcement position within 12 calendar months of such resignation by an employer under such state-administered retirement system shall be deemed to have not experienced a break in service. Further, with respect to a state-employed law enforcement officer who meets the criteria specified in s. 121.0515(3)(2)(a), if the absence from the employer's payroll is the result of a "layoff" as defined in s. 110.107 or a resignation to run for an elected office that meets the criteria specified in s. 121.0515(3)(2)(a), no break in continuous service shall be deemed to have occurred if the member is reemployed as a state law enforcement officer or is elected to an office which meets the criteria specified in s. 121.0515(3)(2)(a) within 12 calendar months after the date of the layoff or resignation, notwithstanding the fact that such period of layoff or resignation is not creditable service under this chapter. A withdrawal of contributions will constitute a break in service. Continuous service also includes past service purchased under this chapter, provided such service is continuous within this definition and the rules established by the administrator. The administrator may establish administrative rules and procedures for applying this definition to creditable service authorized under this chapter. Any correctional officer, as defined in s. 943.10, whose participation in the state-administered retirement system is terminated due to the transfer of a county detention facility through a contractual agreement with a private entity pursuant to s. 951.062, shall be deemed an employee with continuous service in the Special Risk Class, provided return to employment with the former employer takes place within 3 years due to contract termination or the officer is employed by a covered employer in a special risk position within 1 year after his or her initial termination of employment by such transfer of its detention facilities to the private entity.

(39)(a) "Termination" occurs, except as provided in paragraph (b), when a member ceases all employment relationships with *participating employers* ~~an employer~~, however:

1. For retirements effective before July 1, 2010, if a member is employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

2. For retirements effective on or after July 1, 2010, if a member is employed by any such employer within the next 6 calendar months, termination shall be deemed not to have occurred. A leave of absence constitutes a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The department or state board may require other evidence of termination as it deems necessary.

(b) "Termination" for a member electing to participate in the Deferred Retirement Option Program occurs when the program participant ceases all employment relationships with *participating employers* ~~an employer~~ in accordance with s. 121.091(13), however:

1. For termination dates occurring before July 1, 2010, if the ~~member participant~~ is employed by any such employer within the next calendar month, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence shall constitute a continuation of the employment relationship.

2. For termination dates occurring on or after July 1, 2010, if the ~~member participant~~ becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred, except as provided in s. 121.091(13)(b)4.c. A leave of absence constitutes a continuation of the employment relationship.

(c) *Effective July 1, 2011, "termination" for a member receiving a refund of employee contributions occurs when a member ceases all employment relationships with participating employers for 3 calendar*

*months. A leave of absence constitutes a continuation of the employment relationship.*

(45)(a) "Vested" or "vesting" means the guarantee that a member is eligible to receive a future retirement benefit upon completion of the required years of creditable service for the employee's class of membership, even though the member may have terminated covered employment before reaching normal or early retirement date. Being vested does not entitle a member to a disability benefit. Provisions governing entitlement to disability benefits are set forth under s. 121.091(4).

(a)(b) *Effective July 1, 2001, through June 30, 2011, a 6-year vesting requirement shall be implemented for the defined benefit program of the Florida Retirement System Pension Plan System. Pursuant thereto:*

1. Any member employed in a regularly established position on July 1, 2001, who completes or has completed a total of 6 years of creditable service ~~is shall be considered vested as described in paragraph (a).~~

2. Any member not employed in a regularly established position on July 1, 2001, shall be deemed vested upon completion of 6 years of creditable service ~~if, provided that~~ such member is employed in a covered position for at least 1 work year after July 1, 2001. However, ~~a no~~ member ~~is not shall be~~ required to complete more years of creditable service than would have been required for that member to vest under retirement laws in effect before July 1, 2001.

3. *Any member initially enrolled in the Florida Retirement System on July 1, 2001, through June 30, 2011, shall be deemed vested upon completion of 6 years of creditable service.*

(b) *Any member initially enrolled in the Florida Retirement System on or after July 1, 2011, shall be vested upon completion of 8 years of creditable service.*

(55) "Benefit" means any *pension* payment, lump-sum or periodic, to a member, retiree, or beneficiary, based partially or entirely on employer contributions *or employee contributions, if applicable.*

(59) "Payee" means a retiree or beneficiary of a retiree who *has received or is receiving a retirement benefit payment.*

Section 7. Paragraphs (b) and (c) of subsection (2) and subsection (3) of section 121.051, Florida Statutes, are amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(b)1. The governing body of any municipality, metropolitan planning organization, or special district in the state may elect to participate in the *Florida Retirement System* upon proper application to the administrator and may cover all ~~or any~~ of its units as approved by the Secretary of Health and Human Services and the administrator. The department shall adopt rules establishing *procedures* ~~provisions~~ for the submission of documents necessary for such application. ~~Before~~ ~~Prior to~~ being approved for participation in the ~~Florida Retirement~~ system, the governing body of ~~a any such~~ municipality, metropolitan planning organization, or special district that has a local retirement system ~~shall~~ submit to the administrator a certified financial statement showing the condition of the local retirement system ~~as of a date~~ within 3 months ~~before~~ ~~prior to~~ the proposed effective date of membership in the Florida Retirement System. The statement must be certified by a recognized accounting firm that is independent of the local retirement system. All required documents necessary for extending Florida Retirement System coverage must be received by the department for consideration at least 15 days ~~before~~ ~~prior to~~ the proposed effective date of coverage. If the municipality, metropolitan planning organization, or special district does not comply with this requirement, the department may require that the effective date of coverage be changed.

2. *A municipality* ~~Any city~~, metropolitan planning organization, or special district that has an existing retirement system covering the employees in the units that are to be brought under the Florida Retirement System may participate only after holding a referendum in which all employees in the affected units have the right to participate. Only those employees electing coverage under the Florida Retirement System by affirmative vote in ~~the said~~ referendum ~~are shall be~~ eligible for coverage under this chapter, and those not participating or electing

not to be covered by the Florida Retirement System shall remain in their present systems and ~~are shall~~ not be eligible for coverage under this chapter. After the referendum is held, all future employees ~~are shall be~~ compulsory members of the Florida Retirement System.

3. *At the time of joining the Florida Retirement System, the governing body of a municipality ~~any city~~, metropolitan planning organization, or special district complying with subparagraph 1. may elect to provide, or not provide, benefits based on past service of officers and employees as described in s. 121.081(1). However, if such employer elects to provide past service benefits, such benefits must be provided for all officers and employees of its covered group.*

4. Once this election is made and approved it may not be revoked, except pursuant to subparagraphs 5. and 6., and all present officers and employees electing coverage ~~under this chapter~~ and all future officers and employees ~~are shall be~~ compulsory members of the Florida Retirement System.

5. Subject to ~~the conditions set forth in~~ subparagraph 6., the governing body of a ~~any~~ hospital licensed under chapter 395 which is governed by the board of a special district as defined in s. 189.403(4) or by the board of trustees of a public health trust created under s. 154.07, hereinafter referred to as "hospital district," and which participates in the Florida Retirement System, may elect to cease participation in the system with regard to future employees in accordance with the following procedure:

a. No more than 30 days and at least 7 days before adopting a resolution to partially withdraw from the ~~Florida Retirement~~ system and establish an alternative retirement plan for future employees, a public hearing must be held on the proposed withdrawal and proposed alternative plan.

b. From 7 to 15 days before such hearing, notice of intent to withdraw, specifying the time and place of the hearing, must be provided in writing to employees of the hospital district proposing partial withdrawal and must be published in a newspaper of general circulation in the area affected, as provided by ss. 50.011-50.031. Proof of publication ~~must of such notice shall~~ be submitted to the Department of Management Services.

c. The governing body of a ~~any~~ hospital district seeking to partially withdraw from the system must, before such hearing, have an actuarial report prepared and certified by an enrolled actuary, as defined in s. 112.625(3), illustrating the cost to the hospital district of providing, through the retirement plan that the hospital district is to adopt, benefits for new employees comparable to those provided under the ~~Florida Retirement~~ system.

d. Upon meeting all applicable requirements of this subparagraph, and subject to ~~the conditions set forth in~~ subparagraph 6., partial withdrawal from the system and adoption of the alternative retirement plan may be accomplished by resolution duly adopted by the hospital district board. The hospital district board must provide written notice of such withdrawal to the division by mailing a copy of the resolution to the division, postmarked by ~~no later than~~ December 15, 1995. The withdrawal shall take effect January 1, 1996.

6. Following the adoption of a resolution under sub-subparagraph 5.d., all employees of the withdrawing hospital district who were ~~members of participants in the Florida Retirement system before~~ prior to January 1, 1996, shall remain as ~~members of participants in~~ the system for as long as they are employees of the hospital district, and all rights, duties, and obligations between the hospital district, the system, and the employees ~~shall~~ remain in full force and effect. Any employee who is hired or appointed on or after January 1, 1996, may not participate in the ~~Florida Retirement~~ system, and the withdrawing hospital district ~~has shall have~~ no obligation to the system with respect to such employees.

(c) Employees of public community colleges or charter technical career centers sponsored by public community colleges, designated in s. 1000.21(3), who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and s. 1012.875 may, in lieu of participating in the Florida Retirement System, elect to withdraw from the system altogether and

participate in the State Community College System Optional Retirement Program provided by the employing agency under s. 1012.875.

1.a. Through June 30, 2001, the cost to the employer for ~~benefits under the optional retirement program such annuity~~ equals the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the ~~pension plan's Regular Class defined benefit program~~, plus the portion of the contribution rate required by s. 112.363(8) which would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, ~~through June 30, 2011~~, each employer shall contribute on behalf of each ~~member of participant in~~ the optional program an amount equal to 10.43 percent of the ~~employee's participant's~~ gross monthly compensation. The employer shall deduct an amount for the administration of the program.

c. Effective July 1, 2011, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.

d. The employer shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in ~~the an~~ optional retirement program is irrevocable as long as the employee holds a position eligible for participation, except as provided in subparagraph 3. Any service creditable under the Florida Retirement System is retained after the member withdraws from the system; however, additional service credit in the system may not be earned while a member of the optional retirement program.

3. An employee who has elected to participate in the optional retirement program shall have one opportunity, at the employee's discretion, to transfer from the optional retirement program to the ~~pension plan defined benefit program~~ of the Florida Retirement System or to the ~~investment plan established under part II of this chapter Public Employee Optional Retirement Program~~, subject to the terms of the applicable optional retirement program contracts.

a. If the employee chooses to move to the ~~investment plan Public Employee Optional Retirement Program~~, any contributions, interest, and earnings creditable to the employee under the ~~State Community College System~~ optional retirement program are retained by the employee in the ~~State Community College System~~ optional retirement program, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee chooses to move to the ~~pension plan defined benefit program~~ of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the ~~State Community College System~~ optional retirement program.

(I) The cost for such credit is the amount representing the present value of the employee's accumulated benefit obligation for the affected period of service. The cost shall be calculated as if the benefit commencement occurs on the first date the employee becomes eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System ~~Pension defined benefit~~ Plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the ~~pension defined benefit~~ plan in addition to the years under the ~~State Community College System~~ optional retirement program. The present value of any service already maintained must be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(II) The employee must transfer from his or her ~~State Community College System~~ optional retirement program account and from other employee moneys as necessary, a sum representing the present value of the employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the ~~pension plan defined benefit program~~

and service in the ~~State Community College System~~ optional retirement program.

4. Participation in the optional retirement program is limited to employees who satisfy the following eligibility criteria:

a. The employee ~~is must be~~ otherwise eligible for membership or renewed membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12) or s. 121.122.

b. The employee ~~is must be~~ employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management ~~and the, if a~~ community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and the duties and responsibilities of the position include the formulation, interpretation, or implementation of policies, or the performance of functions that are unique or specialized within higher education and that frequently support the mission of the community college.

c. The employee ~~is must be~~ employed in a position not included in the Senior Management Service Class of the Florida Retirement System; as described in s. 121.055.

5. ~~Members of Participants in~~ the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions ~~as are~~ applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively. A ~~member participant~~ who receives a program distribution funded by employer ~~and required employee~~ contributions ~~is shall be~~ deemed to be retired from a state-administered retirement system if the ~~member participant~~ is subsequently employed with an employer that participates in the Florida Retirement System.

6. Eligible community college employees are compulsory members of the Florida Retirement System until, pursuant to s. 1012.875, a written election to withdraw from the system and participate in the ~~State Community College System~~ optional retirement program is filed with the program administrator and received by the division.

a. A community college employee whose program eligibility results from initial employment ~~shall must be~~ enrolled in the ~~State Community College System~~ optional retirement program retroactive to the first day of eligible employment. The employer ~~and employee~~ retirement contributions paid through the month of the employee plan change shall be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

b. A community college employee whose program eligibility is due to the subsequent designation of the employee's position as one of those specified in subparagraph 4., or due to the employee's appointment, promotion, transfer, or reclassification to a position specified in subparagraph 4., must be enrolled in the program on the first day of the first full calendar month that such change in status becomes effective. The employer ~~and employee~~ retirement contributions paid from the effective date through the month of the employee plan change must be transferred to the community college to the employee's optional program account, and, effective the first day of the next month, the employer shall pay the applicable contributions based upon subparagraph 1.

7. Effective July 1, 2003, through December 31, 2008, any ~~member participant~~ of the ~~State Community College System~~ optional retirement program who has service credit in the ~~pension defined benefit~~ plan of the Florida Retirement System for the period between his or her first eligibility to transfer from the ~~pension defined benefit~~ plan to the optional retirement program and the actual date of transfer may, during employment, transfer to the optional retirement program a sum representing the present value of the accumulated benefit obligation under the defined benefit retirement program for the period of service credit. Upon transfer, all service credit previously earned under the ~~pension plan defined benefit program of the Florida Retirement System~~ during this period is nullified for purposes of entitlement to a future benefit

under the ~~pension plan defined benefit program of the Florida Retirement System~~.

(3) SOCIAL SECURITY COVERAGE.—Social security coverage shall be provided for all officers and employees who become members under the provisions of subsection (1) or subsection (2). Any modification of the present agreement with the Social Security Administration, or referendum required under the Social Security Act, for the purpose of providing social security coverage for any member shall be requested by the state agency in compliance with the applicable provisions of the Social Security Act governing such coverage. However, retroactive social security coverage for service ~~before prior to~~ December 1, 1970, with the employer ~~may shall~~ not be provided for a ~~any~~ member who was not covered under the agreement as of November 30, 1970. *The employer-paid employee contributions specified in s. 121.71(3) are subject to taxes imposed under the Federal Insurance Contributions Act, 26 U.S.C. ss. 3101-3128.*

Section 8. Section 121.0515, Florida Statutes, is amended to read:

121.0515 ~~Special Risk Class membership.—~~

(1) ~~ESTABLISHMENT OF CLASS LEGISLATIVE INTENT.—A separate~~ ~~In creating the Special Risk class of membership within the Florida Retirement System, to be known as the "Special Risk Class," is established it is the intent and purpose of the Legislature to recognize that persons employed in certain categories of law enforcement, firefighting, criminal detention, and emergency medical care positions are required as one of the essential functions of their positions to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other membership classes positions and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom. To address Therefore, as a means of recognizing the peculiar and special problems of this class of employees, it is the intent and purpose of the Legislature to establish a class of retirement membership is established that awards more retirement credit per year of service than that awarded to other employees; however, nothing contained herein shall require ineligibility for Special Risk Class membership upon reaching age 55.~~

(2) MEMBERSHIP.—

(a) *Until October 1, 1978, "special risk member" means any officer or employee whose application is approved by the administrator and who receives salary payments for work performed as a peace officer; law enforcement officer; police officer; highway patrol officer; custodial employee at a correctional or detention facility; correctional agency employee whose duties and responsibilities involve direct contact with inmates, but excluding secretarial and clerical employees; firefighter; or an employee in any other job in the field of law enforcement or fire protection if the duties of such person are certified as hazardous by his or her employer.*

(b) *Effective October 1, 1978, through September 30, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with this section. Such member must be employed as a law enforcement officer, a firefighter, or a correctional officer and must meet certain other special criteria as set forth in this section.*

(c) *Effective October 1, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with this section. Such member must be employed as a law enforcement officer, a firefighter, a correctional officer, an emergency medical technician, or a paramedic and must meet certain other special criteria as set forth in this section.*

(d) *Effective January 1, 2001, "special risk member" includes:*

1. *Any member who is employed as a community-based correctional probation officer and meets the special criteria set forth in paragraph (3)(e).*

2. Any professional health care bargaining unit or non-unit member who is employed by the Department of Corrections or the Department of Children and Family Services and meets the special criteria set forth in paragraph (3)(f).

(e) Effective July 1, 2001, "special risk member" includes any member who is employed as a youth custody officer by the Department of Juvenile Justice and meets the special criteria set forth in paragraph (3)(g).

(f) Effective October 1, 2005, through June 30, 2008, the member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline and meet the special criteria set forth in paragraph (3)(h).

(g) Effective July 1, 2008, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Division of State Fire Marshal in the forensic laboratory and meet the special criteria set forth in paragraph (3)(i).

(h) Effective July 1, 2008, the member must be employed by a local government law enforcement agency or medical examiner's office and meet the special criteria set forth in paragraph (3)(j).

(i) Effective August 1, 2008, "special risk member" includes any member who meets the special criteria for continued membership set forth in paragraph (3)(k).

(3)(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) Effective October 1, 1978, the member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs ~~are shall~~ be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or *as of July 1, 1982*, the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities, ~~provided, however,~~ Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, ~~are shall~~ not be included;

(b) Effective October 1, 1978, the member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires; *as of October 1, 2001*, fire prevention; or firefighter training; *as of October 1, 2001*, direct supervision of firefighting units, fire prevention, or firefighter training; or *as of July 1, 2001*, aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities, ~~provided, however,~~ Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, ~~are shall~~ not be included. ~~and further provided that~~ All periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, ~~are shall~~ be included;

(c) Effective October 1, 1978, the member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or *as of July 1, 1984*, the member must be the supervisor or command officer of a member or members who have such responsibilities, ~~provided, however,~~ Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, ~~are shall~~ not

be included; however, wardens and assistant wardens, as defined by rule, ~~are included shall participate in the Special Risk Class;~~

(d) Effective October 1, 1999, the member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care or *as of October 1, 2001*, direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility. ~~However,~~ Administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, ~~are shall~~ not be included;

(e) Effective January 1, 2001, the member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, ~~are shall~~ not be included; however, probation and parole circuit and deputy circuit administrators ~~are included shall participate in the Special Risk Class;~~

(f) Effective January 1, 2001, the member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204);
2. Public health nutrition consultant (class code 5224);
3. Psychological specialist (class codes 5230 and 5231);
4. Psychologist (class code 5234);
5. Senior psychologist (class codes 5237 and 5238);
6. Regional mental health consultant (class code 5240);
7. Psychological Services Director—DCF (class code 5242);
8. Pharmacist (class codes 5245 and 5246);
9. Senior pharmacist (class codes 5248 and 5249);
10. Dentist (class code 5266);
11. Senior dentist (class code 5269);
12. Registered nurse (class codes 5290 and 5291);
13. Senior registered nurse (class codes 5292 and 5293);
14. Registered nurse specialist (class codes 5294 and 5295);
15. Clinical associate (class codes 5298 and 5299);
16. Advanced registered nurse practitioner (class codes 5297 and 5300);
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305);
18. Registered nurse supervisor (class codes 5306 and 5307);
19. Senior registered nurse supervisor (class codes 5308 and 5309);
20. Registered nursing consultant (class codes 5312 and 5313);
21. Quality management program supervisor (class code 5314);
22. Executive nursing director (class codes 5320 and 5321);

23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251);

(g) *Effective July 1, 2001*, the member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community;

(h) *Effective October 1, 2005, through June 30, 2008*, the member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline recognized by the International Association for Identification and must qualify for active membership in the International Association for Identification. The member's primary duties and responsibilities must include the collection, examination, preservation, documentation, preparation, or analysis of physical evidence or testimony, or both, or the member must be the direct supervisor, quality management supervisor, or command officer of one or more individuals with such responsibility. Administrative support personnel, including, but not limited to, those whose primary responsibilities are clerical or in accounting, purchasing, legal, and personnel, ~~are shall not be~~ included;

(i) *Effective July 1, 2008*, the member must be employed by the Department of Law Enforcement in the crime laboratory or by the Division of State Fire Marshal in the forensic laboratory in one of the following classes:

1. Forensic technologist (class code 8459);
2. Crime laboratory technician (class code 8461);
3. Crime laboratory analyst (class code 8463);
4. Senior crime laboratory analyst (class code 8464);
5. Crime laboratory analyst supervisor (class code 8466);
6. Forensic chief (class code 9602); or
7. Forensic services quality manager (class code 9603);

(j) *Effective July 1, 2008*, the member must be employed by a local government law enforcement agency or medical examiner's office and must spend at least 65 percent of his or her time performing duties that involve the collection, examination, preservation, documentation, preparation, or analysis of human tissues or fluids or physical evidence having potential biological, chemical, or radiological hazard or contamination, or use chemicals, processes, or materials that may have carcinogenic or health-damaging properties in the analysis of such evidence, or the member must be the direct supervisor of one or more individuals having such responsibility. If a special risk member changes to another position within the same agency, he or she must submit a complete application as provided in paragraph ~~(4)(3)~~(a); or

(k) The member must have already qualified for and be actively participating in special risk membership under paragraph (a), paragraph (b), or paragraph (c), must have suffered a qualifying injury as defined in this paragraph, must not be receiving disability retirement benefits as provided in s. 121.091(4), and must satisfy the requirements of this paragraph.

1. The ability to qualify for the class of membership defined in paragraph ~~(2)(f)~~ occurs ~~s. 121.021(15)(f) shall occur~~ when two licensed medical physicians, one of whom is a primary treating physician of the member, certify the existence of the physical injury and medical condition that constitute a qualifying injury as defined in this paragraph and that the member has reached maximum medical improvement after August 1, 2008. The certifications from the licensed medical physicians must include, at a minimum, that the injury to the special risk member has resulted in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg; and:

a. That this physical loss or loss of use is total and permanent, except in the event that the loss of use is due to a physical injury to the member's brain, in which event the loss of use is permanent with at least 75-percent loss of motor function with respect to each arm or leg affected.

b. That this physical loss or loss of use renders the member physically unable to perform the essential job functions of his or her special risk position.

c. That, notwithstanding this physical loss or loss of use, the individual is able to perform the essential job functions required by the member's new position, as provided in subparagraph 3.

d. That use of artificial limbs is either not possible or does not alter the member's ability to perform the essential job functions of the member's position.

e. That the physical loss or loss of use is a direct result of a physical injury and not a result of any mental, psychological, or emotional injury.

2. For the purposes of this paragraph, "qualifying injury" means an injury sustained in the line of duty, as certified by the member's employing agency, by a special risk member that does not result in total and permanent disability as defined in s. 121.091(4)(b). An injury is a qualifying injury ~~if when~~ the injury is a physical injury to the member's physical body resulting in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg. Notwithstanding ~~any other provision of anything in this section to the contrary~~, an injury that would otherwise qualify as a qualifying injury ~~is shall not be~~ considered a qualifying injury if and when the member ceases employment with the employer for whom he or she was providing special risk services on the date the injury occurred.

3. The new position, as described in sub-subparagraph 1.c., that is required for qualification as a special risk member under this paragraph is not required to be a position with essential job functions that entitle an individual to special risk membership. Whether a new position as described in sub-subparagraph 1.c. exists and is available to the special risk member is a decision to be made solely by the employer in accordance with its hiring practices and applicable law.

4. This paragraph does not grant or create additional rights for any individual to continued employment or to be hired or rehired by his or her employer that are not already provided within the Florida Statutes, the State Constitution, the Americans with Disabilities Act, if applicable, or any other applicable state or federal law.

#### ~~(4)(3)~~ PROCEDURE FOR DESIGNATING.—

(a) Any member of the Florida Retirement System employed by a county, ~~municipality city~~, or special district who feels that ~~his or her position he or she~~ meets the criteria set forth in this section for membership in the Special Risk Class may request that his or her employer submit an application to the department requesting that the department designate him or her as a Special Risk member. If the employer agrees that the member meets the requirements for Special Risk *Class* membership, the employer shall submit an application to the department ~~on~~ ~~in~~ behalf of the employee containing a certification that the member meets the criteria for Special Risk *Class* membership set forth in this section and such other supporting documentation as may be required by administrative rule. The department shall, within 90 days, ~~either~~ designate or refuse to designate the member as a special risk member. If the employer declines to submit the member's application to the department or if the department does not designate the member as a special risk member, the member or the employer may appeal to the State Retirement Commission, as provided in s. 121.23, for designation as a special risk member. A member who receives a final affirmative ruling pursuant to such appeal ~~for Special Risk membership~~ shall have Special Risk *Class* membership retroactive to the date such member would have had Special Risk *Class* membership had such membership been approved by the employer and the department, as determined by the department, and the employer contributions shall be paid in full within 1 year after such final ruling.

~~(b)1-~~ Applying the criteria set forth in this section, the department of ~~Management Services~~ shall specify which current and newly created classes of positions under the uniform classification plan established pursuant to chapter 110 entitle the incumbents of positions in those classes to membership in the Special Risk Class. Only employees employed in the classes so specified shall be special risk members.

~~2. If When~~ a class is not specified by the department ~~as provided in subparagraph 1.~~, the employing agency may petition the State Retirement Commission for approval in accordance with s. 121.23.

~~(5)(4)~~ REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

(a) Any member who is a special risk member on October 1, 1978, and who fails to meet the criteria for Special Risk Class membership established by this section shall have his or her special risk designation removed and thereafter shall be a regular member and shall earn only regular membership credit. The department ~~may shall have the authority to~~ review the special risk designation of members to determine whether or not those members continue to meet the criteria for Special Risk Class membership.

(b) Any member who is a special risk member on July 1, 2008, and who became eligible to participate under paragraph ~~(3)(2)(h)~~ but fails to meet the criteria for Special Risk Class membership established by paragraph ~~(3)(2)(i)~~ or paragraph ~~(3)(2)(j)~~ shall have his or her special risk designation removed and thereafter shall be a Regular Class member and earn only Regular Class membership credit. The department may review the special risk designation of members to determine whether or not those members continue to meet the criteria for Special Risk Class membership.

~~(6)(5)~~ CREDIT FOR PAST SERVICE.—A special risk member may purchase retirement credit in the Special Risk Class based upon past service, and may upgrade retirement credit for such past service, to the extent of 2 percent of the member's average monthly compensation as specified in s. 121.091(1)(a) for such service as follows:

(a) The member may purchase special risk credit for past service with a ~~municipality city~~ or special district which has elected to join the Florida Retirement System, or with a participating agency to which a member's governmental unit was transferred, merged, or consolidated as provided in s. 121.081(1)(f), if the member was employed with the ~~municipality city~~ or special district at the time it commenced participating in the Florida Retirement System or with the governmental unit at the time of its transfer, merger, or consolidation with the participating agency. The service must satisfy the criteria set forth in subsection ~~(3)(2)~~ for Special Risk Class membership as a law enforcement officer, firefighter, or correctional officer; however, a ~~no~~ certificate or waiver of certificate of compliance with s. 943.1395 or s. 633.35 ~~is not shall be~~ required for such service.

(b) Contributions for upgrading the additional special risk credit ~~must pursuant to this subsection shall~~ be equal to the difference in the employer and, if applicable, employee contributions paid and the special risk percentage rate of gross salary in effect at the time of purchase for the period being claimed, plus interest thereon at the rate of 4 percent a year compounded annually from the date of such service until July 1, 1975, and 6.5 percent a year thereafter until the date of payment. This past service may be purchased by the member or by the employer on behalf of the member.

~~(7)(6)~~ CREDIT FOR PRIOR SERVICE.—A special risk member who has creditable service with an employer under chapter 122 or chapter 321, or was employed as a correctional counselor with the Department of Corrections between December 1, 1970, and September 30, 1979, in a position ~~that which~~ satisfies the criteria provided ~~for~~ in subsection ~~(3)(2)~~ for Special Risk Class membership except the requirement for a certificate or waiver of certificate, shall have those years of service counted towards the attainment of the normal retirement date as a special risk member under this chapter. The percentage value of each such year of creditable service under chapter 122, chapter 321, or as a correctional counselor ~~may shall~~ not change as a result of the application of this subsection. A special risk member who has taken a refund of contributions for such creditable service under chapter 122 or chapter 321 and has reclaimed it as prior service credit under this chapter shall be permitted to have such creditable service counted towards the attainment of the normal retirement date for the Special Risk Class of membership under this chapter.

~~(8)(7)~~ SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS RETENTION OF SPECIAL RISK NORMAL RETIREMENT DATE.—

(a) A special risk member who is moved or reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical

care administrative support position with the same agency, or who is subsequently employed in such a position ~~within with~~ any law enforcement, firefighting, correctional, or emergency medical care agency under the Florida Retirement System, shall participate in the Special Risk Administrative Support Class and shall earn credit for such service at the same percentage rate as that earned by a regular member. Notwithstanding ~~the provisions of~~ subsection ~~(5)(4)~~, service in such an administrative support position shall, for purposes of s. 121.091, ~~applies apply~~ toward satisfaction of the special risk normal retirement date, as defined in s. 121.021~~(20)(b)~~ if, provided that, while in such position, the member remains certified as a law enforcement officer, firefighter, correctional officer, emergency medical technician, or paramedic; remains subject to reassignment at any time to a position qualifying for special risk membership; and completes an aggregate of ~~the 6 or more~~ years of service as a designated special risk member ~~before prior to~~ retirement ~~which is equal to or greater than the years of service required to be vested.~~

(b) Upon application by a member, the provisions of this subsection shall apply, with respect to such member, retroactively to October 1, 1978, if provided that the member was removed from the Special Risk Class effective October 1, 1978, due to a change in special risk criteria as a result of the enactment of chapter 78-308, Laws of Florida, or was reassigned or employed for training or career development or to fill a critical agency need.

(c) The department shall adopt ~~such~~ rules as ~~are~~ required to administer this subsection.

(d) Notwithstanding any ~~other~~ provision of this subsection ~~to the contrary~~, this subsection does not apply to any special risk member who qualifies for continued membership pursuant to ~~the provisions of~~ paragraph ~~(3)(2)(k)~~.

~~(9)(8)~~ RESTORATION OF SPECIAL RISK CREDIT FOR SPECIFIED PERIOD OF EMPLOYMENT.—A special risk member who was removed from the Special Risk Class effective October 1978, for the sole reason that he or she did not possess the required certificate or temporary waiver of certificate, and who obtained certification and was approved for Special Risk Class membership on or before June 30, 1982, ~~may shall be permitted to~~ have special risk credit restored for that period upon:

(a) Certification by his or her employer that all requirements for Special Risk Class membership except the requirement for certification or temporary waiver of certification were met; and

(b) Payment of contributions equal to the difference in the contributions that were paid during the period and the contributions required for special risk members during that period, plus 6.5 percent interest thereon, compounded each June 30 from date of service until date of payment.

This credit may be purchased by the member or by the employer on behalf of the member.

~~(10)(9)~~ CREDIT FOR UPGRADED SERVICE.—

(a) Any member of the Special Risk Class who has earned creditable service ~~through September 30, 1999~~, in another membership class of the Florida Retirement System as an emergency medical technician or paramedic, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit ~~must under this subsection shall~~ be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(b) Any member of the Special Risk Class who has earned creditable service ~~through September 30, 2001~~, in another membership class of the Florida Retirement System whose responsibilities included fire prevention or firefighter training, which service is within the purview of the Special Risk Class, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the

percentages of the member's average final compensation provided in s. 121.091(1)(a)2. Contributions for upgrading such service to Special Risk Class credit ~~must under this subsection shall~~ be equal to the difference in the contributions paid and the Special Risk Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(c) Any member of the Special Risk Class who has earned creditable service *through June 30, 2008*, in another membership class of the Florida Retirement System in a position with the Department of Law Enforcement or the Division of State Fire Marshal and became covered by the Special Risk Class as described in paragraph (3)(2)(i), or with a local government law enforcement agency or medical examiner's office and became covered by the Special Risk Class as described in paragraph (3)(2)(j), which service is within the purview of the Special Risk Class, and is employed in such position on or after July 1, 2008, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. The cost for such credit ~~must shall~~ be an amount representing the actuarial accrued liability for the difference in accrual value during the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System *Pension defined benefit* Plan liabilities in the most recent actuarial valuation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. The cost must be paid immediately upon notification by the division. The local government employer may purchase the upgraded service credit on behalf of the member if the member has been employed by that employer for at least 3 years.

Section 9. Paragraphs (a) and (d) of subsection (4), paragraph (b) of subsection (7), and subsections (8) and (10) of section 121.052, Florida Statutes, are amended, present paragraph (c) of subsection (7) of that section is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

121.052 Membership class of elected officers.—

(4) PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.—

(a) A ~~any~~ duly elected officer whose term of office was shortened by legislative or judicial apportionment pursuant to the provisions of s. 16, Art. III of the State Constitution may, after the term of office to which he or she was elected is completed, pay into the *Florida Retirement System* Trust Fund the amount of contributions that would have been made by *the officer or the officer's employer* on his or her behalf, plus 4 percent interest compounded annually from the date he or she left office until July 1, 1975, and 6.5 percent interest compounded annually thereafter, and may receive service credit for the length of time the officer would have served if such term had not been shortened by apportionment.

(d)1. Any justice or judge, or any retired justice or judge who retired before July 1, 1993, who has attained the age of 70 years and who is prevented under s. 8, Art. V of the State Constitution from completing his or her term of office because of age may elect to purchase credit for all or a portion of the months he or she would have served during the remainder of the term of office; *however, but* he or she may claim those months only after the date the service would have occurred. The justice or judge must pay into the *Florida Retirement System* Trust Fund the amount of contributions that would have been made by the employer on his or her behalf for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he or she left office, in order to receive service credit in this class for the period of time being claimed. After the date the service would have occurred, and upon payment of the required contributions, the retirement benefit of a retired justice or judge ~~shall will~~ be adjusted prospectively to include ~~the this~~ additional creditable service; however, such adjustment may be made only once.

2. Any justice or judge who does not seek election to a subsequent term of office because he or she would be prevented under s. 8, Art. V of the State Constitution from completing such term of office upon attaining the age of 70 years may elect to purchase service credit for ser-

vice as a temporary judge as assigned by the court if the temporary assignment ~~follows~~ immediately *follows* the last full term of office served and the purchase is limited to the number of months of service needed to vest retirement benefits. To receive retirement credit for such temporary service beyond termination, the justice or judge must pay into the *Florida Retirement System* Trust Fund the amount of contributions that would have been made by the *justice or judge and the employer* on his or her behalf had he or she continued in office for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he or she left office.

(7) CONTRIBUTIONS.—

(b) The employer paying the salary of a member of the Elected Officers' Class shall contribute an amount as specified in this subsection or s. 121.71, as appropriate, which shall constitute the ~~entire~~ employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage. *Effective July 1, 2011, each member of the Elected Officers' Class shall pay employee contributions as specified in s. 121.71.*

(c) *If a member of the Elected Officers' Class ceases to fill an office covered by this class for 3 calendar months for any reason other than retirement and has not been employed in any capacity with any participating employer for 3 calendar months, the member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. Partial refunds are not permitted. The refund shall not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against the member's retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy provided under s. 112.363 to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).*

(8) NORMAL RETIREMENT DATE; VESTING REQUIREMENT.—

A member of the Elected Officers' Class shall have the same normal retirement date *and vesting requirement*, as those terms are defined in s. 121.021(29) and (45), for a member of the regular class of the Florida Retirement System. Any public service commissioner who was removed from the Elected State Officers' Class on July 1, 1979, after attaining at least 8 years of creditable service in that class ~~is shall~~ be considered to have reached the normal retirement date upon attaining age 62 as required in s. 121.021(29)(a).

(10) ACCRUED SERVICE VALUE.—A member of the Elected Officers' Class who is a Supreme Court justice, district court of appeal judge, circuit judge, or county court judge shall receive judicial retirement credit of  $3\frac{1}{3}$  percent of average final compensation, and all other members shall receive elected officer *accrual value retirement credit* of 3 percent of average final compensation, for each year of creditable service in such class.

Section 10. Paragraph (a) of subsection (7) of section 121.053, Florida Statutes, is amended to read:

121.053 Participation in the Elected Officers' Class for retired members.—

(7) A member who is elected or appointed to an elective office and who is participating in the Deferred Retirement Option Program is not subject to termination as defined in s. 121.021, or reemployment limitations as provided in s. 121.091(9), until the end of his or her current term of office or, if the officer is consecutively elected or reelected to an elective office eligible for coverage under the Florida Retirement System, until he or she no longer holds an elective office, as follows:

(a) At the end of the 60-month DROP period:

1. The officer's DROP account may not accrue additional monthly benefits, but does continue to earn interest as provided in s. 121.091(13). However, an officer whose DROP participation begins on or after July 1, 2010, may not continue to earn such interest.

2. Retirement contributions, *except for unfunded actuarial liability and health insurance subsidy contributions required in ss. 121.71(5) and 121.76*, are not required of the employer of the elected officer and additional retirement credit may not be earned under the Florida Retirement System.

Section 11. Paragraphs (b) and (j) of subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraphs (c), (d), and (e) of subsection (6) of section 121.055, Florida Statutes, are amended, present paragraph (c) of subsection (3) of that section is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(1)

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class ~~is shall be~~ compulsory for the president of each community college, the manager of each participating ~~municipality city~~ or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class ~~if of the Florida Retirement System, provided that:~~

a. Positions to be included in the class ~~are shall be~~ designated by the local agency employer. Notice of intent to designate positions for inclusion in the class ~~must shall~~ be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the department of ~~Management Services~~; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class, pursuant to ~~the provisions of~~ subparagraph 1., may withdraw from the Florida Retirement System altogether. The decision to withdraw from the ~~Florida Retirement system is shall be~~ irrevocable ~~for~~ as long as the employee holds ~~the such a~~ position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the ~~Florida Retirement system~~; however, additional service credit in the Senior Management Service Class ~~may shall~~ not be earned after such withdrawal. Such members ~~are shall~~ not be eligible to participate in the Senior Management Service Optional Annuity Program.

3. Effective January 1, 2006, through June 30, 2006, an employee who has withdrawn from the Florida Retirement System under subparagraph 2. has one opportunity to elect to participate in ~~either the pension plan defined benefit program or the investment plan Public Employee Optional Retirement Program of the Florida Retirement System.~~

a. If the employee elects to participate in the ~~investment plan Public Employee Optional Retirement Program~~, membership shall be prospective, and the applicable provisions of s. 121.4501(4) ~~shall~~ govern the election.

b. If the employee elects to participate in the ~~pension plan defined benefit program of the Florida Retirement System~~, the employee shall, upon payment to the system trust fund of the amount calculated under sub-sub-subparagraph (I), receive service credit for prior service based

upon the time during which the employee had withdrawn from the system.

(I) The cost for such credit shall be an amount representing the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the ~~pension Florida Retirement System defined benefit~~ plan liabilities in the most recent actuarial valuation. The calculation ~~must shall~~ include any service already maintained under the ~~pension defined benefit~~ plan in addition to the period of withdrawal. The actuarial accrued liability attributable to any service already maintained under the ~~pension defined benefit~~ plan shall be applied as a credit to the total cost resulting from the calculation. The division ~~must shall~~ ensure that the transfer sum is prepared using a formula and methodology certified by an actuary.

(II) The employee must transfer a sum representing the net cost owed for the actuarial accrued liability in sub-sub-subparagraph (I) immediately following the time of such movement, determined assuming that attained service equals the sum of service in the ~~pension plan defined benefit program~~ and the period of withdrawal.

(j) Except as may otherwise be provided, ~~a any~~ member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such service, to the extent of 2 percent of the member's average monthly compensation as specified in paragraph (4)(d) for such service. Contributions for upgrading the additional Senior Management Service credit ~~must pursuant to this paragraph shall~~ be equal to the difference in the employer ~~and, if applicable, employee~~ contributions paid and the Senior Management Service Class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This service credit may be purchased by the employer on behalf of the member.

(3)

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section or s. 121.71, as appropriate, which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage. *Effective July 1, 2011, each member shall pay employee contributions as specified in s. 121.71.*

(c) *Upon termination of employment from all participating employers for 3 calendar months for any reason other than retirement pursuant to s. 121.021(39)(c), a member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. Partial refunds are not permitted. The refund shall not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against the member's retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy provided under s. 112.363 to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).*

(4)

(b) Service in an eligible position ~~before prior to~~ February 1, 1987, or after January 31, 1987, shall satisfy the requirement of attaining the normal retirement date as defined in s. 121.021(29) for a Senior Management Service Class member, ~~if provided~~ the employee is a member of the Senior Management Service Class after January 31, 1987. A member of this class who fails to complete ~~the 6~~ years of creditable service ~~required for vesting~~ in an eligible position ~~must shall be required to~~ satisfy the requirements for the normal retirement date for a regular member as provided in s. 121.021(29) ~~and vesting as provided in s. 121.021(45).~~

(6)

(c) *Participation.—*

1. An eligible employee who is employed on or before February 1, 1987, may elect to participate in the optional annuity program in lieu of ~~participating participation~~ in the Senior Management Service Class. Such election must be made in writing and filed with the department and the personnel officer of the employer on or before May 1, 1987. An eligible employee who is employed on or before February 1, 1987, and who fails to make an election to participate in the optional annuity program by May 1, 1987, shall be deemed to have elected membership in the Senior Management Service Class.

2. Except as provided in subparagraph 6., an employee who becomes eligible to participate in the optional annuity program by reason of initial employment commencing after February 1, 1987, may, within 90 days after the date of commencing employment, elect to participate in the optional annuity program. Such election must be made in writing and filed with the personnel officer of the employer. An eligible employee who does not within 90 days after commencing employment elect to participate in the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

3. A person who is appointed to a position in the Senior Management Service Class and who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System may elect to remain in such system or class in lieu of ~~participating participation~~ in the Senior Management Service Class or optional annuity program. Such election must be made in writing and filed with the department and the personnel officer of the employer within 90 days ~~after~~ of such appointment. ~~An~~ Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program shall be deemed to have elected membership in the Senior Management Service Class.

4. Except as provided in subparagraph 5., an employee's election to participate in the optional annuity program is irrevocable if the employee continues to be employed in an eligible position and continues to meet the eligibility requirements set forth in this paragraph.

5. Effective from July 1, 2002, through September 30, 2002, ~~an any~~ active employee in a regularly established position who has elected to participate in the Senior Management Service Optional Annuity Program has one opportunity to choose to move from the Senior Management Service Optional Annuity Program to the Florida Retirement System ~~System defined benefit program~~.

a. The election must be made in writing and must be filed with the department and the personnel officer of the employer before October 1, 2002, or, in the case of an active employee who is on a leave of absence on July 1, 2002, within 90 days after the conclusion of the leave of absence. This election is irrevocable.

b. The employee shall receive service credit under the ~~pension plan defined benefit program of the Florida Retirement System~~ equal to his or her years of service under the Senior Management Service Optional Annuity Program. The cost for such credit is the amount representing the present value of that employee's accumulated benefit obligation for the affected period of service.

c. The employee must transfer the total accumulated employer contributions and earnings on deposit in his or her Senior Management Service Optional Annuity Program account. If the transferred amount is not sufficient to pay the amount due, the employee must pay a sum representing the remainder of the amount due. The employee may not retain any employer contributions or earnings ~~thereon~~ from the Senior Management Service Optional Annuity Program account.

6. A retiree of a state-administered retirement system who is initially reemployed on or after July 1, 2010, may not renew membership in the Senior Management Service Optional Annuity Program.

(d) *Contributions.*—

1.a. Through June 30, 2001, each employer shall contribute on behalf of each ~~member of participant in~~ the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the ~~member participant~~ were a Senior Management Service Class member of

the Florida Retirement System ~~Pension Plan defined benefit program~~, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, ~~through June 30, 2011~~, each employer shall contribute on behalf of each ~~member of participant in~~ the optional program an amount equal to 12.49 percent of the ~~employee's participant's~~ gross monthly compensation.

c. ~~Effective July 1, 2011~~, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of such employee an amount equal to the difference between 12.49 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

d. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. ~~The~~ Payment of the contributions, ~~including contributions made by the employee, to the optional program which is required by this subparagraph for each participant~~ shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the ~~member participant~~ under the program.

2. Each employer shall contribute on behalf of each ~~member of participant in~~ the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program ~~members participants~~, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and ~~employee each participant~~, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each ~~member of participant in~~ the Senior Management Service retirement program and ~~are shall be~~ in addition to the retirement contributions specified in this paragraph.

5. Each ~~member of participant in~~ the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the ~~employee's participant's~~ gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the ~~employee's participant's~~ contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the ~~member participant~~ under the program.

(e) *Benefits.*—

1. Benefits under the Senior Management Service Optional Annuity Program are payable only to ~~members of participants in~~ the program, or their beneficiaries as designated by the ~~member participant~~ in the contract with the provider company, and must be paid by the designated company in accordance with the terms of the annuity contract applicable to the ~~member participant~~. A ~~member participant~~ must be terminated from all employment relationships with Florida Retirement System employers ~~for 3 calendar months as provided in s. 121.021(39)~~ to begin receiving the employer-funded and employee-funded benefit. ~~The member must meet the definition of termination in s. 121.021(39) beginning the month after receiving a benefit, including a distribution.~~ Benefits funded by employer and employee contributions are payable under the terms of the contract to the ~~member participant~~, his or her beneficiary, or his or her estate, in addition to:

a. A lump-sum payment to the beneficiary upon the death of the ~~member participant~~;

b. A cash-out of a de minimis account upon the request of a former ~~member participant~~ who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation. Such cash-out must be a complete liquidation of the account balance with that company and is subject to the Internal Revenue Code;

c. A mandatory distribution of a de minimis account of a former ~~member participant~~ who has been terminated for a minimum of 6 calendar months from the employment that entitled him or her to optional annuity program participation as authorized by the department; or

d. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the ~~member's participant's~~ account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the ~~member participant~~.

2. *Under the Senior Management Service Optional Annuity Program, benefits, including employee contributions, are not payable for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers for 3 calendar months.*

~~3.2.~~ The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, are not subject to assignment, execution, or attachment or to any legal process whatsoever.

~~4.3.~~ Except as provided in subparagraph ~~5.4.~~, a ~~member participant~~ who terminates employment and receives a distribution, including a rollover or trustee-to-trustee transfer, funded by employer *and required employee contributions is shall be* deemed to be retired from a state-administered retirement system if the ~~member participant~~ is subsequently employed with an employer that participates in the Florida Retirement System.

~~5.4.~~ A ~~member participant~~ who receives optional annuity program benefits funded by employer *and employee* contributions as a mandatory distribution of a de minimis account authorized by the department is not considered a retiree.

As used in this paragraph, a "de minimis account" means an account with a provider company containing employer *and employee* contributions and accumulated earnings of not more than \$5,000 made under this chapter.

Section 12. Subsection (2) of section 121.061, Florida Statutes, is amended to read:

#### 121.061 Funding.—

(2)(a) Should any employer other than a state employer fail to make the retirement and social security contributions, both member and employer contributions, required by this chapter, then, upon request by the administrator, the Department of Revenue or the Department of Financial Services, as the case may be, shall deduct the amount owed by the employer from any funds to be distributed by it to the county, ~~municipality city~~, metropolitan planning organization, special district, or consolidated form of government. The amounts so deducted shall be transferred to the administrator for further distribution to the trust funds in accordance with this chapter.

(b) Should any employer for whom the ~~municipality city~~ or county tax collector collects taxes, fail to make the retirement and social security contributions required by this chapter, the tax collector, at the request of the administrator and upon receipt of a certificate from the administrator showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit the amount to the administrator for further distribution to the trust funds in accordance with this chapter.

(c) The governing body of each county, ~~municipality city~~, metropolitan planning organization, special district, or consolidated form of government participating under this chapter or the administrator, acting individually or jointly, is hereby authorized to file and maintain an action in the courts of the state to require any employer to remit any

retirement or social security member contributions or employer matching payments due the retirement or social security trust funds under the provisions of this chapter.

(d) Should the income of any constitutional fee officer, in any year, be insufficient to make the matching payments required by this chapter, the board of county commissioners shall provide such fee officer sufficient funds to make these required payments when due.

Section 13. Subsections (2) and (5) and paragraph (c) of subsection (6) of section 121.071, Florida Statutes, are amended, present paragraph (d) of subsection (6) of that section is redesignated as paragraph (e), a new paragraph (d) is added to that subsection, and subsection (7) is added to that section, to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(2)(a) Effective January 1, 1975, or October 1, 1975, as applicable, and through June 30, 2011, each employer shall ~~make~~ ~~accomplish~~ the contribution required by subsection (1) by a procedure in which no employee's gross salary is ~~shall be~~ reduced. *Effective July 1, 2011, each employer and employee shall pay retirement contributions as specified in s. 121.71.*

(b) Upon termination of employment from all participating employers for 3 calendar months for any reason other than retirement pursuant to s. 121.021(39)(c), a member may receive ~~shall be entitled to a full refund of all the contributions he or she has made to the pension prior or subsequent to participation in the noncontributory plan, subject to the restrictions otherwise provided in this chapter. Partial refunds are not permitted. The refund may not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against his or her retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).~~

(5) Contributions made in accordance with subsections (1), (2), (3), and (4), and s. 121.71 shall be paid ~~by the employer~~ into the system trust funds in accordance with rules adopted by the administrator pursuant to chapter 120, except as may be otherwise specified herein. Effective July 1, 2002, contributions paid under subsections (1) and (4) and accompanying payroll data are due and payable no later than the 5th working day of the month immediately following the month during which the payroll period ended.

(6)

(c) By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System *and the health insurance subsidy as provided in s. 112.363* to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).

(d) *If a member or former member of the pension plan receives an invalid refund from the Florida Retirement System Trust Fund, such person must repay the full amount of the invalid refund, plus interest at 6.5 percent compounded annually on each June 30 from the date of refund until full payment is made to the trust fund. The invalid refund must be repaid before the member retires or, if applicable, transfers to the investment plan.*

(7) *Before termination of employment, benefits, including employee contributions, are not payable under the pension plan for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers.*

Section 14. Paragraphs (b) and (c) of subsection (1) and subsection (2) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a municipality, metropolitan planning organization, charter school, charter technical career center, or special district who become a covered group under this system. The governing body of a covered group may elect to provide benefits for past service earned after January 1, 1975, in accordance with this chapter, ~~and~~ The cost for such past service is established by applying the following formula: The employer shall contribute an amount equal to the *employer* contribution rate in effect at the time the service was earned *and, if applicable, the employee contribution rate*, multiplied by the employee's gross salary for each year of past service claimed, plus 6.5 percent ~~6.5 percent~~ interest thereon, compounded annually, ~~for figured on~~ each year of past service, with interest compounded from date of annual salary earned until date of payment.

(c) ~~If an employer joins the Florida Retirement System and does not elect to provide past service for the member at the time of joining, then the member may claim and pay for the service as provided in same, based on paragraphs (a) and (b).~~

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 1 complete year of creditable service ~~within a period of 12 consecutive months~~, except as provided in paragraph (c). Service performed as a *member participant* of the optional retirement program for the State University System under s. 121.35 or the Senior Management Service Optional Annuity Program under s. 121.055 may be used to satisfy the reemployment requirement of 1 complete year of creditable service. The member shall not be permitted to make any contributions for prior service until after completion of the 1 year of creditable service. If a member does not wish to claim credit for all of his or her prior service, the service the member claims must be the most recent period of service. The required contributions for claiming the various types of prior service are:

(a) For prior service performed ~~before prior to~~ the date the system becomes noncontributory for the member and for which the member had credit under one of the existing retirement systems and received a refund of contributions upon termination of employment, the member shall contribute 4 percent of all salary received during the period being claimed, plus 4 percent ~~4 percent~~ interest compounded annually from date of refund until July 1, 1975, and 6.5 percent ~~6.5 percent~~ interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund, and ~~shall~~ receive credit in the Regular Class. A member who elected to transfer to the Florida Retirement System from an existing system may receive credit for prior service under the existing system if he or she was eligible under the existing system to claim the prior service at the time of the transfer. Contributions for such prior service shall be determined by the applicable provisions of the system under which the prior service is claimed and shall be paid by the member, with matching contributions paid by the employer at the time the service was performed. Effective July 1, 1978, the account of a person who terminated under s. 238.05(3) may not be charged interest for contributions that remained on deposit in the Annuity Savings Trust Fund established under chapter 238, upon retirement under this chapter or chapter 238.

(b) For prior service performed ~~before prior to~~ the date the system becomes noncontributory for the member and for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment, the member shall contribute at the rate that was required of him or her during the period of service being claimed, on all salary received during such period, plus 4 percent ~~4 percent~~ interest compounded annually from date of refund until July 1, 1975, and 6.5 percent ~~6.5 percent~~ interest compounded annually thereafter, until the full payment is made to the Florida Retirement System Trust Fund, and ~~shall~~ receive credit in the membership class in which the member participated during the period claimed.

(c) For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute 14.38 percent of all salary received during such period or 14.38 percent of \$100 per

month during such period, whichever is greater, plus 4 percent ~~4 percent~~ interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent ~~6.5 percent~~ interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund, and shall receive credit in the Regular Class.

(d) In order to claim credit for prior service as defined in s. 121.021(19)(d) for which no retirement contributions were paid during the period of such service, the member shall contribute the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund, as provided in chapter 321, during the period claimed, plus 4 percent ~~4 percent~~ interest compounded annually from the first year of service until July 1, 1975, and 6.5 percent ~~6.5 percent~~ interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. However, any governmental entity ~~that which~~ employed such member may elect to pay up to 50 percent of the contributions and interest required to purchase ~~the this~~ prior service credit. The service shall be credited in accordance with ~~the provisions of~~ the Highway Patrol Pension Plan in effect during the period claimed unless the member terminated and withdrew his or her retirement contributions and was thereafter enrolled in the State and County Officers and Employees' Retirement System or the Florida Retirement System, in which case the service shall be credited as Regular Class service.

(e) For service performed under the Florida Retirement System after December 1, 1970, ~~which that~~ was never reported to the division or the department due to error, retirement credit may be claimed by a member of the Florida Retirement System. The department shall adopt rules establishing criteria for claiming such credit and detailing the documentation required to substantiate the error.

(f) *For prior service performed on or after July 1, 2011, for which the member had credit under the Florida Retirement System and received a refund of contributions 3 calendar months after termination of employment, the member shall contribute at the rate that was required during the period of service being claimed, plus 6.5 percent interest, compounded annually on each June 30 from date of refund until the full payment is made to the Florida Retirement System Trust Fund, and receive credit in the membership class in which the member participated during the period claimed.*

(g) ~~(f)~~ The employer may not be required to make contributions for prior service credit for any member, except that the employer shall pay the employer portion of contributions for any legislator who elects to withdraw from the Florida Retirement System and later rejoins the system and pays any employee contributions required in accordance with s. 121.052(3)(d).

Section 15. Paragraphs (a) and (b) of subsection (3), paragraphs (a) and (j) of subsection (4), paragraphs (a) and (c) of subsection (5), paragraph (d) of subsection (9), paragraphs (a) and (c) of subsection (13), and paragraph (d) of subsection (14) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(3) EARLY RETIREMENT BENEFIT.—Upon retirement on his or her early retirement date, the member shall receive an immediate monthly benefit that shall begin to accrue on the first day of the month of the retirement date and be payable on the last day of that month and each month thereafter during his or her lifetime. Such benefit shall be calculated as follows:

(a) *For a member initially enrolled:*

1. *Before July 1, 2011*, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in

accordance with subsection (1), but shall be based on the member's average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 62 for a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class, and age 55 for a member of the Special Risk Class, or age 52 if a Special Risk member has completed 25 years of creditable service in accordance with s. 121.021(29)(b)1.c. ~~121.021(29)(b)2.~~

2. On or after July 1, 2011, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but shall be based on the member's average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 65 for a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class, and age 60 for a member of the Special Risk Class, or age 57 if a special risk member has completed 30 years of creditable service in accordance with s. 121.021(29)(b)2.c.

(b) If the employment of a member is terminated by reason of death within 10 years before normal retirement as described in s. 121.021(29)(a) 1.b. or s. 121.021(29)(a)2.b. ~~subsequent to the completion of 20 years of creditable service~~, the monthly benefit payable to the member's beneficiary shall be calculated in accordance with subsection (1), but ~~shall~~ be based on average monthly compensation and creditable service as of the date of death. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which death precedes the normal retirement date specified above or the date on which the member would have attained the normal retirement date ~~30 years of creditable service~~ had he or she survived and continued his or her employment, whichever provides a higher benefit.

(4) DISABILITY RETIREMENT BENEFIT.—

(a) Disability retirement; entitlement and effective date.—

1.a. A member who becomes totally and permanently disabled, as defined in paragraph (b), after completing 5 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, ~~is shall be~~ entitled to a monthly disability benefit; except that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member of the Florida Retirement System on or after such date must have completed 10 years of creditable service ~~before prior to~~ becoming totally and permanently disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. However, if a member employed on July 1, 1980, ~~who has with~~ less than 5 years of creditable service as of that date; becomes totally and permanently disabled after completing 5 years of creditable service and is found not to have attained fully insured status for benefits under the federal Social Security Act, such member ~~is shall be~~ entitled to a monthly disability benefit.

b. Effective July 1, 2001, a member of the ~~pension plan defined benefit retirement program~~ who becomes totally and permanently disabled, as defined in paragraph (b), after completing 8 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, ~~is shall be~~ entitled to a monthly disability benefit.

2. If the division has received from the employer the required documentation of the member's termination of employment, the effective retirement date for a member who applies and is approved for disability retirement shall be established by rule of the division.

3. For a member who is receiving Workers' Compensation payments, the effective disability retirement date may not precede the date the member reaches Maximum Medical Improvement (MMI), unless the member terminates employment ~~before prior to~~ reaching MMI.

(j) Disability retirement of justice or judge by order of Supreme Court.—

1. If a member is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for the number of years equal to, or greater than, the vesting requirement in s. 121.021(45) ~~6 years or more~~ as an elected constitutional judicial officer, including service as a judicial officer, in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to ~~the provisions of~~ Art. V of the State Constitution, the member's Option 1 monthly benefit as provided in subparagraph (6)(a)1. ~~may shall~~ not be less than two-thirds of his or her monthly compensation as of the member's disability retirement date. Such a member may alternatively elect to receive a disability retirement benefit under any other option as provided in paragraph (6)(a).

2. Should any justice or judge who is a member of the Florida Retirement System be retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to ~~the provisions of~~ Art. V of the State Constitution, then all contributions to his or her account and all contributions made on his or her behalf by the employer shall be transferred to and deposited in the General Revenue Fund of the state, and there is hereby appropriated annually out of the General Revenue Fund, to be paid into the Florida Retirement System Fund, an amount necessary to pay the benefits of all justices and judges retired from the Florida Retirement System pursuant to Art. V of the State Constitution.

(5) TERMINATION BENEFITS.—A member whose employment is terminated prior to retirement retains membership rights to previously earned member-noncontributory service credit, and to member-contributory service credit, if the member leaves the member contributions on deposit in his or her retirement account. If a terminated member receives a refund of member contributions, such member may reinstate membership rights to the previously earned service credit represented by the refund by completing 1 year of creditable service and repaying the refunded member contributions, plus interest.

(a) A member whose employment is terminated for any reason other than death or retirement ~~before prior to~~ becoming vested is entitled to the return of his or her accumulated contributions as of the date of termination. *Effective July 1, 2011, upon termination of employment from all participating employers for 3 calendar months as defined in s. 121.021(39)(c) for any reason other than retirement, a member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. The refund may be received as a lump-sum payment, a rollover to a qualified plan, or a combination of these methods. Partial refunds are not permitted. The refund may not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against his or her retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).*

(c) In lieu of the deferred monthly benefit provided in paragraph (b), the terminated member may elect to receive a lump-sum amount equal to his or her accumulated contributions as of the date of termination. *Effective July 1, 2011, upon termination of employment from all participating employers for 3 calendar months as defined in s. 121.021(39)(c) for any reason other than retirement, a member may receive a refund of all contributions he or she has made to the pension plan, subject to the restrictions otherwise provided in this chapter. Partial refunds are not permitted. The refund may not include any interest earnings on the contributions for a member of the pension plan. Employer contributions made on behalf of the member are not refundable. A member may not receive a refund of employee contributions if a pending or an approved qualified domestic relations order is filed against his or her retirement account. By obtaining a refund of contributions, a member waives all rights under the Florida Retirement System and the health insurance subsidy to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with s. 121.081(2).*

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(d) ~~The provisions of~~ This subsection ~~applies apply~~ to retirees, as defined in s. 121.4501(2), of the *Florida Retirement System Investment Plan Public Employee Optional Retirement Program*, subject to the following conditions:

1. A retiree ~~The retirees~~ may not be reemployed with an employer participating in the Florida Retirement System until such person has been retired for 6 calendar months.

2. A retiree employed in violation of this subsection and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any benefits paid to the retirement trust fund from which the benefits were paid, ~~including the Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate.~~ The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to this section, the Deferred Retirement Option Program, hereinafter referred to as DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the Florida Retirement System on behalf of the ~~member participant~~, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the ~~member participant~~ shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(a) *Eligibility of member to participate in DROP.*—All active Florida Retirement System members in a regularly established position, and all active members of the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122, which are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in DROP if:

1. The member is not a renewed member under s. 121.122 or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains age 57, or age 52 for Special Risk Class members. A member who delays DROP participation during the 12-month period immediately following his or her maximum DROP deferral date, except as provided in subparagraph 6., loses a month of DROP participation for each month delayed. A member who fails to make an election within the 12-month limitation period forfeits all rights to participate in DROP. The member shall advise his or her employer and the division in writing of the date DROP begins. The beginning date may be subsequent to the 12-month election period but must be within the original 60-month participation period provided in subparagraph (b)1. When establishing eligibility ~~of the member~~ to participate in DROP, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member who has dual normal retirement dates is eligible to elect to participate in DROP after attaining normal retirement date in either class.

3. The employer of a member electing to participate in DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in DROP begins and the date the member's employment and DROP participation ~~terminates will terminate~~.

4. Simultaneous employment of a ~~member participant~~ by additional Florida Retirement System employers subsequent to the commencement of a member's participation in DROP is permissible if such employers acknowledge in writing a DROP termination date no later than the ~~member's participant's~~ existing termination date or the maximum participation period provided in subparagraph (b)1.

5. A ~~member DROP participant~~ may change employers while participating in DROP, subject to the following:

a. A change of employment ~~takes must take~~ place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation ~~ceases shall cease~~ unless the employer verifies a continuation of the employment relationship for such ~~member participant~~ pursuant to s. 121.021(39)(b).

b. ~~The member Such participant~~ and new employer shall notify the division of the identity of the new employer on forms required by the division.

c. The new employer ~~acknowledges shall acknowledge~~, in writing, the ~~member's participant's~~ DROP termination date, which may be extended but not beyond the maximum participation period provided in subparagraph (b)1., ~~acknowledges shall acknowledge~~ liability for any additional retirement contributions and interest required if the ~~member participant~~ fails to timely terminate employment, and is subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2), election to participate in DROP may be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which DROP begins. When establishing eligibility of the member to participate in DROP for the 60-month participation period provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member who has dual normal retirement dates is eligible to elect to participate in either class.

(c) *Benefits payable under DROP.*—

1. Effective on the date of DROP participation, the member's initial normal monthly benefit, including creditable service, optional form of payment, and average final compensation, and the effective date of retirement are fixed. The beneficiary established under the Florida Retirement System is the beneficiary eligible to receive any DROP benefits payable if the DROP participant dies before completing the period of DROP participation. If a joint annuitant predeceases the member, the member may name a beneficiary to receive accumulated DROP benefits payable. The retirement benefit, the annual cost of living adjustments provided in s. 121.101, and interest accrue monthly in the Florida Retirement System Trust Fund. *For members whose DROP participation begins:*

a. *Before July 1, 2011*, the interest accrues at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, except as provided in s. 121.053(7).

b. *On or after July 1, 2011*, the interest accrues at an effective annual rate of 1.3 percent, compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, except as provided in s. 121.053(7).

2. Each employee who elects to participate in DROP may elect to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in DROP. The accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average final compensation. The employee electing the lump-sum payment is not eligible to receive a second lump-sum payment upon termination, except to the extent the employee has earned additional annual leave which, combined with the original payment, does not exceed the maximum lump-sum payment allowed by the employing agency's policy or rules. An early lump-sum payment shall be based on the hourly wage of the employee at the time he or she begins participation in DROP.

If the member elects to wait and receive a lump-sum payment upon termination of DROP and termination of employment with the employer, any accumulated leave payment made at that time may not be included in the member's retirement benefit, which was determined and fixed by law when the employee elected to participate in DROP.

3. The effective date of DROP participation and the effective date of retirement of a DROP participant shall be the first day of the month selected by the member to begin participation in DROP, provided such date is properly established, with the written confirmation of the employer, and the approval of the division, on forms required by the division.

4. Normal retirement benefits and any interest shall continue to accrue in DROP until the established termination date of DROP or until the ~~member participant~~ terminates employment or dies ~~before~~ prior to such date, except as provided in s. 121.053(7). Although individual DROP accounts ~~may~~ shall not be established, a separate accounting of each ~~member's participant's~~ accrued benefits under DROP shall be calculated and provided to the ~~member participant~~.

5. At the conclusion of ~~the member's participation in the participant's~~ DROP, the division shall distribute the ~~member's participant's~~ total accumulated DROP benefits, subject to the following:

a. The division shall receive verification by the ~~member's participant's~~ employer or employers that the ~~member participant~~ has terminated all employment relationships as provided in s. 121.021(39).

b. The terminated DROP participant or, if deceased, the ~~member's participant's~~ named beneficiary, shall elect on forms provided by the division to receive payment of the DROP benefits in accordance with one of the options listed below. If a ~~member participant~~ or beneficiary fails to elect a method of payment within 60 days after termination of DROP, the division shall pay a lump sum as provided in sub-subparagraph (I).

(I) Lump sum.—All accrued DROP benefits, plus interest, less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

(II) Direct rollover.—All accrued DROP benefits, plus interest, shall be paid from DROP directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased ~~member participant~~, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code.

(III) Partial lump sum.—A portion of the accrued DROP benefits shall be paid to DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits must be transferred directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased ~~member participant~~, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code. The proportions must be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary must comply with the minimum distribution requirements of the Internal Revenue Code.

d. A DROP participant who fails to terminate all employment relationships as provided in s. 121.021(39) shall be deemed as not retired, and the DROP election is null and void. Florida Retirement System membership shall be reestablished retroactively to the date of the commencement of DROP, and each employer with whom the ~~member participant~~ continues employment must pay to the Florida Retirement System Trust Fund the difference between the DROP contributions paid in paragraph (i) and the contributions required for the applicable Florida Retirement System class of membership during the period the member participated in DROP, plus 6.5 percent interest compounded annually.

6. The retirement benefits of any DROP participant who terminates all employment relationships as provided in s. 121.021(39) but is re-

employed in violation of the reemployment provisions of subsection (9) ~~are shall be~~ suspended during those months in which the retiree is in violation. Any retiree in violation of this subparagraph and any employer that employs or appoints such person without notifying the division of Retirement to suspend retirement benefits are jointly and severally liable for any benefits paid during the reemployment limitation period. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by a retiree while employed in violation of the reemployment limitations must be repaid to the Florida Retirement System Trust Fund, and his or her retirement benefits shall remain suspended until payment is made. Benefits suspended beyond the end of the reemployment limitation period apply toward repayment of benefits received in violation of the reemployment limitation.

7. The accrued benefits of any DROP participant, and any contributions accumulated under the program, are not subject to assignment, execution, attachment, or any legal process ~~whatsoever~~, except for qualified domestic relations ~~court~~ orders ~~by a court of competent jurisdiction~~, income deduction orders as provided in s. 61.1301, and federal income tax levies.

8. DROP participants are not eligible for disability retirement benefits as provided in subsection (4).

(14) PAYMENT OF BENEFITS.—This subsection applies to the payment of benefits to a payee (retiree or beneficiary) under the Florida Retirement System:

(d) A payee whose retirement benefits are reduced by the application of maximum benefit limits under s. 415(b) of the Internal Revenue Code, as specified in s. 121.30(5), shall have the portion of his or her calculated benefit in the Florida Retirement System ~~defined benefit~~ Plan which exceeds such federal limitation paid through the Florida Retirement System Preservation of Benefits Plan, as provided in s. 121.1001.

Section 16. Subsection (1) and paragraph (a) of subsection (2) of section 121.1001, Florida Statutes, are amended to read:

121.1001 Florida Retirement System Preservation of Benefits Plan.—Effective July 1, 1999, the Florida Retirement System Preservation of Benefits Plan is established as a qualified governmental excess benefit arrangement pursuant to s. 415(m) of the Internal Revenue Code. The Preservation of Benefits Plan is created as a separate portion of the Florida Retirement System, for the purpose of providing benefits to a payee (retiree or beneficiary) of the Florida Retirement System whose benefits would otherwise be limited by s. 415(b) of the Internal Revenue Code.

(1) ELIGIBILITY TO PARTICIPATE IN THE PRESERVATION OF BENEFITS PLAN.—A payee of the Florida Retirement System shall participate in the Preservation of Benefits Plan ~~if whenever~~ his or her earned benefit under the Florida Retirement System ~~defined benefit~~ Plan exceeds the benefit maximum established under s. 415(b) of the Internal Revenue Code. Participation in the Preservation of Benefits Plan shall continue for as long as the payee's earned benefit under the ~~pension Florida Retirement System defined benefit~~ plan is reduced by the application of the maximum benefit limit under s. 415(b) of the Internal Revenue Code.

(2) BENEFITS PAYABLE UNDER THE PRESERVATION OF BENEFITS PLAN.—

(a) On and after July 1, 1999, the division of Retirement shall pay to each eligible payee of the Florida Retirement System who retires before, on, or after ~~that~~ such date, a supplemental retirement benefit equal to the difference between the amount of the payee's monthly retirement benefit which would have been payable under the Florida Retirement System ~~defined benefit~~ Plan if not for a reduction due to the application of s. 415(b) of the Internal Revenue Code and the reduced monthly retirement benefit as paid to the payee. The Preservation of Benefits Plan benefit shall be computed and payable under the same terms and conditions and to the same person as would have applied under the ~~pension Florida Retirement System defined benefit~~ plan were it not for the federal limitation.

Section 17. Subsections (1) and (3) of section 121.101, Florida Statutes, are amended, present subsections (4) through (7) of that section are redesignated as subsections (6) through (9), respectively, and new subsections (4) and (5) are added to that section, to read:

121.101 Cost-of-living adjustment of benefits.—

(1) The purpose of this section is to provide cost-of-living adjustments to the monthly benefits payable to ~~all~~ retired members of state-supported retirement systems.

(3) Commencing July 1, 1987, the benefit of each retiree and annuitant whose effective retirement date is before July 1, 2011, shall be adjusted annually on each July 1 thereafter, as follows:

(a) For those retirees and annuitants who have never received a cost-of-living adjustment under this section, the amount of the monthly benefit payable for the 12-month period commencing on the adjustment date shall be the amount of the member's initial benefit plus an amount equal to a percentage of the member's initial benefit; this percentage is derived by dividing the number of months the member has received an initial benefit by 12, and multiplying the result by 3.

(b) For those retirees and annuitants who have received a cost-of-living adjustment under this ~~subsection~~ section, the adjusted monthly benefit shall be the amount of the monthly benefit being received on June 30 immediately preceding the adjustment date plus an amount equal to 3 percent of this benefit.

(4) For members whose effective retirement date is on or after July 1, 2011, the benefit of each retiree and annuitant shall be adjusted annually on July 1 as follows:

(a) For those retirees and annuitants who have never received a cost-of-living adjustment under this subsection, the amount of the monthly benefit payable for the 12-month period commencing on the adjustment date shall be the amount of the member's initial benefit plus an amount equal to a percentage of the member's initial benefit. This percentage is derived by dividing the number of months the member has received an initial benefit by 12, and multiplying the result by the factor calculated pursuant to paragraph (c).

(b) For those retirees and annuitants who have received a cost-of-living adjustment under this subsection, the adjusted monthly benefit shall be the amount of the monthly benefit being received on June 30 immediately preceding the adjustment date plus an amount determined by multiplying the benefit by the factor calculated pursuant to paragraph (c).

(c) The department shall calculate a cost-of-living factor for each retiree and beneficiary retiring on or after July 1, 2011. This factor shall equal the product of 3 percent multiplied by the quotient of the sum of the member's service credit earned for service before July 1, 2011, divided by the sum of the member's total service credit earned.

(5) Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the expiration of the cost-of-living adjustment specified in subsection (4), in accordance with s. 14, Art. X of the State Constitution, the cost-of-living adjustment formula provided for in subsection (4) shall expire effective June 30, 2016, and the benefit of each retiree and annuitant shall be adjusted on each July 1 thereafter, as provided in subsection (3).

Section 18. Paragraph (b) of subsection (1) of section 121.1115, Florida Statutes, is amended to read:

121.1115 Purchase of retirement credit for out-of-state or federal service.—Effective January 1, 1995, a member may purchase creditable service for periods of public employment in another state and receive creditable service for such periods of employment. Service with the Federal Government, including any active military service, may be claimed. Upon completion of each year of service earned under the Florida Retirement System, a member may purchase up to 1 year of retirement credit for his or her out-of-state service, subject to the following provisions:

(1) LIMITATIONS AND CONDITIONS.—To receive credit for the out-of-state service:

(b) The member must have completed ~~the a minimum of 6~~ years of creditable service required for vesting under the Florida Retirement System, excluding out-of-state service and in-state service claimed and purchased under s. 121.1122.

Section 19. Paragraph (a) of subsection (2) of section 121.1122, Florida Statutes, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic schools and colleges, including charter schools and charter technical career centers.—Effective January 1, 1998, a member of the Florida Retirement System may purchase creditable service for periods of certain public or nonpublic employment performed in this state, as provided in this section.

(2) LIMITATIONS AND CONDITIONS.—

(a) A member is not eligible to receive credit for in-state service under this section until he or she has completed ~~the a minimum of 6~~ years of creditable service required for vesting under the Florida Retirement System, excluding service purchased under this section and out-of-state service claimed and purchased under s. 121.1115.

Section 20. Subsection (1) of section 121.121, Florida Statutes, is amended to read:

121.121 Authorized leaves of absence.—

(1) A member may purchase creditable service for up to 2 work years of authorized leaves of absence, including any leaves of absence covered under the Family Medical Leave Act, if:

(a) The member has completed ~~the a minimum of 6~~ years of creditable service required for vesting, excluding periods for which a leave of absence was authorized;

(b) The leave of absence is authorized in writing by the employer of the member and approved by the administrator;

(c) The member returns to active employment performing service with a Florida Retirement System employer in a regularly established position immediately upon termination of the leave of absence and remains on the employer's payroll for 1 calendar month, except that a member who retires on disability while on a medical leave of absence may ~~shall~~ not be required to return to employment. A member whose work year is less than 12 months and whose leave of absence terminates between school years is eligible to receive credit for the leave of absence if ~~as long as~~ he or she returns to the employment of his or her employer at the beginning of the next school year and remains on the employer's payroll for 1 calendar month; and

(d) The member makes the required contributions for service credit during the leave of absence, which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his or her rate of monthly compensation in effect immediately ~~before~~ prior to the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of payment.

1. Effective July 1, 1980, any leave of absence purchased pursuant to this section ~~is shall be~~ at the contribution rates specified in s. 121.071 or s. 121.71 in effect at the time the leave is granted for the class of membership from which the leave of absence was granted; however, any member who purchased leave-of-absence credit ~~before~~ prior to July 1, 1980, for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence.

2. Effective July 1, 2011, any leave of absence purchased by the member pursuant to this section shall be at the employer and employee contribution rates specified in s. 121.71 in effect during the leave for the class of membership from which the leave of absence was granted.

Section 21. Section 121.125, Florida Statutes, is amended to read:

121.125 Credit for workers' compensation payment periods.—A member of the retirement system created by this chapter who has been eligible or becomes eligible to receive workers' compensation payments for an injury or illness occurring during his or her employment while a member of any state retirement system shall, upon return to active employment with a covered employer for 1 calendar month or upon approval for disability retirement in accordance with s. 121.091(4), receive full retirement credit for the period prior to such return to active employment or disability retirement for which the workers' compensation payments were received. However, a ~~no~~ member may *not* receive retirement credit for any such period occurring after the earlier of the date of maximum medical improvement as defined in s. 440.02 or the date termination has occurred as defined in s. 121.021(39). The employer of record at the time of the worker's compensation injury or illness shall make the required *employer and employee* retirement contributions based on the member's rate of monthly compensation immediately prior to his or her receiving workers' compensation payments for retirement credit received by the member. *The employer of record at the time of the workers' compensation injury or illness shall be assessed by the division a penalty of 1 percent of the contributions on all contributions not paid on the first payroll report after the member becomes eligible to receive credit. This delinquent assessment may not be waived.*

Section 22. Section 121.161, Florida Statutes, is reenacted to read:

121.161 References to other laws include amendments.—References in this chapter to state or federal laws or agreements are intended to include such laws as they now exist or may hereafter be amended.

Section 23. Section 121.182, Florida Statutes, is amended to read:

121.182 Retirement annuities authorized for city and county personnel.—*Municipalities* ~~Cities~~ and counties are authorized to purchase annuities for all *municipal city* and county personnel with 25 or more years of creditable service who have reached age 50 and have applied for retirement under the Florida Retirement System. No such annuity shall provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit. *Municipalities* ~~Cities~~ and counties may also purchase annuities for members of the Florida Retirement System who have out-of-state service in another state or country which is documented as valid by the appropriate city or county. Such annuities may be based on no more than 5 years of out-of-state service and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state service was authorized under that system. *Municipalities* ~~Cities~~ and counties are authorized to invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities for city or county personnel. All retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 24. Paragraphs (g) and (i) of subsection (3), subsection (4), and subsection (5) of section 121.35, Florida Statutes, are amended to read:

121.35 Optional retirement program for the State University System.—

(3) ELECTION OF OPTIONAL PROGRAM.—

(g) An eligible employee who is a member of the Florida Retirement System at the time of election to participate in the optional retirement program shall retain all retirement service credit earned under the Florida Retirement System, at the rate earned. ~~No~~ Additional service credit in the Florida Retirement System *may not* ~~shall~~ be earned while the employee participates in the optional program, ~~and nor shall~~ the employee *is not* be eligible for disability retirement under the Florida Retirement System. An eligible employee may transfer from the Florida Retirement System to his or her accounts under the State University System Optional Retirement Program a sum representing the present value of the employee's accumulated benefit obligation under ~~the defined benefit program of the pension plan Florida Retirement System~~ for any service credit accrued from the employee's first eligible transfer date to the optional retirement program through the actual date of such transfer, if such service credit was earned in the period from July 1, 1984, through December 31, 1992. The present value of the employee's accumulated benefit obligation shall be calculated as described in s. 121.4501(3)(e)2. Upon ~~such~~ transfer, all ~~such~~ service credit ~~previously~~

earned under the ~~defined benefit program of the pension plan Florida Retirement System~~ during this period *is shall* be nullified for purposes of entitlement to a future benefit under the *pension plan defined benefit program of the Florida Retirement System*.

(i) Effective January 1, 2008, through December 31, 2008, except for an employee who is a mandatory participant of the State University System Optional Retirement Program, an employee who has elected to participate in the State University System Optional Retirement Program shall have one opportunity, at the employee's discretion, ~~to choose~~ to transfer from this program to the ~~defined benefit program of the Florida Retirement System Pension Plan~~ or to the *investment plan Public Employee Optional Retirement Program*, subject to the terms of the applicable contracts of the State University System Optional Retirement Program.

1. If the employee chooses to move to the *investment plan Public Employee Optional Retirement Program*, any contributions, interest, and earnings creditable to the employee under the State University System Optional Retirement Program *must shall* be retained by the employee in the State University System Optional Retirement Program, and the applicable provisions of s. 121.4501(4) shall govern the election.

2. If the employee chooses to move to the *pension plan defined benefit program* of the Florida Retirement System, the employee shall receive service credit equal to his or her years of service under the State University System Optional Retirement Program.

a. The cost for such credit *must be in shall be* an amount representing the actuarial accrued liability for the affected period of service. The cost *must shall* be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System *Pension defined benefit Plan* liabilities in the most recent actuarial valuation. The calculation *must shall* include any service already maintained under the *pension defined benefit plan* in addition to the years under the State University System Optional Retirement Program. The actuarial accrued liability of any service already maintained under the *pension defined benefit plan must shall* be applied as a credit to total cost resulting from the calculation. The division *must shall* ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

b. The employee must transfer from his or her State University System Optional Retirement Program account, and from other employee moneys as necessary, a sum representing the actuarial accrued liability immediately following the time of such movement, determined assuming that attained service equals the sum of service in the *pension plan defined benefit program* and service in the State University System Optional Retirement Program.

(4) CONTRIBUTIONS.—

(a)1. Through June 30, 2001, each employer shall contribute on behalf of each *member of participant in* the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the *employee participant* were a regular member of the Florida Retirement System *Pension Plan System defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

2. Effective July 1, 2001, *through June 30, 2011*, each employer shall contribute on behalf of each *member of participant in* the optional retirement program an amount equal to 10.43 percent of the *employee's participant's* gross monthly compensation.

3. *Effective July 1, 2011*, each member of the optional retirement program shall contribute an amount equal to the employee contribution required in s. 121.71(3). The employer shall contribute on behalf of each such member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

4. ~~The department shall deduct an amount approved by the Legislature to provide for the administration of this program.~~ The payment of the contributions, *including contributions by the employee, to the optional program which is required by this paragraph for each participant*

shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for ~~members of the participant under the program~~. However, such contributions paid on behalf of an employee described in paragraph (3)(c) ~~may shall~~ not be forwarded to a company and ~~do shall~~ not begin to accrue interest until the employee has executed a contract and notified the department. *The department shall deduct an amount from the contributions to provide for the administration of this program.*

(b) Each employer shall contribute on behalf of each ~~member of participant in~~ the optional retirement program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

(c) An Optional Retirement Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to the provider companies on behalf of the optional retirement program ~~members participants~~, and to transfer the unfunded liability portion of the state optional retirement program contributions to the Florida Retirement System Trust Fund.

(d) Contributions required for social security by each employer and each ~~employee participant~~, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act, shall be maintained for each ~~member of participant in~~ the optional retirement program and ~~are shall be~~ in addition to the retirement contributions specified in this subsection.

(e) Each ~~member of participant in~~ the optional retirement program who has executed a contract may contribute by way of salary reduction or deduction a percentage amount of the ~~employee's participant's~~ gross compensation not to exceed the percentage amount contributed by the employer to the optional program, but ~~in no case may~~ such contribution ~~may not~~ exceed federal limitations. Payment of the ~~employee's participant's~~ contributions shall be made by the financial officer of the employer to the division which shall forward the contributions to the designated company or companies contracting for payment of benefits for ~~members of the participant under the program~~. A ~~member participant~~ may not make, through salary reduction, any voluntary employee contributions to any other plan under s. 403(b) of the Internal Revenue Code, with the exception of a custodial account under s. 403(b)(7) of the Internal Revenue Code, until he or she has made an employee contribution to his or her optional program equal to the employer contribution. ~~An employee A participant~~ is responsible for monitoring his or her individual tax-deferred income to ensure he or she does not exceed the maximum deferral amounts permitted under the Internal Revenue Code.

(f) The Optional Retirement Trust Fund may accept for deposit into ~~member participant~~ contracts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of ~~members participant~~ who are reasonably determined by the department to be eligible for rollover or transfer to the optional retirement program pursuant to the Internal Revenue Code; if such contributions are made in accordance with rules adopted by the department. Such contributions shall be accounted for in accordance with any applicable requirements of the Internal Revenue Code and ~~department rules of the department~~.

(g) Effective July 1, 2008, for purposes of paragraph (a) and notwithstanding s. 121.021(22)(b)1., the term "employee's ~~participant's~~ gross monthly compensation" includes salary payments made to eligible clinical faculty from a state university using funds provided by a faculty practice plan authorized by the Board of Governors of the State University System if:

1. There is ~~no not any~~ employer contribution from the state university to any other retirement program with respect to such salary payments; and
2. The employer contribution on behalf of a ~~member of the participant in~~ the optional retirement program with respect to such salary payments is made using funds provided by the faculty practice plan.

(5) BENEFITS.—

(a) Benefits are payable under the optional retirement program only to vested ~~members participating participants~~ in the program, or their beneficiaries as designated by the ~~member participant~~ in the contract with a provider company, and such benefits shall be paid only by the designated company in accordance with s. 403(b) of the Internal Revenue Code and the terms of the annuity contract or contracts applicable to the ~~member participant~~. Benefits accrue in individual accounts that are ~~member-directed participant-directed~~, portable, and funded by employer and employee contributions and the earnings thereon. The ~~member participant~~ must be terminated for 3 calendar months from all employment relationships with all Florida Retirement System employers, ~~as provided in s. 121.021(39)~~, to begin receiving the ~~employer-funded~~ benefit. Benefits funded by employer and employee contributions are payable in accordance with the following terms and conditions:

1. Benefits shall be paid only to a ~~participating member participant~~, to his or her beneficiaries, or to his or her estate, as designated by the ~~member participant~~.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable department rule or policy.

3. In the event of a ~~member's participant's~~ death, moneys accumulated by, or on behalf of, the ~~member participant~~, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the ~~member's participant's~~ designated beneficiary or beneficiaries, or to the ~~member's participant's~~ estate, as if the ~~member participant~~ retired on the date of death, as provided in paragraph (d) ~~(e)~~. No other death benefits are available to survivors of ~~members participants~~ under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.

(b) *Benefits, including employee contributions, are not payable for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers for 3 calendar months.*

~~(c)(b)~~ Upon receipt by the provider company of a properly executed application for distribution of benefits, the total accumulated benefit ~~is shall be~~ payable to the ~~participating member participant~~, as:

1. A lump-sum distribution to the ~~member participant~~;
2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the ~~member's participant's~~ account directly to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the ~~member participant~~;
3. Periodic distributions;
4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the ~~member participant~~ and the remaining amount is transferred to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the ~~member participant~~; or
5. Such other distribution options as are provided ~~for in the member's participant's~~ optional retirement program contract.

~~(d)(e)~~ Survivor benefits ~~are shall be~~ payable as:

1. A lump-sum distribution payable to the beneficiaries or to the deceased ~~member's participant's~~ estate;
2. An eligible rollover distribution on behalf of the surviving spouse of a deceased ~~member participant~~, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased ~~member's participant's~~ account directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse;
3. Such other distribution options as are provided ~~for in the member's participant's~~ optional retirement program contract; or

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased ~~member's participant's~~ surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, if any, and the remaining amount is transferred directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the ~~member participant~~ or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing payment of death benefits.

(e)(d) The benefits payable to any person under the optional retirement program, and any contribution accumulated under such program, ~~are shall~~ not be subject to assignment, execution, or attachment or to any legal process ~~whatsoever~~.

(f)(e) A ~~participating member participant~~ who chooses to receive his or her benefits ~~must be terminated for 3 calendar months to be eligible to receive benefits funded by employer and employee contributions. The member upon termination as defined in s. 121.021~~ must notify the provider company of the date he or she wishes benefits funded by required employer and employee contributions to begin and ~~must be terminated as defined in s. 121.021 after the initial benefit payment or distribution is received~~. Benefits may be deferred until the ~~member participant~~ chooses to make such application.

(g)(f) Benefits funded by the ~~participating member's voluntary participant's~~ personal contributions may be paid out at any time and in any form within the limits provided in the contract between the ~~member participant and the his or her~~ provider company. The ~~member participant~~ shall notify the provider company regarding the date and provisions under which he or she wants to receive the employee-funded portion of the plan.

(h)(g) For purposes of this section, "retiree" means a former ~~participating member participant~~ of the optional retirement program who has terminated employment and has taken a distribution as provided in this subsection, except for a mandatory distribution of a de minimis account authorized by the department.

Section 25. Section 121.355, Florida Statutes, is amended to read:

121.355 Community College Optional Retirement Program and State University System Optional Retirement Program member transfer.—Effective January 1, 2009, through December 31, 2009, an employee who is a former ~~member of participant in~~ the Community College Optional Retirement Program or the State University System Optional Retirement Program and present mandatory ~~member of participant in~~ the Florida Retirement System Pension System defined benefit Plan may receive service credit equal to his or her years of service under the Community College Optional Retirement Program or the State University System Optional Retirement Program under the following conditions:

(1) The cost for such credit ~~must represent shall be an amount representing~~ the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System Pension System defined benefit Plan liabilities in the most recent actuarial valuation. The calculation ~~must shall~~ include any service already maintained under the  ~~pension defined benefit plan~~ in addition to the years under the Community College Optional Retirement Program or the State University System Optional Retirement Program. The actuarial accrued liability of any service already maintained under the  ~~pension defined benefit plan~~ shall be applied as a credit to total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary.

(2) The employee must transfer from his or her Community College Optional Retirement Program account or State University System Optional Retirement Program account, subject to the terms of the applicable optional retirement program contract, and from other employee moneys as necessary, a sum representing the actuarial accrued liability immediately following the time of such movement, determined assuming that attained service equals the sum of service in the  ~~pension plan defined benefit program~~ and service in the Community College Optional

Retirement Program or State University System Optional Retirement Program.

(3) The employee may not receive service credit for a period of mandatory participation in the State University Optional Retirement Program or for a period for which a distribution was received from the Community College Optional Retirement Program or State University System Optional Retirement Program.

Section 26. Section 121.4501, Florida Statutes, is amended to read:

121.4501 ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program.~~—

(1) The Trustees of the State Board of Administration shall establish a ~~an optional~~ defined contribution retirement program called the "Florida Retirement System Investment Plan" or "investment plan" for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The retirement benefits ~~to be provided for or on behalf of participants in such optional retirement program~~ shall be provided through ~~member-directed employee-directed~~ investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employer and employee ~~employers~~ shall ~~make contributions contribute~~, as provided in this section and, ss. 121.571, and 121.71, to the Florida Retirement System Investment Plan ~~Public Employee Optional Retirement Program~~ Trust Fund toward the funding of ~~such optional~~ benefits.

(2) DEFINITIONS.—As used in this part, the term:

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the  ~~investment plan optional retirement program~~. The term includes a bundled provider that offers ~~members participants~~ a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual  ~~member participant~~ benefits and contributions; individual  ~~member participant~~ recordkeeping; asset purchase, control, and safekeeping; direct execution of the  ~~member's participant's~~ instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to  ~~member participant~~ account information; periodic reporting to  ~~members participants~~, at least quarterly, on account balances and transactions; guidance, advice, and allocation services directly relating to the provider's own investment options or products, but only if the bundled provider complies with the standard of care of s. 404(a)(1)(A-B) of the Employee Retirement Income Security Act of 1974 (ERISA), and if providing such guidance, advice, or allocation services does not constitute a prohibited transaction under s. 4975(c)(1) of the Internal Revenue Code or s. 406 of ERISA, notwithstanding that such prohibited transaction provisions do not apply to the  ~~optional~~ retirement program; a broad array of distribution options; asset allocation; and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(b) "Average monthly compensation" means one-twelfth of average final compensation as defined in s. 121.021.

(c) "Covered employment" means employment in a regularly established position as defined in s. 121.021.

~~(d) "Defined benefit program" means the defined benefit program of the Florida Retirement System administered under part I of this chapter.~~

~~(e) "Division" means the Division of Retirement within the department.~~

(d)(f) "Electronic means" means by telephone, if the required information is received on a recorded line, or through Internet access, if the required information is captured online.

(e)(g) "Eligible employee" means an officer or employee, as defined in s. 121.021, who:

1. Is a member of, or is eligible for membership in, the Florida Retirement System, including any renewed member of the Florida Retirement System initially enrolled before July 1, 2010; or

2. Participates in, or is eligible to participate in, the Senior Management Service Optional Annuity Program as established under s. 121.055(6), the State Community College System Optional Retirement Program as established under s. 121.051(2)(c), or the State University System Optional Retirement Program established under s. 121.35.

The term does not include any member participating in the Deferred Retirement Option Program established under s. 121.091(13), a retiree of a state-administered retirement system initially reemployed on or after July 1, 2010, or a mandatory participant of the State University System Optional Retirement Program established under s. 121.35.

(f)(h) “Employer” means an employer, as defined in s. 121.021, of an eligible employee.

(g)(i) “Florida Retirement System Investment Plan” or “investment plan” ~~“Optional retirement program” or “optional program”~~ means the ~~defined contribution program Public Employee Optional Retirement Program~~ established under this part.

(h) “Florida Retirement System Pension Plan” or “pension plan” means the ~~defined benefit program of the Florida Retirement System administered under part I of this chapter.~~

(i)(j) “Member” or “employee” ~~“Participant”~~ means an eligible employee who enrolls in the ~~investment plan optional program~~ as provided in subsection (4), ~~or a terminated Deferred Retirement Option Program member participant~~ as described in subsection (21), ~~or a beneficiary or alternate payee of a member or employee.~~

(j) “Member contributions” or “employee contributions” means the ~~sum of all amounts deducted from the salary of a member by his or her employer in accordance with s. 121.71(3) and credited to his or her individual account in the investment plan, plus any earnings on such amounts and any contributions specified in paragraph (5)(e).~~

(k) “Retiree” means a former ~~member participant~~ of the ~~investment plan optional retirement program~~ who has terminated employment and ~~has taken a distribution of vested employee or employer contributions as provided in s. 121.591, except for a mandatory distribution of a de minimis account authorized by the state board or a minimum required distribution provided by s. 401(a)(9) of the Internal Revenue Code.~~

(l) “Vested” or “vesting” means the guarantee that a ~~member participant~~ is eligible to receive a retirement benefit upon completion of the required years of service under the ~~investment plan optional retirement program.~~

(3) ELIGIBILITY; RETIREMENT SERVICE CREDIT; TRANSFER OF BENEFITS.—

(a) ~~Participation in the Public Employee Optional Retirement Program is limited to eligible employees. Participation in the optional retirement program is in lieu of participation in the defined benefit program of the Florida Retirement System.~~

(a)(b) An eligible employee who is employed in a regularly established position by a state employer on June 1, 2002; by a district school board employer on September 1, 2002; or by a local employer on December 1, 2002, and who is a member of the ~~pension plan defined benefit retirement program of the Florida Retirement System~~ at the time of his or her election to participate in the ~~investment plan Public Employee Optional Retirement Program~~ shall retain all retirement service credit earned under the ~~pension plan defined benefit retirement program of the Florida Retirement System~~ as credited under the system and ~~is shall be~~ entitled to a deferred benefit upon termination, ~~if eligible under the system.~~ However, election to ~~enroll participate~~ in the ~~investment plan Public Employee Optional Retirement Program~~ terminates the active membership of the employee in the ~~pension plan defined benefit program of the Florida Retirement System~~, and the service of a ~~member participant~~ in the ~~investment plan is Public Employee Optional Retirement Program~~ shall not be creditable under the ~~pension plan defined benefit retirement program of the Florida Retirement System~~ for purposes of benefit accrual but ~~is creditable shall be credited~~ for purposes of vesting.

(b)(c)1. Notwithstanding paragraph (a), ~~an (b), each~~ eligible employee who elects to participate in the ~~investment plan Public Employee Optional Retirement Program~~ and establishes one or more individual ~~member participant~~ accounts under the ~~optional program~~ may elect to

transfer to the ~~investment plan optional program~~ a sum representing the present value of the employee’s accumulated benefit obligation under the ~~pension plan defined benefit retirement program of the Florida Retirement System.~~ Upon such transfer, all service credit ~~previously earned under the pension plan is defined benefit program of the Florida Retirement System shall be~~ nullified for purposes of entitlement to a future benefit under the ~~pension plan defined benefit program of the Florida Retirement System.~~ A member may not transfer ~~participant is precluded from transferring~~ the accumulated benefit obligation balance from the ~~pension plan after the time defined benefit program upon the expiration of the period for enrolling afforded to enroll~~ in the ~~investment plan has expired optional program.~~

1.2. For purposes of this subsection, the present value of the member’s accumulated benefit obligation is based upon the member’s estimated creditable service and estimated average final compensation under the ~~pension plan defined benefit program~~, subject to recomputation under subparagraph 2. 3. For state employees enrolling under subparagraph (4)(a)1, initial estimates ~~shall will~~ be based upon creditable service and average final compensation as of midnight on June 30, 2002; for district school board employees enrolling under subparagraph (4)(b)1, initial estimates ~~shall will~~ be based upon creditable service and average final compensation as of midnight on September 30, 2002; and for local government employees enrolling under subparagraph (4)(c)1, initial estimates ~~shall will~~ be based upon creditable service and average final compensation as of midnight on December 31, 2002. The dates ~~respectively specified are above shall be construed as the “estimate date”~~ for these employees. The actuarial present value of the employee’s accumulated benefit obligation shall be based on the following:

a. The discount rate and other relevant actuarial assumptions used to value the Florida Retirement System Trust Fund at the time the amount to be transferred is determined, consistent with the factors provided in sub-subparagraphs b. and c.

b. A benefit commencement age, based on the member’s estimated creditable service as of the estimate date.

c. Except as provided under sub-subparagraph d., for a member initially enrolled:

(I) Before July 1, 2011, the benefit commencement age ~~is shall be~~ the younger of the following, but ~~may shall~~ not be younger than the member’s age as of the estimate date:

(A)(I) Age 62; or

(B)(II) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the ~~pension plan defined benefit program of the Florida Retirement System.~~

(II) On or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member’s age as of the estimate date:

(A) Age 65; or

(B) The age the member would attain if the member completed 33 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

d.e. For members of the Special Risk Class and for members of the Special Risk Administrative Support Class entitled to retain the special risk normal retirement date:

(I) Initially enrolled before July 1, 2011, the benefit commencement age ~~is shall be~~ the younger of the following, but ~~may shall~~ not be younger than the member’s age as of the estimate date:

(A)(I) Age 55; or

(B)(II) The age the member would attain if the member completed 25 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the ~~pension plan defined benefit program of the Florida Retirement System.~~

(II) Initially enrolled on or after July 1, 2011, the benefit commencement age is the younger of the following, but may not be younger than the member's age as of the estimate date:

(A) Age 60; or

(B) The age the member would attain if the member completed 30 years of service with an employer, assuming the member worked continuously from the estimate date, and disregarding any vesting requirement that would otherwise apply under the pension plan.

~~e.d.~~ The calculation ~~must shall~~ disregard vesting requirements and early retirement reduction factors that would otherwise apply under the pension plan ~~defined benefit retirement program~~.

~~2.g.~~ For each member ~~participant~~ who elects to transfer moneys from the pension plan ~~defined benefit program~~ to his or her account in the investment plan ~~optional program~~, the division shall recompute the amount transferred under subparagraph 1. within ~~2, not later than~~ 60 days after the actual transfer of funds based upon the member's ~~participant's~~ actual creditable service and actual final average compensation as of the initial date of participation in the investment plan ~~optional program~~. If the recomputed amount differs from the amount transferred under ~~subparagraph 2,~~ by \$10 or more, the division shall:

a. Transfer, or cause to be transferred, from the Florida Retirement System Trust Fund to the member's ~~participant's~~ account in the ~~optional program~~ the excess, if any, of the recomputed amount over the previously transferred amount together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon the effective annual interest equal to the assumed return on the actuarial investment which was used in the most recent actuarial valuation of the system, compounded annually.

b. Transfer, or cause to be transferred, from the member's ~~participant's~~ account to the Florida Retirement System Trust Fund the excess, if any, of the previously transferred amount over the recomputed amount, together with interest from the initial date of transfer to the date of transfer under this subparagraph, based upon 6 percent effective annual interest, compounded annually, pro rata based on the member's ~~participant's~~ allocation plan.

3. If contribution adjustments are made as a result of employer errors or corrections, including plan corrections, following recomputation of the amount transferred under subparagraph 1., the member is entitled to the additional contributions or is responsible for returning any excess contributions resulting from the correction. However, any return of such erroneous excess pretax contribution by the plan must be made within the period allowed by the Internal Revenue Service. The present value of the member's accumulated benefit obligation shall not be recalculated.

4. As directed by the member ~~participant~~, the state board shall transfer or cause to be transferred the appropriate amounts to the designated accounts ~~within. The board shall establish transfer procedures by rule, but the actual transfer shall not be later than~~ 30 days after the effective date of the member's participation in the investment plan ~~optional program~~ unless the major financial markets for securities available for a transfer are seriously disrupted by an unforeseen event that ~~which also~~ causes the suspension of trading on any national securities exchange in the country where the securities were issued. In that event, the ~~such~~ 30-day period of time may be extended by a resolution of the state board ~~trustees~~. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash, as determined by the state board. Such securities ~~are shall~~ be valued as of the date of receipt in the member's ~~participant's~~ account.

5. If the state board or the division receives notification from the United States Internal Revenue Service that this paragraph or any portion of this paragraph will cause the retirement system, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, ~~then~~ the portion that will cause the disqualification does not apply. Upon such notice, the state board and the division shall notify the presiding officers of the Legislature.

#### (4) PARTICIPATION; ENROLLMENT.—

(a)1. With respect to an eligible employee who is employed in a regularly established position on June 1, 2002, by a state employer:

a. Any such employee may elect to participate in the investment plan ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or her membership in the pension plan ~~defined benefit program of the Florida Retirement System~~. The election must be made in writing or by electronic means and must be filed with the third-party administrator by August 31, 2002, or, in the case of an active employee who is on a leave of absence on April 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g) ~~(e)~~. Upon making such election, the employee shall be enrolled as a member ~~participant~~ of the investment plan ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System ~~is shall~~ be governed by the provisions of this part, and the employee's membership in the pension plan ~~terminates defined benefit program of the Florida Retirement System shall terminate~~. The employee's enrollment in the investment plan ~~is Public Employee Optional Retirement Program shall~~ be effective the first day of the month for which a full month's employer contribution is made to the investment plan ~~optional program~~.

b. Any such employee who fails to elect to participate in the investment plan ~~Public Employee Optional Retirement Program~~ within the prescribed time period is deemed to have elected to retain membership in the pension plan ~~defined benefit program of the Florida Retirement System~~, and the employee's option to elect to participate in the investment plan ~~optional program~~ is forfeited.

2. With respect to employees who become eligible to participate in the investment plan ~~Public Employee Optional Retirement Program~~ by reason of employment in a regularly established position with a state employer commencing after April 1, 2002:

a. Any such employee shall, by default, be enrolled in the pension plan ~~defined benefit retirement program of the Florida Retirement System~~ at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the investment plan ~~Public Employee Optional Retirement Program~~. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the investment plan ~~optional program~~ is irrevocable, except as provided in paragraph (g) ~~(e)~~.

b. If the employee files such election within the prescribed time period, enrollment in the investment plan ~~is optional program shall be~~ effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the investment ~~optional~~ program, and, effective the first day of the next month, the employer ~~and employee must shall~~ pay the applicable contributions based on the employee membership class in the ~~optional~~ program.

c. ~~An Any such~~ employee who fails to elect to participate in the investment plan ~~Public Employee Optional Retirement Program~~ within the prescribed time period is deemed to have elected to retain membership in the pension plan ~~defined benefit program of the Florida Retirement System~~, and the employee's option to elect to participate in the investment plan ~~optional program~~ is forfeited.

3. With respect to employees who become eligible to participate in the investment plan ~~Public Employee Optional Retirement Program~~ pursuant to s. 121.051(2)(c)3. or s. 121.35(3)(i), ~~the any such~~ employee may elect to participate in the investment plan ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or her membership ~~participation~~ in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program. The election must be made in writing or by electronic means and must be filed with the third-party administrator. This election is irrevocable, except as provided in paragraph (g) ~~(e)~~. Upon making such election, the employee shall be enrolled as a member ~~in participant~~ of the investment plan ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System ~~is shall~~ be governed by the provisions of this part, and the employee's participation in the State Community College System Optional Retirement Program or the State University System Optional Retirement Program ~~terminates shall terminate~~. The employee's enrollment in the investment plan ~~is Public Employee Optional Retirement Program shall be effective on the~~ first day of the month for which a full month's employer ~~and employee~~ contribution is made to the investment plan ~~optional program~~.

4. For purposes of this paragraph, "state employer" means any agency, board, branch, commission, community college, department, institution, institution of higher education, or water management district of the state, which participates in the Florida Retirement System for the benefit of certain employees.

(b)1. With respect to an eligible employee who is employed in a regularly established position on September 1, 2002, by a district school board employer:

a. Any such employee may elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or her membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~. The election must be made in writing or by electronic means and must be filed with the third-party administrator by November 30, or, in the case of an active employee who is on a leave of absence on July 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g) (e). Upon making such election, the employee shall be enrolled as a *member participant* of the *investment plan* ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System *is shall be* governed by the provisions of this part, and the employee's membership in the *pension plan* ~~terminates defined benefit program of the Florida Retirement System shall terminate~~. The employee's enrollment in the *investment plan* ~~is Public Employee Optional Retirement Program shall be~~ effective the first day of the month for which a full month's employer contribution is made to the *investment* ~~optional~~ program.

b. Any such employee who fails to elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ within the prescribed time period is deemed to have elected to retain membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~, and the employee's option to elect to participate in the *investment plan* ~~optional program~~ is forfeited.

2. With respect to employees who become eligible to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ by reason of employment in a regularly established position with a district school board employer commencing after July 1, 2002:

a. Any such employee shall, by default, be enrolled in the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the *investment plan* ~~optional program~~ is irrevocable, except as provided in paragraph (g) (e).

b. If the employee files such election within the prescribed time period, enrollment in the *investment plan* ~~is optional program shall be~~ effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the *investment plan* ~~optional program~~, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the *investment plan* ~~optional program~~.

c. Any such employee who fails to elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ within the prescribed time period is deemed to have elected to retain membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~, and the employee's option to elect to participate in the *investment plan* ~~optional program~~ is forfeited.

3. For purposes of this paragraph, "district school board employer" means any district school board that participates in the Florida Retirement System for the benefit of certain employees, or a charter school or charter technical career center that participates in the Florida Retirement System as provided in s. 121.051(2)(d).

(c)1. With respect to an eligible employee who is employed in a regularly established position on December 1, 2002, by a local employer:

a. Any such employee may elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ in lieu of retaining his or

her membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~. The election must be made in writing or by electronic means and must be filed with the third-party administrator by February 28, 2003, or, in the case of an active employee who is on a leave of absence on October 1, 2002, by the last business day of the 5th month following the month the leave of absence concludes. This election is irrevocable, except as provided in paragraph (g) (e). Upon making such election, the employee shall be enrolled as a participant of the *investment plan* ~~Public Employee Optional Retirement Program~~, the employee's membership in the Florida Retirement System *is shall be* governed by the provisions of this part, and the employee's membership in the *pension plan* ~~terminates defined benefit program of the Florida Retirement System shall terminate~~. The employee's enrollment in the *investment plan* ~~is Public Employee Optional Retirement Program shall be~~ effective the first day of the month for which a full month's employer contribution is made to the *investment plan* ~~optional program~~.

b. Any such employee who fails to elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ within the prescribed time period is deemed to have elected to retain membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~, and the employee's option to elect to participate in the *investment plan* ~~optional program~~ is forfeited.

2. With respect to employees who become eligible to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ by reason of employment in a regularly established position with a local employer commencing after October 1, 2002:

a. Any such employee shall, by default, be enrolled in the *pension plan* ~~defined benefit retirement program of the Florida Retirement System~~ at the commencement of employment, and may, by the last business day of the 5th month following the employee's month of hire, elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~. The employee's election must be made in writing or by electronic means and must be filed with the third-party administrator. The election to participate in the *investment plan* ~~optional program~~ is irrevocable, except as provided in paragraph (g) (e).

b. If the employee files such election within the prescribed time period, enrollment in the *investment plan* ~~is optional program shall be~~ effective on the first day of employment. The employer retirement contributions paid through the month of the employee plan change shall be transferred to the *investment plan* ~~optional program~~, and, effective the first day of the next month, the employer shall pay the applicable contributions based on the employee membership class in the *investment plan* ~~optional program~~.

c. Any such employee who fails to elect to participate in the *investment plan* ~~Public Employee Optional Retirement Program~~ within the prescribed time period is deemed to have elected to retain membership in the *pension plan* ~~defined benefit program of the Florida Retirement System~~, and the employee's option to elect to participate in the *investment plan* ~~optional program~~ is forfeited.

3. For purposes of this paragraph, "local employer" means any employer not included in paragraph (a) or paragraph (b).

(d) Contributions available for self-direction by a *member participant* who has not selected one or more specific investment products shall be allocated as prescribed by the state board. The third-party administrator shall notify the *member* ~~any such participant~~ at least quarterly that the *member participant* should take an affirmative action to make an asset allocation among the *investment* ~~optional program~~ products.

(e) On or after July 1, 2011, a member of the pension plan who obtains a refund of employee contributions retains his or her prior plan choice upon return to employment in a regularly established position with a participating employer.

(f) A member of the investment plan who takes a distribution of any contributions from his or her investment plan account is considered a retiree. A retiree who is initially reemployed on or after July 1, 2010, is not eligible for renewed membership.

(g)(e) After the period during which an eligible employee had the choice to elect the *pension plan* ~~defined benefit program~~ or the *investment plan* ~~optional retirement program~~, or the month following the re-

ceipt of the eligible employee's plan election, if sooner, the employee shall have one opportunity, at the employee's discretion, to choose to move from the *pension plan defined benefit program* to the *investment plan optional retirement program* or from the *investment plan optional retirement program* to the *pension plan defined benefit program*. Eligible employees may elect to move between plans Florida Retirement System programs only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay. Effective July 1, 2005, such elections are effective on the first day of the month following the receipt of the election by the third-party administrator and are not subject to the requirements regarding an employer-employee relationship or receipt of contributions for the eligible employee in the effective month, except when the election is received by the third-party administrator. This paragraph is contingent upon approval by from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the *investment plan optional retirement program*, the applicable provisions of subsection (3) this section shall govern the transfer.

2. If the employee chooses to move to the *pension plan defined benefit program*, the employee must transfer from his or her *investment plan optional retirement program* account, and from other employee moneys as necessary, a sum representing the present value of that employee's accumulated benefit obligation immediately following the time of such movement, determined assuming that attained service equals the sum of service in the *pension plan defined benefit program* and service in the *investment plan optional retirement program*. Benefit commencement occurs on the first date the employee is eligible for unreduced benefits, using the discount rate and other relevant actuarial assumptions that were used to value the *pension plan defined benefit* plan liabilities in the most recent actuarial valuation. For any employee who, at the time of the second election, already maintains an accrued benefit amount in the *pension plan defined benefit program*, the then-present value of the accrued benefit is shall be deemed part of the required transfer amount. The division must shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. A refund of any employee contributions or additional member payments made which exceed the employee contributions that would have accrued had the member remained in the *pension plan* and not transferred to the *investment plan* is not permitted.

3. Notwithstanding subparagraph 2., an employee who chooses to move to the *pension plan defined benefit program* and who became eligible to participate in the *investment plan optional retirement program* by reason of employment in a regularly established position with a state employer after June 1, 2002; a district school board employer after September 1, 2002; or a local employer after December 1, 2002, must transfer from his or her *investment plan optional retirement program* account, and from other employee moneys as necessary, a sum representing the employee's actuarial accrued liability. A refund of any employee contributions or additional participant payments made which exceed the employee contributions that would have accrued had the member remained in the *pension plan* and not transferred to the *investment plan* is not permitted.

4. An employee's ability to transfer from the *pension plan defined benefit program* to the *investment plan optional retirement program* pursuant to paragraphs (a)-(d), and the ability of a current employee to have an option to later transfer back into the *pension plan defined benefit program* under subparagraph 2., shall be deemed a significant system amendment. Pursuant to s. 121.031(4), any resulting unfunded liability arising from actual original transfers from the *pension plan defined benefit program* to the *investment plan optional program* must be amortized within 30 plan years as a separate unfunded actuarial base independent of the reserve stabilization mechanism defined in s. 121.031(3)(f). For the first 25 years, a direct amortization payment may not be calculated for this base. During this 25-year period, the separate base shall be used to offset the impact of employees exercising their second program election under this paragraph. It is the intent of the Legislature that The actuarial funded status of the *pension plan will defined benefit program* not be affected by such second program elections in any significant manner, after due recognition of the separate unfunded actuarial base. Following the initial 25-year period, any remaining balance of the original separate base shall be amortized over the remaining 5 years of the required 30-year amortization period.

5. If the employee chooses to transfer from the *investment plan optional retirement program* to the *pension plan defined benefit program* and retains an excess account balance in the *investment plan optional program* after satisfying the buy-in requirements under this paragraph, the excess may not be distributed until the member retires from the *pension plan defined benefit program*. The excess account balance may be rolled over to the *pension plan defined benefit program* and used to purchase service credit or upgrade creditable service in the *pension plan that program*.

#### (5) CONTRIBUTIONS.—

(a) ~~The employee and~~ Each employer shall make the required contributions to contribute on behalf of each participant in the *investment plan based on a percentage of the employee's gross monthly compensation Public Employee Optional Retirement Program*, as provided in part III of this chapter.

(b) *Employee contributions shall be paid as provided in s. 121.71.*

(c) The state board, acting as plan fiduciary, must shall ensure that all plan assets are held in a trust, pursuant to s. 401 of the Internal Revenue Code. The fiduciary must shall ensure that such said contributions are allocated as follows:

1. The employer and employee contribution portion earmarked for member participant accounts shall be used to purchase interests in the appropriate investment vehicles for the accounts of each participant as specified by the member participant, or in accordance with paragraph (4)(d).

2. The employer contribution portion earmarked for administrative and educational expenses shall be transferred to the *Florida Retirement System Investment Plan Trust Fund board*.

3. The employer contribution portion earmarked for disability benefits shall be transferred to the *Florida Retirement System Trust Fund department*.

(d)(b) ~~The third-party administrator is~~ Employers are responsible for monitoring and notifying employers of the participants regarding maximum contribution levels allowed for members permitted under the Internal Revenue Code. If a member participant contributes to any other tax-deferred plan, the member he or she is responsible for ensuring that total contributions made to the *investment plan optional program* and to any other such plan do not exceed federally permitted maximums.

(e)(c) ~~The investment plan Public Employee Optional Retirement Program~~ may accept for deposit into member participant accounts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of members participants, reasonably determined by the state board to be eligible for rollover or transfer to the *investment plan optional retirement program* pursuant to the Internal Revenue Code, if such contributions are made in accordance with rules as may be adopted by the board. Such contributions must shall be accounted for in accordance with any applicable Internal Revenue Code requirements and rules of the state board.

#### (6) VESTING REQUIREMENTS.—

(a) A member is fully and immediately vested in all employee contributions paid to the *investment plan* as provided in s. 121.71, plus interest and earnings thereon and less investment fees and administrative charges.

(b)(a)1. With respect to employer contributions paid on behalf of the member participant to the *investment plan optional retirement program*, plus interest and earnings thereon and less investment fees and administrative charges, a member participant is vested after completing 1 work year with an employer, including any service while the member participant was a member of the *pension plan defined benefit program* or an optional retirement program authorized under s. 121.051(2)(c) or s. 121.055(6).

2. If the member participant terminates employment before satisfying the vesting requirements, the nonvested accumulation must be transferred from the member's participant's accounts to the state board for deposit and investment by the state board in its the suspense account created within the *Florida Retirement System Investment Plan Public*

~~Employee Optional Retirement Program Trust Fund. If the terminated member participant is reemployed as an eligible employee within 5 years, the state board shall transfer to the member's participant's account any amount previously transferred from the member's participant's accounts to the suspense account, plus actual earnings on such amount while in the suspense account.~~

~~(c)(b)1. With respect to amounts contributed by an employer and transferred from the pension plan defined benefit program to the investment plan program, plus interest and earnings, and less investment fees and administrative charges, a member participant shall be vested in the amount transferred upon meeting the vesting service requirements for the member's participant's membership class as set forth in s. 121.021(45) 121.021(29). The third-party administrator shall account for such amounts for each member participant. The division shall notify the member participant and the third-party administrator when the member participant has satisfied the vesting period for Florida Retirement System purposes.~~

2. If the member participant terminates employment before satisfying the vesting requirements, the nonvested accumulation must be transferred from the member's participant's accounts to the state board for deposit and investment by the state board in the suspense account created within the Florida Retirement System Investment Plan ~~Public Employee Optional Retirement Program Trust Fund. If the terminated member participant is reemployed as an eligible employee within 5 years, the state board shall transfer to the member's accounts participant's account any amount previously transferred from the member's participant's accounts to the suspense account, plus the actual earnings on such amount while in the suspense account.~~

~~(d)(e) Any nonvested accumulations transferred from a member's participant's account to the state board's suspense account shall be forfeited, including accompanying service credit, by the member participant if the member participant is not reemployed as an eligible employee within 5 years after termination.~~

~~(e) If the member elects to receive any of his or her vested employee or employer contributions upon termination of employment as provided in s. 121.021(39)(a), except for a mandatory distribution of a de minimis account authorized by the state board or a minimum required distribution provided by s. 401(a)(9) of the Internal Revenue Code, the member shall forfeit all nonvested employer contributions, and accompanying service credit, paid on behalf of the member to the investment plan.~~

(7) ~~BENEFITS.—Under the investment plan, benefits must Public Employee Optional Retirement Program:~~

~~(a) Benefits shall Be provided in accordance with s. 401(a) of the Internal Revenue Code.~~

~~(b) Benefits shall Accrue in individual accounts that are member-directed participant directed, portable, and funded by employer and employee contributions and earnings thereon.~~

~~(c) Benefits shall Be payable in accordance with the provisions of s. 121.591.~~

(8) ~~INVESTMENT PLAN ADMINISTRATION OF PROGRAM.—~~

~~(a) The investment plan optional retirement program shall be administered by the state board and affected employers. The state board may require oaths, by affidavit or otherwise, and acknowledgments from persons in connection with the administration of its statutory duties and responsibilities for the investment plan this program. An oath, by affidavit or otherwise, may not be required of a member an employee participant at the time of enrollment. Acknowledgment of an employee's election to participate in the program shall be no greater than necessary to confirm the employee's election. The state board shall adopt rules to carry out its statutory duties with respect to administering the investment plan optional retirement program, including establishing the roles and responsibilities of affected state, local government, and education-related employers, the state board, the department, and third-party contractors. The department shall adopt rules necessary to administer the investment plan optional program in coordination with the pension plan defined benefit program and the disability benefits available under the investment plan optional program.~~

~~(a)(b)1. The state board shall select and contract with a one third-party administrator to provide administrative services if those services cannot be competitively and contractually provided by the division of Retirement within the Department of Management Services. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the state board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.~~

2. These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer and employee contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of members participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the state board, employers, members participants, approved providers, and beneficiaries. This section does not prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual member participant benefits and contributions; individual member participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the member's participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to member participant account information; or periodic reporting to members participants, at least quarterly, on account balances and transactions, if these services are authorized by the state board as part of the contract.

~~(b)1.3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the state board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the state board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.~~

2.4. Educational services shall be designed by the state board and department to assist employers, eligible employees, members participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of pension plan defined benefit or investment plan defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the pension differences between the defined benefit retirement plan and the investment defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

~~(c)1. In evaluating and selecting a third-party administrator, the state board shall establish criteria for evaluating under which it shall consider the relative capabilities and qualifications of each proposed administrator. In developing such criteria, the state board shall consider:~~

~~a. The administrator's demonstrated experience in providing administrative services to public or private sector retirement systems.~~

~~b. The administrator's demonstrated experience in providing daily valued recordkeeping to defined contribution programs plans.~~

~~c. The administrator's ability and willingness to coordinate its activities with the Florida Retirement System employers, the state board, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, monthly management reports, quarterly member participant reports, and ad hoc reports requested by the department or state board.~~

~~d. The cost-effectiveness and levels of the administrative services provided.~~

e. The administrator's ability to interact with the ~~members participants~~, the employers, the ~~state board~~, the division, and the providers; the means by which ~~members participants~~ may access account information, direct investment of contributions, make changes to their accounts, transfer moneys between available investment vehicles, and transfer moneys between investment products; and any fees that apply to such activities.

f. Any other factor deemed necessary by the ~~Trustees of the state board of Administration~~.

2. In evaluating and selecting an educational provider, the ~~state board~~ shall establish criteria under which it shall consider the relative capabilities and qualifications of each proposed educational provider. In developing such criteria, the ~~state board~~ shall consider:

a. Demonstrated experience in providing educational services to public or private sector retirement systems.

b. Ability and willingness to coordinate its activities with the ~~Florida Retirement System~~ employers, the ~~state board~~, and the division, and to supply to such employers, the board, and the division the information and data they require, including, but not limited to, reports on educational contacts.

c. The cost-effectiveness and levels of the educational services provided.

d. Ability to provide educational services via different media, including, but not limited to, the Internet, personal contact, seminars, brochures, and newsletters.

e. Any other factor deemed necessary by the ~~Trustees of the state board of Administration~~.

3. The establishment of the criteria shall be solely within the discretion of the ~~state board~~.

(d) The ~~state board~~ shall develop the form and content of any contracts to be offered under the ~~investment plan Public Employee Optional Retirement Program~~. In developing ~~the its~~ contracts, the board shall ~~must~~ consider:

1. The nature and extent of the rights and benefits to be afforded in relation to the ~~required~~ contributions ~~required~~ under the ~~plan program~~.

2. The suitability of the rights and benefits ~~provided to be afforded~~ and the interests of employers in the recruitment and retention of eligible employees.

(e)1. The ~~state board~~ may contract ~~with any consultant~~ for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the ~~investment plan optional program by the Trustees of the State Board of Administration~~. The ~~state board~~ may enter into a contract with one or more vendors to provide low-cost investment advice to ~~members participants~~, supplemental to education provided by the third-party administrator. All fees under any such contract shall be paid by those ~~members participants~~ who choose to use the services of the vendor.

2. The department may contract ~~with consultants~~ for professional services, including legal, consulting, accounting, and actuarial services, deemed necessary to implement and administer the ~~investment plan optional program in coordination with the pension plan defined benefit program of the Florida Retirement System~~. The department, in coordination with the ~~state board~~, may enter into a contract with the third-party administrator in order to coordinate services common to the various programs within the Florida Retirement System.

(f) The third-party administrator ~~may shall~~ not receive direct or indirect compensation from an approved provider, except as specifically provided for in the contract with the ~~state board~~.

(g) The ~~state board~~ shall receive and resolve ~~member participant~~ complaints against the program, the third-party administrator, or any program vendor or provider; shall resolve any conflict between the third-party administrator and an approved provider if such conflict threatens the implementation or administration of the program or the quality of services to employees; and may resolve any other conflicts. The third-

party administrator shall retain all ~~member participant~~ records for at least 5 years for use in resolving any ~~member participant~~ conflicts. The ~~state board~~, the third-party administrator, or a provider is not required to produce documentation or an audio recording to justify action taken with regard to a ~~member participant~~ if the action occurred 5 or more years before the complaint is submitted to the ~~state board~~. It is presumed that all action taken 5 or more years before the complaint is submitted was taken at the request of the ~~member participant~~ and with the ~~member's participant's~~ full knowledge and consent. To overcome this presumption, the ~~member participant~~ must present documentary evidence or an audio recording demonstrating otherwise.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The ~~state board~~ shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products ~~to which employees may direct retirement contributions under the investment plan program~~. In accordance with such policy and procedures, the ~~state board~~ shall designate and contract for a number of investment products as determined by the board. The board shall also select one or more bundled providers, each of ~~which whom~~ may offer multiple investment options and related services, ~~if when such an~~ approach is determined by the board to ~~provide afford~~ value to the ~~members participants~~ otherwise not available through individual investment products. Each approved bundled provider may offer investment options that provide ~~members participants~~ with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent ~~either~~ a single asset class or a combination thereof: money markets, United States fixed income, United States equities, and foreign stock. The ~~state board~~ shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the ~~investment plan~~.

(b) The ~~state board~~ shall consider investment options or products it considers appropriate to give ~~members participants~~ the opportunity to accumulate retirement benefits, subject to the following:

1. The ~~investment plan Public Employee Optional Retirement Program~~ must offer a diversified mix of low-cost investment products that span the risk-return spectrum and may include a guaranteed account as well as investment products, such as individually allocated guaranteed and variable annuities, which meet the requirements of this subsection and combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime-income benefit provided by the Florida Retirement System.

2. Investment options or products offered by the ~~group of~~ approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, and ~~may include~~ products that give ~~members participants~~ the option of committing their contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity.

3. The ~~state board may shall~~ not contract with a ~~any~~ provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of ~~members participants~~ to select any investment product available in the ~~investment plan optional program~~. This prohibition does not apply to fees or charges that are imposed on withdrawals from products that give ~~members participants~~ the option of committing ~~their~~ contributions for an extended time period in an effort to obtain returns higher than those that could be obtained from investment products offering full liquidity, ~~if provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the investment plan program offering full liquidity.~~

4. Fees or charges for insurance features, such as mortality and expense-risk charges, must be reasonable relative to the benefits provided.

(c) In evaluating and selecting approved providers and products, the ~~state board~~ shall establish criteria ~~for evaluating under which it shall consider~~ the relative capabilities and qualifications of each proposed

provider company and product. In developing such criteria, the board shall consider the following to the extent such factors may be applied in connection with investment products, services, or providers:

1. Experience in the United States providing retirement products and related financial services under defined contribution retirement programs ~~plans~~.

2. Financial strength and stability ~~as which shall be~~ evidenced by the highest ratings assigned by nationally recognized rating services when comparing proposed providers that are so rated.

3. Intrastate and interstate portability of the product offered, including early withdrawal options.

4. Compliance with the Internal Revenue Code.

5. The cost-effectiveness of the product provided and the levels of service supporting the product relative to its benefits and its characteristics, including, ~~without limitation,~~ the level of risk borne by the provider.

6. The provider company's ability and willingness to coordinate its activities with Florida Retirement System employers, the department, and the state board, and to supply ~~the to such~~ employers, the department, and the board ~~with the information and data they require~~.

7. The methods available to ~~members participants~~ to interact with the provider company; the means by which ~~members participants~~ may access account information, direct investment of contributions, make changes to their accounts, transfer moneys between available investment vehicles, and transfer moneys between provider companies; and any fees that apply to such activities.

8. The provider company's policies with respect to the transfer of individual account balances, contributions, and earnings thereon, both internally among investment products offered by the provider company and externally between approved providers, as well as any fees, charges, reductions, or penalties that may be applied.

9. An evaluation of specific investment products, taking into account each product's experience in meeting its investment return objectives net of all related fees, expenses, and charges, including, but not limited to, investment management fees, loads, distribution and marketing fees, custody fees, recordkeeping fees, education fees, annuity expenses, and consulting fees.

10. Organizational factors, including, but not limited to, financial solvency, organizational depth, and experience in providing institutional and retail investment services.

(d) By March 1, 2010, the state board shall identify and offer at least one terror-free investment product that allocates its funds among securities not subject to divestiture as provided in s. 215.473 if the investment product is deemed by the state board to be consistent with prudent investor standards. A ~~no~~ person may ~~not~~ bring a civil, criminal, or administrative action against an approved provider; the state board; or any employee, officer, director, or trustee of such provider based upon the divestiture of any security or the offering of a terror-free investment product as specified in this paragraph.

(e) As a condition of offering ~~an any~~ investment option or product in the ~~investment plan optional retirement program~~, the approved provider must agree to make the investment product or service available under the most beneficial terms offered to any other customer, subject to approval by the ~~Trustees of the~~ state board of Administration.

(f) The state board shall regularly review the performance of each approved provider and product and related organizational factors to ensure continued compliance with established selection criteria and with board policy and procedures. Providers and products may be terminated subject to contract provisions. The state board shall adopt procedures to transfer account balances from terminated products or providers to other products or providers in the ~~investment plan optional program~~.

(g)1. An approved provider shall comply with all ~~applicable~~ federal and state securities and insurance laws and regulations ~~applicable to the provider~~, as well as ~~with~~ the applicable rules and guidelines of the National Association of Securities Dealers which govern the ethical mar-

keting of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the state board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual ~~members participants~~ and recommend investment products, which system is consistent with rules of the National Association of Securities Dealers.

2. Approved provider personnel who directly communicate with individual ~~members participants~~ and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular ~~member participant~~.

3. The state board shall develop procedures to receive and resolve ~~member participant~~ complaints against a provider or approved provider personnel, and, ~~if when~~ appropriate, refer such complaints to the appropriate agency.

4. Approved providers may not sell or in any way distribute any customer list or ~~member participant~~ identification information generated through their offering of products or services through the ~~investment plan optional retirement program~~.

#### (10) EDUCATION COMPONENT.—

(a) The state board, in coordination with the department, shall provide for an education component for system members in a manner consistent with the provisions of this section. The education component must be available to eligible employees at least 90 days prior to the beginning date of the election period for the employees of the respective types of employers.

(b) The education component must provide system members with impartial and balanced information about plan choices. The education component must involve multimedia formats. Program comparisons must, to the greatest extent possible, be based upon the retirement income that different retirement programs may provide to the ~~member participant~~. The state board shall monitor the performance of the contract to ensure that the program is conducted in accordance with the contract, applicable law, and the rules of the state board.

(c) The state board, in coordination with the department, shall provide for an initial and ongoing transfer education component to provide system members with information necessary to make informed plan choice decisions. The transfer education component must include, but is not limited to, information on:

1. The amount of money available to a member to transfer to the defined contribution program.

2. The features of and differences between the ~~pension plan defined benefit program~~ and the defined contribution program, both generally and specifically, as those differences may affect the member.

3. The expected benefit available if the member were to retire under each of the retirement programs, based on appropriate alternative sets of assumptions.

4. The rate of return from investments in the defined contribution program and the period of time over which such rate of return must be achieved to equal or exceed the expected monthly benefit payable to the member under the ~~pension plan defined benefit program~~.

5. The historical rates of return for the investment alternatives available in the defined contribution programs.

6. The benefits and historical rates of return on investments available in a typical deferred compensation plan or a typical plan under s. 403(b) of the Internal Revenue Code for which the employee may be eligible.

7. The program choices available to employees of the State University System and the comparative benefits of each available program, if applicable.

8. Payout options available in each of the retirement programs.

(d) An ongoing education and communication component must provide ~~eligible employees system members~~ with information necessary to make informed decisions about choices within their ~~retirement system program of membership~~ and in preparation for retirement. The component must include, but is not limited to, information concerning:

1. Rights and conditions of membership.
2. Benefit features within the program, options, and effects of certain decisions.
3. Coordination of contributions and benefits with a deferred compensation plan under s. 457 or a plan under s. 403(b) of the Internal Revenue Code.
4. Significant program changes.
5. Contribution rates and program funding status.
6. Planning for retirement.

(e) Descriptive materials must be prepared under the assumption that the employee is an unsophisticated investor, and all materials used in the education component must be approved by the state board prior to dissemination.

(f) The state board and the department shall also establish a communication component to provide program information to participating employers and the employers' personnel and payroll officers and to explain their respective responsibilities in conjunction with the retirement programs.

(g) Funding for education of new employees may reflect administrative costs to the ~~investment plan optional program~~ and the ~~pension plan defined benefit program~~.

(h) Pursuant to ~~subsection paragraph~~ (8)(a), all Florida Retirement System employers have an obligation to regularly communicate the existence of the two Florida Retirement System plans and the plan choice in the natural course of administering their personnel functions, using the educational materials supplied by the state board and the Department of Management Services.

(11) ~~MEMBER PARTICIPANT INFORMATION REQUIREMENTS.~~—The state board shall ensure that each ~~member participant~~ is provided a quarterly statement that accounts for the contributions made on behalf of the ~~member such participant~~; the interest and investment earnings thereon; and any fees, penalties, or other deductions that apply ~~thereto~~. At a minimum, such statements must:

- (a) Indicate the ~~member's participant's~~ investment options.
- (b) State the market value of the account at the close of the current quarter and previous quarter.
- (c) Show account gains and losses ~~for the period~~ and changes in account accumulation unit values for the ~~quarter period~~.
- (d) Itemize account contributions for the quarter.
- (e) Indicate any account changes due to adjustment of contribution levels, reallocation of contributions, balance transfers, or withdrawals.
- (f) Set forth any fees, charges, penalties, and deductions that apply to the account.
- (g) Indicate the amount of the account in which the ~~member participant~~ is fully vested and the amount of the account in which the ~~member participant~~ is not vested.
- (h) Indicate each investment product's performance relative to an appropriate market benchmark.

The third-party administrator shall provide quarterly and annual summary reports to the state board and any other reports requested by the department or the state board. In any solicitation or offer of coverage under the ~~investment plan an optional retirement program~~, a provider company shall be governed by the contract readability provisions of s. 627.4145, notwithstanding s. 627.4145(6)(c). In addition, all descriptive

materials must be prepared under the assumption that the ~~member participant~~ is an unsophisticated investor. Provider companies must maintain an internal system of quality assurance, have proven functional systems that are date-calculation compliant, and be subject to a due-diligence inquiry that proves their capacity and fitness to undertake service responsibilities.

(12) ~~ADVISORY COUNCIL TO PROVIDE ADVICE AND ASSISTANCE.~~—The Investment Advisory Council, ~~created pursuant to s. 215.444~~, shall assist the state board in implementing and administering the ~~investment plan Public Employee Optional Retirement Program~~. The ~~Investment Advisory council, created pursuant to s. 215.444~~, shall review the state board's initial recommendations regarding the criteria to be used in selecting and evaluating approved providers and investment products. The council may provide comments on the recommendations to the state board within 45 days after receiving the initial recommendations. The state board shall make the final determination as to whether any investment provider or product, any contractor, or any and all contract provisions ~~are shall be approved for the investment plan program~~.

(13) ~~FEDERAL REQUIREMENTS.~~—

(a) ~~Provisions of~~ This section shall be construed, and the ~~investment plan Public Employee Optional Retirement Program~~ shall be administered, so as to comply with the Internal Revenue Code, 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans under s. 401(a) of the Internal Revenue Code. The state board ~~may shall have the power and authority to~~ adopt rules reasonably necessary to establish or maintain the qualified status of the ~~investment plan Optional Retirement Program~~ under the Internal Revenue Code and to implement and administer the ~~investment plan Optional Retirement Program~~ in compliance with the Internal Revenue Code and ~~as designated under this part~~; provided however, that the board shall not have the authority to adopt any rule which makes a substantive change to the ~~investment plan Optional Retirement Program~~ as designed by this part.

(b) Any section or provision of this chapter which is susceptible to more than one construction ~~shall must~~ be interpreted in favor of the construction most likely to satisfy requirements imposed by s. 401(a) of the Internal Revenue Code.

(c) Contributions payable under this section for any limitation year may not exceed the maximum amount allowable for qualified defined contribution pension plans under applicable provisions of the Internal Revenue Code. If an employee who ~~is enrolled has elected to participate~~ in the ~~investment plan Public Employee Optional Retirement Program~~ participates in any other plan that is maintained by the participating employer, benefits that accrue under the ~~investment plan Public Employee Optional Retirement Program~~ shall be considered primary for any aggregate limitation applicable under s. 415 of the Internal Revenue Code.

(14) ~~INVESTMENT POLICY STATEMENT.~~—

(a) Investment products and approved providers selected for the ~~investment plan must Public Employee Optional Retirement Program~~ shall conform with the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ Investment Policy Statement, herein referred to as the "statement," as developed and approved by the trustees of the state board of ~~Administration~~. The statement must include, among other items, the investment objectives of the ~~investment plan Public Employee Optional Retirement Program~~, manager selection and monitoring guidelines, and performance measurement criteria. As required from time to time, the executive director of the state board may present recommended changes in the statement to the board for approval.

(b) Prior to presenting the statement, or any recommended changes ~~thereto~~, to the state board, the executive director of the board shall present such statement or changes to the Investment Advisory Council for review. The council shall present the results of its review to the board prior to the board's final approval of the statement or changes in the statement.

(15) ~~STATEMENT OF FIDUCIARY STANDARDS AND RESPONSIBILITIES.~~—

(a) Investment of ~~optional~~ defined contribution retirement plan assets shall be made for the sole interest and exclusive purpose of providing benefits to ~~members plan participants~~ and beneficiaries and defraying reasonable expenses of administering the plan. The program's assets ~~are to be invested~~, on behalf of the program ~~members participants~~, with the care, skill, and diligence that a prudent person acting in a like manner would undertake. The performance of the investment duties set forth in this paragraph shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.

(b) If a ~~member participant~~ or beneficiary of the ~~investment plan Public Employee Optional Retirement Program~~ exercises control over the assets in his or her account, as determined by reference to regulations of the United States Department of Labor under s. 404(c) of the Employee Retirement Income Security Act of 1974 and all applicable laws governing the operation of the program, ~~a no~~ program fiduciary is ~~not shall~~ be liable for any loss to a ~~member's participant's~~ or beneficiary's account which results from ~~the member's such participant's~~ or beneficiary's exercise of control.

(c) Subparagraph (8)(b)2.4. and paragraph (15)(b) incorporate the federal law concept of participant control, established by regulations of the United States Department of Labor under s. 404(c) of the Employee Retirement Income Security Act of 1974 (ERISA). The purpose of this paragraph is to assist employers and the state board of ~~Administration~~ in maintaining compliance with s. 404(c), while avoiding unnecessary costs and eroding ~~member participant~~ benefits under the ~~investment plan Public Employee Optional Retirement Program~~. Pursuant to 29 C.F.R. s. 2550.404c-1(b)(2)(i)(B)(1)(viii), the state board of ~~Administration~~ or its designated agents shall deliver to ~~members participants~~ of the ~~investment plan Public Employee Optional Retirement Program~~ a copy of the prospectus most recently provided to the plan, and, pursuant to 29 C.F.R. s. 2550.404c-1(b)(2)(i)(B)(2)(ii), shall provide such ~~members participants~~ an opportunity to obtain this information, except that:

1. The requirement to deliver a prospectus shall be ~~deemed to be~~ satisfied by delivery of a fund profile ~~or summary profile~~ that contains the information that would be included in a summary prospectus as described by Rule 498 under the Securities Act of 1933, 17 C.F.R. s. 230.498. ~~If When~~ the transaction fees, expense information or other information provided by a mutual fund in the prospectus does not reflect terms negotiated by the state board of ~~Administration~~ or its designated agents, the ~~forementioned~~ requirement is ~~deemed to be~~ satisfied by delivery of a separate document described by Rule 498 substituting accurate information; and

2. Delivery shall be ~~deemed to have been~~ effected if delivery is through electronic means and the following standards are satisfied:

a. Electronically-delivered documents are prepared and provided consistent with style, format, and content requirements applicable to printed documents;

b. Each ~~member participant~~ is provided timely and adequate notice of the documents that are to be delivered, and their significance thereof, and of the ~~member's participant's~~ right to obtain a paper copy of such documents free of charge;

c. ~~(4) Members Participants~~ have adequate access to the electronic documents, at locations such as their worksites or public facilities, and have the ability to convert the documents to paper free of charge by the state board of ~~Administration~~, and the board or its designated agents take appropriate and reasonable measures to ensure that the system for furnishing electronic documents results in actual receipt, ~~or~~

~~(H) Members Participants~~ have provided consent to receive information in electronic format, which consent may be revoked; and

d. The state board of ~~Administration~~, or its designated agent, actually provides paper copies of the documents free of charge, upon request.

(16) DISABILITY BENEFITS.—For any ~~member participant~~ of the ~~investment plan optional retirement program~~ who becomes totally and permanently disabled, benefits ~~must shall~~ be paid in accordance with the provisions of s. 121.591.

(17) SOCIAL SECURITY COVERAGE.—Social security coverage shall be provided for all officers and employees who become ~~members participants~~ of the ~~investment plan optional program~~. Any modification of the present agreement with the Social Security Administration, or referendum required under the Social Security Act, for the purpose of providing social security coverage for any member shall be requested by the state agency in compliance with the applicable provisions of the Social Security Act governing such coverage. However, retroactive social security coverage for service prior to December 1, 1970, with the employer ~~may shall~~ not be provided for any member who was not covered under the agreement as of November 30, 1970.

(18) RETIREE HEALTH INSURANCE SUBSIDY.—All officers and employees who are ~~members participants~~ of the ~~investment plan are optional program shall~~ be eligible to receive the retiree health insurance subsidy, subject to the provisions of s. 112.363.

(19) MEMBER PARTICIPANT RECORDS.—Personal identifying information of a ~~member participant~~ in the ~~investment plan Public Employee Optional Retirement Program~~ contained in Florida Retirement System records held by the state board of ~~Administration~~ or the department of ~~Management Services~~ is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(20) DESIGNATION OF BENEFICIARIES.—

(a) Each ~~member participant~~ may, ~~by electronic means or on a form~~ provided for that purpose, signed and filed with the third-party administrator, designate a choice of one or more persons, named sequentially or jointly, as his or her beneficiary ~~for receiving who shall receive~~ the benefits, if any, which may be payable pursuant to this chapter in the event of the ~~member's participant's~~ death. If no beneficiary is named in this manner, or if no beneficiary designated by the ~~member participant~~ survives the ~~member participant~~, the beneficiary shall be the spouse of the deceased, if living. If the ~~member's participant's~~ spouse is not alive at the time of the ~~member's participant's~~ death, the beneficiary shall be the living children of the ~~member participant~~. If no children survive, the beneficiary shall be the ~~member's participant's~~ father or mother, if living; otherwise, the beneficiary shall be the ~~member's participant's~~ estate. The beneficiary most recently designated by a ~~member participant on a form or letter filed with the third party administrator~~ shall be the beneficiary entitled to any benefits payable at the time of the ~~member's participant's~~ death. ~~However Notwithstanding any other provision in this subsection to the contrary, for a member participant who dies prior to his or her effective date of retirement, the spouse at the time of death shall be the member's participant's beneficiary unless the member such participant designates a different beneficiary as provided in this subsection~~ subsequent to the ~~member's participant's~~ most recent marriage.

(b) If a ~~member participant~~ designates a primary beneficiary other than the ~~member's participant's~~ spouse, the ~~member's participant's~~ spouse must sign the beneficiary designation form to acknowledge the designation. This requirement does not apply to the designation of one or more contingent beneficiaries to receive benefits remaining upon the death of the primary beneficiary or beneficiaries.

(c) Notwithstanding the ~~member's participant's~~ designation of benefits to be paid through a trust to a beneficiary that is a natural person, and ~~notwithstanding~~ the provisions of the trust, benefits ~~must shall~~ be paid directly to the beneficiary if the person is no longer a minor or an incapacitated person as defined in s. 744.102.

(21) PARTICIPATION BY TERMINATED DEFERRED RETIREMENT OPTION PROGRAM MEMBERS PARTICIPANTS.—Notwithstanding any ~~other~~ provision of law ~~to the contrary, members participants~~ in the Deferred Retirement Option Program offered under part I may, after conclusion of their participation in the program, elect to roll over or authorize a direct trustee-to-trustee transfer to an account under the ~~investment plan Public Employee Optional Retirement Program~~ of their Deferred Retirement Option Program proceeds distributed as provided under s. 121.091(13)(c)5. The transaction must constitute an "eligible rollover distribution" within the meaning of s. 402(c)(4) of the Internal Revenue Code.

(a) The ~~investment plan Public Employee Optional Retirement Program~~ may accept such amounts for deposit into ~~member participant~~ accounts as provided in paragraph (5)(e).

(b) The affected ~~member participant~~ shall direct the investment of his or her investment account; however, unless he or she becomes a renewed member of the Florida Retirement System under s. 121.122 and elects to participate in the ~~investment plan Public Employee Optional Retirement Program~~, no employer contributions may ~~not~~ be made to the ~~member's participant's~~ account as provided under paragraph (5)(a).

(c) The state board or the department is not responsible for locating those persons who may be eligible to participate in the ~~investment plan Public Employee Optional Retirement Program~~ under this subsection.

(22) CREDIT FOR MILITARY SERVICE.—Creditable service of any member of the ~~investment plan includes Public Employee Optional Retirement Program~~ shall include military service in the Armed Forces of the United States as provided in ~~the conditions outlined in~~ s. 121.111(1).

Section 27. Section 121.4502, Florida Statutes, is amended to read:

121.4502 ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ Trust Fund.—

(1) The ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ Trust Fund is created to hold the assets of the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ in trust for the exclusive benefit of ~~the plan's members such program's participants~~ and beneficiaries, and for the payment of reasonable administrative expenses of the ~~plan program~~, in accordance with s. 401 of the Internal Revenue Code, and shall be administered by the state board of ~~Administration~~ as trustee. Funds shall be credited to the trust fund as provided in this part, to be used for the purposes of this part. The trust fund is exempt from the service charges imposed by s. 215.20.

(2) The ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ Trust Fund is a retirement trust fund of the Florida Retirement System that accounts for retirement plan assets held by the state in a trustee capacity as a fiduciary for individual participants in the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ and, pursuant to s. 19(f), Art. III of the State Constitution, is not subject to termination.

(3) A forfeiture account shall be created within the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ Trust Fund to hold the assets derived from the forfeiture of benefits by participants. Pursuant to a private letter ruling from the Internal Revenue Service, the forfeiture account may be used only for paying expenses of the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ and reducing future employer contributions to the program. Consistent with Rulings 80-155 and 74-340 of the Internal Revenue Service, unallocated reserves within the forfeiture account must be used as quickly and as prudently as possible considering the state board's fiduciary duty. Expected withdrawals from the account must endeavor to reduce the account to zero each fiscal year.

Section 28. Subsections (1) and (3) of section 121.4503, Florida Statutes, are amended to read:

121.4503 ~~Florida Retirement System Contributions Clearing Trust Fund~~.—

(1) The Florida Retirement System Contributions Clearing Trust Fund is created as a clearing fund for disbursing employer and employee contributions to the component plans of the Florida Retirement System and shall be administered by the Department of Management Services. Funds shall be credited to the trust fund as provided in this chapter and ~~shall be~~ held in trust for the contributing employees and employers until such time as the assets are transferred by the department to the Florida Retirement System Trust Fund, the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ Trust Fund, or other trust funds as authorized by law, to be used for the purposes of this chapter. The trust fund is exempt from the service charges imposed by s. 215.20.

(3) The Department of Management Services may adopt rules governing the receipt and disbursement of amounts received by the Florida Retirement System Contributions Clearing Trust Fund from employers

and employees contributing to the component plans of the Florida Retirement System.

Section 29. Section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ shall be made as follows:

(1) ~~CONTRIBUTORY NONCONTRIBUTORY~~ PLAN.—Each employer and employee shall ~~submit~~ accomplish the contributions as required by s. 121.71 ~~by a procedure in which no employee's gross salary shall be reduced~~.

(2) CONTRIBUTION RATES GENERALLY.—Contributions to fund the retirement and disability benefits provided under this part ~~shall~~ be based on the uniform contribution rates established by s. 121.71 and on the membership class or subclass of the ~~member participant~~. Such contributions ~~shall~~ be allocated as provided in ss. 121.72 and 121.73.

(3) CONTRIBUTIONS FOR SOCIAL SECURITY COVERAGE AND FOR RETIREE HEALTH INSURANCE SUBSIDY.—Contributions required under s. ~~121.71~~ are ~~this section shall be~~ in addition to employer and member contributions ~~required~~ for social security and the Retiree Health Insurance Subsidy Trust Fund as ~~required under~~ provided in ss. 112.363, 121.052, 121.055, and 121.071, as appropriate.

Section 30. Section 121.591, Florida Statutes, is amended to read:

121.591 ~~Payment of benefits payable under the Public Employee Optional Retirement Program of the Florida Retirement System~~.—Benefits may not be paid under the ~~Florida Retirement System Investment Plan this section~~ unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed ~~as in the manner~~ prescribed by the state board or the department. ~~Before termination of employment, benefits, including employee contributions, are not payable under the investment plan for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason prior to termination from all employment relationships with participating employers.~~ The state board or department, as appropriate, may cancel an application for retirement benefits ~~if when~~ the member or beneficiary fails to timely provide the information and documents required by this chapter and the rules of the state board and department. In accordance with their respective responsibilities ~~as provided herein~~, the state board of ~~Administration~~ and the department of ~~Management Services~~ shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application ~~if when~~ the required information or documents are not received. The state board of ~~Administration~~ and the department of ~~Management Services~~, as appropriate, are authorized to cash out a de minimis account of a ~~member participant~~ who has been terminated from Florida Retirement System covered employment for a minimum of 6 calendar months. A de minimis account is an account containing employer and employee contributions and accumulated earnings of not more than \$5,000 made under the provisions of this chapter. Such cash-out must ~~either~~ be a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or a lump-sum direct rollover distribution paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code, on behalf of the ~~member participant~~. ~~Any nonvested accumulations and associated service credit, including amounts transferred to the suspense account of the Florida Retirement System Investment Plan Trust Fund authorized under s. 121.4501(6), shall be forfeited upon payment of any vested benefit to a member or beneficiary, except for de minimis distributions or minimum required distributions as provided under this section.~~ If any financial instrument issued for the payment of retirement benefits under this section is not presented for payment within 180 days after the last day of the month in which it was originally issued, the third-party administrator or other duly authorized agent of the state board of ~~Administration~~ shall cancel the instrument and credit the amount of the instrument to the suspense account of the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~ Trust Fund authorized under s. 121.4501(6). Any ~~such~~ amounts transferred to the suspense account are payable upon a proper application, not to include earnings thereon, as provided in this section,

within 10 years after the last day of the month in which the instrument was originally issued, after which time such amounts and any earnings attributable to employer contributions thereon shall be forfeited. Any such forfeited amounts are assets of the Public Employee Optional Retirement Program trust fund and are not subject to the provisions of chapter 717.

(1) NORMAL BENEFITS.—Under the investment plan ~~Public Employee Optional Retirement Program~~:

(a) Benefits in the form of vested accumulations as described in s. 121.4501(6) are payable under this subsection in accordance with the following terms and conditions:

1. ~~To the extent vested~~, Benefits are payable only to a member, an alternate payee of a qualified domestic relations order, or a beneficiary participant.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. ~~To receive benefits~~, The member participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

4. Benefit payments may not be made until the member participant has been terminated for 3 calendar months, except that the state board may authorize by rule for the distribution of up to 10 percent of the member's participant's account after being terminated for 1 calendar month if the member participant has reached the normal retirement date as defined in s. 121.021 of the defined benefit plan.

5. If a member or former member of the Florida Retirement System receives an invalid distribution from the ~~Public Employee Optional Retirement Program Trust Fund~~, such person must either repay the full amount ~~invalid distribution to the trust fund~~ within 90 days after receipt of final notification by the state board or the third-party administrator that the distribution was invalid, or, in lieu of repayment, the member must terminate employment from all participating employers. If such person fails to repay the full invalid distribution within 90 days after receipt of final notification, the person may be deemed retired from the investment plan ~~optional retirement program~~ by the state board, ~~as provided pursuant to s. 121.4501(2)(k)~~, and is subject to s. 121.122. If such person is deemed retired by the state board, any joint and several liability set out in s. 121.091(9)(d)2. ~~is becomes null and void~~, and the state board, the department, or the employing agency is not liable for gains on payroll contributions that have not been deposited to the person's account in the investment plan ~~retirement program~~, pending resolution of the invalid distribution. The member or former member who has been deemed retired or who has been determined by the state board to have taken an invalid distribution may appeal the agency decision through the complaint process as provided under s. 121.4501(9)(g)3. As used in this subparagraph, the term "invalid distribution" means any distribution from an account in the investment plan ~~optional retirement program~~ which is taken in violation of this section, s. 121.091(9), or s. 121.4501.

(b) If a member participant elects to receive his or her benefits upon termination of employment as defined in s. 121.021, the member participant must submit a written application or an application by electronic means to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The member participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit ~~is shall be~~ payable to the member pro rata across all Florida Retirement System benefit sources ~~participant~~, as:

1. A lump-sum or partial distribution to the member participant;
2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the member's participant's account directly to the custodian of an eligible retirement

plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the member participant; or

3. Periodic distributions, as authorized by the state board.

(d) The distribution payment method selected by the member or beneficiary, and the retirement of the member or beneficiary, is final and irrevocable at the time a benefit distribution payment is cashed, deposited, or transferred to another financial institution. Any additional service that remains unclaimed at retirement may not be claimed or purchased, and the type of retirement may not be changed, except that if a member recovers from a disability, the member may subsequently request benefits under subsection (2).

(e) A member may not receive a distribution of employee contributions if a pending qualified domestic relations order is filed against the member's investment plan account.

(2) DISABILITY RETIREMENT BENEFITS.—Benefits provided under this subsection are payable in lieu of the benefits that which would otherwise be payable under the provisions of subsection (1). Such benefits must shall be funded entirely from employer contributions made under s. 121.571, transferred employee contributions and participant funds accumulated pursuant to paragraph (a), and interest and earnings thereon. ~~Pursuant thereto~~:

(a) Transfer of funds.—To qualify to receive monthly disability benefits under this subsection:

1. All moneys accumulated in the member's account ~~participant's Public Employee Optional Retirement Program accounts~~, including vested and nonvested accumulations as described in s. 121.4501(6), must shall be transferred from such individual accounts to the division of Retirement for deposit in the disability account of the Florida Retirement System Trust Fund. Such moneys must shall be separately accounted for separately. Earnings must shall be credited on an annual basis for amounts held in the disability accounts of the Florida Retirement System Trust Fund based on actual earnings of the ~~Florida Retirement System~~ trust fund.

2. If the member participant has retained retirement credit ~~he or she had earned~~ under the pension plan ~~defined benefit program of the Florida Retirement System~~ as provided in s. 121.4501(3)(b), a sum representing the actuarial present value of such credit within the Florida Retirement System Trust Fund shall be reassigned by the division of Retirement from the pension plan ~~defined benefit program~~ to the disability program as implemented under this subsection and shall be deposited in the disability account of the Florida Retirement System trust fund. Such moneys must shall be separately accounted for separately.

(b) Disability retirement; entitlement.—

1. A member participant of the investment plan ~~Public Employee Optional Retirement Program~~ who becomes totally and permanently disabled, as defined in paragraph (d) ~~s. 121.091(4)(b)~~, after completing 8 years of creditable service, or a member participant who becomes totally and permanently disabled in the line of duty regardless of his or her length of service, ~~is shall be~~ entitled to a monthly disability benefit ~~as provided herein~~.

2. In order for service to apply toward the 8 years of creditable service required to vest for regular disability benefits, or toward the creditable service used in calculating a service-based benefit as provided for under paragraph (g), the service must be creditable service as described below:

a. The member's participant's period of service under the investment plan shall ~~Public Employee Optional Retirement Program~~ will be considered creditable service, except as provided in subparagraph d.

b. If the member participant has elected to retain credit for his or her service under the pension plan ~~defined benefit program of the Florida Retirement System~~ as provided under s. 121.4501(3)(b), all such service shall will be considered creditable service.

c. If the member elects ~~participant has elected~~ to transfer to his or her member participant accounts a sum representing the present value of his or her retirement credit under the pension plan ~~defined benefit program~~ as provided under s. 121.4501(3)(e), the period of service under the

~~pension plan defined benefit program~~ represented in the present value amounts transferred ~~shall will~~ be considered creditable service for ~~purposes of vesting for disability benefits~~, except as provided in subparagraph d.

d. ~~If a member~~ ~~Whenever a participant~~ has terminated employment and has taken distribution of his or her funds as provided in subsection (1), all creditable service represented by such distributed funds is forfeited for purposes of this subsection.

(c) *Disability retirement effective date.*—The effective retirement date for a ~~member participant~~ who applies and is approved for disability retirement shall be established as provided under s. 121.091(4)(a)2. and 3.

(d) *Total and permanent disability.*—A ~~member participant~~ shall be considered totally and permanently disabled if, in the opinion of the division, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.

(e) *Proof of disability.*—~~The division~~. Before approving payment of any disability retirement benefit, ~~the division~~ shall require proof that the ~~member participant~~ is totally and permanently disabled ~~in the same manner~~ as provided for members of the ~~defined benefit program of the Florida Retirement System~~ under s. 121.091(4)(c).

(f) *Disability retirement benefit.*—Upon the disability retirement of a ~~member participant~~ under this subsection, the ~~member participant~~ shall receive a monthly benefit that ~~begins accruing~~ ~~shall begin to accrue~~ on the first day of the month of disability retirement, as approved by the division, and ~~is shall be~~ payable on the last day of that month and each month thereafter during his or her lifetime and continued disability. All disability benefits ~~must payable to such member~~ shall be paid out of the disability account of the Florida Retirement System Trust Fund established under this subsection.

(g) *Computation of disability retirement benefit.*—The amount of each monthly payment ~~must shall~~ be calculated ~~in the same manner~~ as provided for members of the ~~defined benefit program of the Florida Retirement System~~ under s. 121.091(4)(f). For such purpose, Creditable service under both the ~~pension plan defined benefit program~~ and the ~~investment plan Public Employee Optional Retirement Program of the Florida Retirement System~~ shall be applicable as provided under paragraph (b).

(h) *Reapplication.*—A ~~member participant~~ whose initial application for disability retirement ~~is has been~~ denied may reapply for disability benefits ~~in the same manner, and under the same conditions~~, as provided ~~in for members of the defined benefit program of the Florida Retirement System~~ under s. 121.091(4)(g).

(i) *Membership.*—Upon approval of a ~~member's an~~ application for disability benefits ~~under this subsection~~, the ~~member applicant~~ shall be transferred to the ~~pension plan defined benefit program of the Florida Retirement System~~, effective upon his or her disability retirement effective date.

(j) *Option to cancel.*—A ~~member Any participant~~ whose application for disability benefits is approved may cancel ~~the his or her~~ application ~~if for disability benefits, provided that~~ the cancellation request is received by the division before a disability retirement warrant has been deposited, cashed, or received by direct deposit. Upon ~~such~~ cancellation:

1. The ~~member's participant's~~ transfer to the ~~pension plan defined benefit program~~ under paragraph (i) shall be nullified;

2. The ~~member participant~~ shall be retroactively reinstated in the ~~investment plan Public Employee Optional Retirement Program~~ without hiatus;

3. All funds transferred to the Florida Retirement System Trust Fund under paragraph (a) ~~must shall~~ be returned to the ~~member participant~~ accounts from which ~~the such~~ funds were drawn; and

4. The ~~member participant~~ may elect to receive the benefit payable under the provisions of subsection (1) in lieu of disability benefits ~~as provided under this subsection~~.

(k) *Recovery from disability.*—

1. The division may require periodic reexaminations at the expense of the disability program account of the Florida Retirement System Trust Fund. Except as otherwise provided in subparagraph 2., ~~the requirements, procedures, and restrictions relating to the conduct and review of such reexaminations, discontinuation or termination of benefits, reentry into employment, disability retirement after reentry into covered employment, and all other matters relating to recovery from disability shall be the same as provided are set forth~~ under s. 121.091(4)(h).

2. Upon recovery from disability, ~~the any~~ recipient of disability retirement benefits under this subsection shall be a compulsory member of the ~~investment plan Public Employee Optional Retirement Program of the Florida Retirement System~~. The net difference between the recipient's original account balance transferred to the Florida Retirement System Trust Fund, including earnings, ~~under paragraph (a)~~ and total disability benefits paid to such recipient, if any, shall be determined as provided in sub-subparagraph a.

a. An amount equal to the total benefits paid shall be subtracted from that portion of the transferred account balance consisting of vested accumulations as described under s. 121.4501(6), if any, and an amount equal to the remainder of benefit amounts paid, if any, shall ~~then~~ be subtracted from any remaining ~~portion consisting of~~ nonvested accumulations ~~as described under s. 121.4501(6)~~.

b. Amounts subtracted under sub-subparagraph a. ~~must shall~~ be retained within the disability account of the Florida Retirement System Trust Fund. Any remaining account balance shall be transferred to the third-party administrator for disposition as provided under sub-subparagraph c. or sub-subparagraph d., as appropriate.

c. If the recipient returns to covered employment, transferred amounts ~~must shall~~ be deposited in individual accounts under the ~~investment plan Public Employee Optional Retirement Program~~, as directed by the ~~member participant~~. Vested and nonvested amounts shall be ~~separately~~ accounted for ~~separately~~ as provided in s. 121.4501(6).

d. If the recipient fails to return to covered employment upon recovery from disability:

(I) Any remaining vested amount ~~must shall~~ be deposited in individual accounts under the ~~investment plan Public Employee Optional Retirement Program~~, as directed by the ~~member participant~~, and ~~is shall~~ be payable as provided in subsection (1).

(II) Any remaining nonvested amount ~~must shall~~ be held in a suspense account and ~~is shall be~~ forfeitable after 5 years as provided in s. 121.4501(6).

3. If present value was reassigned from the ~~pension plan defined benefit program~~ to the disability program of the ~~Florida Retirement System~~ as provided under subparagraph (a)2., the full present value amount ~~must shall~~ be returned to the defined benefit account within the Florida Retirement System Trust Fund and the ~~member's affected individual's~~ associated retirement credit under the ~~pension plan must defined benefit program~~ shall be reinstated in full. Any benefit based upon such credit ~~must shall~~ be calculated as provided in s. 121.091(4)(h) 1.

(l) *Nonadmissible causes of disability.*—A ~~member is participant~~ shall not be entitled to ~~receive~~ a disability retirement benefit if the disability results from any injury or disease ~~sustained or inflicted~~ as described in s. 121.091(4)(i).

(m) *Disability retirement of justice or judge by order of Supreme Court.*—

1. If a ~~member participant~~ is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for ~~the years equal to, or greater than, the vesting requirement in s. 121.021(45) 6 years or more~~ as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability ~~by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission~~ pursuant to s. 12, the provisions of Art. V of the State Constitution, the ~~member's participant's~~ Option 1 monthly disability benefit amount as provided in s. 121.091(6)(a)1. shall be two-thirds of his

or her monthly compensation as of the ~~member's participant's~~ disability retirement date. ~~The member~~ Such a participant may alternatively elect to receive an actuarially adjusted disability retirement benefit under any other option as provided in s. 121.091(6)(a), or to receive the normal benefit payable under the ~~Public Employee Optional Retirement Program as set forth in~~ subsection (1).

2. If any justice or judge who is a ~~member participant~~ of the ~~investment plan Public Employee Optional Retirement Program of the Florida Retirement System~~ is retired for disability by order of the ~~Supreme Court upon recommendation of the Judicial Qualifications Commission~~ pursuant to s. 12, the provisions of Art. V of the State Constitution and elects to receive a monthly disability benefit under the provisions of this paragraph:

a. Any present value amount that was transferred to his or her ~~investment plan program~~ account and all employer and employee contributions made to such account on his or her behalf, plus interest and earnings thereon, ~~must~~ shall be transferred to and deposited in the disability account of the Florida Retirement System Trust Fund; and

b. The monthly ~~disability~~ benefits payable under this paragraph ~~for any affected justice or judge retired from the Florida Retirement System pursuant to Art. V of the State Constitution~~ shall be paid from the disability account of the Florida Retirement System Trust Fund.

(n) *Death of retiree or beneficiary.*—Upon the death of a disabled retiree or beneficiary of the retiree thereof who is receiving monthly disability benefits under this subsection, the monthly benefits shall be paid through the last day of the month of death and shall terminate, or be adjusted, if applicable, as of that date in accordance with the optional form of benefit selected at the time of retirement. The department of ~~Management Services~~ may adopt rules necessary to administer this paragraph.

(3) DEATH BENEFITS.—Under the ~~Florida Retirement System Investment Plan Public Employee Optional Retirement Program~~:

(a) Survivor benefits ~~are shall be~~ payable in accordance with the following terms and conditions:

1. To the extent vested, benefits ~~are shall be~~ payable only to a ~~member's participant's~~ beneficiary or beneficiaries as designated by the ~~member participant~~ as provided in s. 121.4501(20).

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable *state board rule or policy*.

3. To receive benefits ~~under this subsection~~, the ~~member participant~~ must be deceased.

(b) In the event of a ~~member's participant's~~ death, all vested accumulations as described in s. 121.4501(6), less withholding taxes remitted to the Internal Revenue Service, shall be distributed, as provided in paragraph (c) or as described in s. 121.4501(20), as if the ~~member participant~~ retired on the date of death. No other death benefits ~~are shall be~~ available for survivors of ~~members participants~~ under the ~~Public Employee Optional Retirement Program~~, except for such benefits, or coverage for such benefits, as are otherwise provided by law or ~~are~~ separately ~~provided afforded~~ by the employer, at the employer's discretion.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit ~~is shall be~~ payable by the third-party administrator to the ~~member's participant's~~ surviving beneficiary or beneficiaries, as:

1. A lump-sum distribution payable to the beneficiary or beneficiaries, or to the deceased ~~member's participant's~~ estate;

2. An eligible rollover distribution, *if permitted*, on behalf of the surviving spouse of a deceased ~~member participant~~, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased ~~member's participant's~~ account directly to the custodian of an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse; or

3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased ~~member's participant's~~ surviving spouse

or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an eligible retirement plan, *if permitted*, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the ~~member participant~~ or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

(4) LIMITATION ON LEGAL PROCESS.—The benefits payable to any person under the *Florida Retirement System Investment Plan Public Employee Optional Retirement Program*, and any contributions accumulated under ~~the plan such program~~, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

Section 31. Section 121.5911, Florida Statutes, is amended to read:

121.5911 Disability retirement program; qualified status; rulemaking authority.—It is the intent of the Legislature that the disability retirement program for ~~members participants~~ of the *Florida Retirement System Investment Plan Public Employee Optional Retirement Program* ~~as created in this act~~ must meet all applicable requirements of federal law for a qualified plan. The department of ~~Management Services~~ shall seek a private letter ruling from the Internal Revenue Service on the disability retirement program for ~~participants of the Public Employee Optional Retirement Program~~. Consistent with the private letter ruling, the department of ~~Management Services~~ shall adopt ~~any necessary~~ rules ~~necessary required~~ to maintain the qualified status of the disability retirement program and the Florida Retirement System ~~defined benefit~~ Plan.

Section 32. Section 121.70, Florida Statutes, is amended to read:

121.70 Legislative purpose and intent.—

(1) This part provides for a uniform system for funding benefits provided under the Florida Retirement System *Pension Plan defined benefit program* established under part I of this chapter (referred to in this part as the *pension plan defined benefit program*) and under the *Florida Retirement System Investment Plan Public Employee Optional Retirement Program* established under part II of this chapter (referred to in this part as the *investment plan optional retirement program*). The Legislature recognizes and declares that the Florida Retirement System is a single retirement system, consisting of two retirement plans and other nonintegrated programs. *Employees and employers* participating in the Florida Retirement System collectively shall be responsible for making contributions to support the benefits ~~provided afforded~~ under both plans. ~~The employees and~~ As provided in this part, employers participating in the Florida Retirement System shall make contributions based upon uniform contribution rates determined as a percentage of the ~~employee's gross monthly compensation total payroll~~ for the employee's each class or subclass of Florida Retirement System membership, irrespective of the ~~which~~ retirement plan in which the individual employee is enrolled ~~employees may elect~~. This shall be known as a uniform or blended contribution rate system.

(2) In establishing a uniform contribution rate system, it is the intent of the Legislature to:

(a) Provide greater stability and certainty in financial planning and budgeting for Florida Retirement System employers by eliminating the fiscal instability that would be caused by dual rates coupled with employee-selected plan participation;

(b) Provide greater fiscal equity and uniformity for system employers by effectively distributing the financial burden and benefit of short-term system deficits and surpluses, respectively, in proportion to total system payroll; and

(c) Allow employees to make their retirement plan selection decisions free of circumstances that may cause employers to favor one plan choice over another.

Section 33. Section 121.71, Florida Statutes, is amended to read:

121.71 Uniform rates; process; calculations; levy.—

(1) In conducting the system actuarial study required under s. 121.031, the actuary shall follow all requirements specified ~~thereunder~~ to determine, by Florida Retirement System employee membership class, the dollar contribution amounts necessary for the ~~next forthcoming~~ fiscal year for the ~~investment plan defined benefit program~~. In addition, the actuary shall determine, by Florida Retirement System membership class, based on an estimate for the ~~next forthcoming~~ fiscal year of the gross compensation of employees participating in the ~~investment plan optional retirement program~~, the dollar contribution amounts necessary to make the allocations required under ss. 121.72 and 121.73. For each employee membership class and subclass, the actuarial study ~~must shall~~ establish a uniform rate necessary to fund the benefit obligations under both Florida Retirement System retirement plans by dividing the sum of total dollars required by the estimated gross compensation of members in both plans.

(2) Based on the uniform rates set forth in ~~subsections subsection~~ (3), (4), and (5), employees and employers shall make monthly contributions to the Division of Retirement as required in s. 121.061(1), which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer and employee contribution may be made on or after the beginning date of the change. *Beginning July 1, 2011, each employee shall contribute the contributions required in subsection (3). The employer shall deduct the contribution from the employee's monthly salary, and the contribution shall be submitted to the division. These contributions shall be reported as employer-paid employee contributions, and credited to the account of the employee. The contributions shall be deducted from the employee's salary before the computation of applicable federal taxes and treated as employer contributions under 26 U.S.C. s. 414(h)(2). The employer specifies that the contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee. The employee does not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the plan. Such contributions are mandatory and each employee is considered to have consented to payroll deductions. Payment of an employee's salary or wages, less the contribution, is a full and complete discharge and satisfaction of all claims and demands for the service rendered by employees during the period covered by the payment, except their claims to the benefits to which they may be entitled under this chapter.*

(3) Required employee retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2011
Regular Class	3.00%
Special Risk Class	3.00%
Special Risk Administrative Support Class	3.00%
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	3.00%
Elected Officers' Class—Justices, Judges	3.00%
Elected Officers' Class—County Elected Officers	3.00%
Senior Management Service Class	3.00%
DROP	0.00%

(4)(3) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2011 <del>2009</del>	Percentage of Gross Compensation, Effective July 1, 2012 <del>2010</del>
Regular Class	3.28% <del>8.69%</del>	3.28% <del>9.63%</del>
Special Risk Class	10.21% <del>19.76%</del>	10.21% <del>22.11%</del>
Special Risk Administrative Support Class	4.07% <del>11.39%</del>	4.07% <del>12.10%</del>
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	7.02% <del>13.32%</del>	7.02% <del>15.20%</del>
Elected Officers' Class—Justices, Judges	9.78% <del>18.40%</del>	9.78% <del>20.65%</del>
Elected Officers' Class—County Elected Officers	9.27% <del>15.37%</del>	9.27% <del>17.50%</del>
Senior Management Service Class	4.81% <del>11.96%</del>	4.81% <del>13.43%</del>
DROP	3.31% <del>9.80%</del>	3.31% <del>11.14%</del>

(5) In order to address unfunded actuarial liabilities of the system, the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2011	Percentage of Gross Compensation, Effective July 1, 2012
Regular Class	0.49%	2.16%
Special Risk Class	2.75%	8.21%
Special Risk Administrative Support Class	0.83%	21.40%
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.88%	21.76%
Elected Officers' Class—Justices, Judges	0.77%	12.86%
Elected Officers' Class—County Elected Officers	0.73%	22.05%
Senior Management Service Class	0.32%	10.51%
DROP	0.00%	6.36%

(6) If a member is reported under an incorrect membership class and the amount of contributions reported and remitted are less than the amount required, the employer shall owe the difference, plus the delinquent fee, of 1 percent for each calendar month or part thereof that the contributions should have been paid. The delinquent assessment may not be waived. If the contributions reported and remitted are more than the amount required, the employer shall receive a credit to be applied against future contributions owed.

(7)(4) The state actuary shall recognize and use an appropriate level of available excess assets of the Florida Retirement System Trust Fund to offset the difference between the normal costs of the Florida Retirement System and the statutorily prescribed contribution rates.

Section 34. Section 121.72, Florida Statutes, is amended to read:

121.72 Allocations to investment plan member ~~optional retirement program participant~~ accounts; percentage amounts.—

(1) The allocations established in subsection (4) shall fund retirement benefits under the investment plan ~~optional retirement program~~

and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the third-party administrator for deposit in each participating employee's individual account based on the membership class of the participant.

(2) The allocations are stated as a percentage of each *investment plan member's optional retirement program participant's* gross compensation for the calendar month. A change in a contribution percentage is effective the first day of the month for which *retirement contributions a full month's employer contribution* may be made on or after the beginning date of the change. Contribution percentages may be modified by general law.

(3) Employer and *employee participant* contributions to *member participant* accounts shall be accounted for separately. ~~Participant contributions may be made only if expressly authorized by law.~~ Interest and investment earnings on contributions shall accrue on a tax-deferred basis until proceeds are distributed.

(4) Effective July 1, 2002, allocations from the Florida Retirement System Contributions Clearing Trust Fund to *investment plan member optional retirement program participant* accounts ~~are shall be~~ as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	9.00%
Special Risk Class	20.00%
Special Risk Administrative Support Class	11.35%
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.40%
Elected Officers' Class—Justices, Judges	18.90%
Elected Officers' Class—County Elected Officers	16.20%
Senior Management Service Class	10.95%

Section 35. Section 121.73, Florida Statutes, is amended to read:

121.73 Allocations for *member optional retirement program participant* disability coverage; percentage amounts.—

(1) The allocations established in subsection (3) shall be used to provide disability coverage for *members participants* in the *investment plan optional retirement program* and shall be transferred monthly by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the disability account of the Florida Retirement System Trust Fund.

(2) The allocations are stated as a percentage of each *investment plan member's optional retirement program participant's* gross compensation for the calendar month. A change in a contribution percentage is effective the first day of the month for which *retirement contributions a full month's employer contribution* may be made on or after the beginning date of the change. Contribution percentages may be modified by general law.

(3) Effective July 1, 2002, allocations from the *Florida Retirement System Contributions FRS Contribution* Clearing Trust Fund to provide disability coverage for *members participants* in the *investment plan optional retirement program*, and to offset the costs of administering said coverage, ~~are shall be~~ as follows:

Membership Class	Percentage of Gross Compensation
Regular Class	0.25%
Special Risk Class	1.33%
Special Risk Administrative Support Class	0.45%

Membership Class	Percentage of Gross Compensation
Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	0.41%
Elected Officers' Class—Justices, Judges	0.73%
Elected Officers' Class—County Elected Officers	0.41%
Senior Management Service Class	0.26%

Section 36. Section 121.74, Florida Statutes, is amended to read:

121.74 Administrative and educational expenses.—In addition to contributions required under ss. ~~§~~ 121.71 and 121.73, effective July 1, 2010, through June 30, 2014, employers participating in the Florida Retirement System shall contribute an amount equal to 0.03 percent of the payroll reported for each class or subclass of Florida Retirement System membership. Effective July 1, 2014, the contribution rate shall be 0.04 percent of the payroll reported for each class or subclass of membership. The amount contributed shall be transferred by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the State Board of Administration's Administrative Trust Fund to offset the costs of administering the *investment plan optional retirement program* and the costs of providing educational services to *members of the Florida Retirement System participants in the defined benefit program and the optional retirement program*. Approval of the trustees is required before the expenditure of these funds. Payments for third-party administrative or educational expenses shall be made only pursuant to the terms of the approved contracts for such services.

Section 37. Section 121.75, Florida Statutes, is amended to read:

121.75 Allocation for *pension plan defined benefit program*.—After making the transfers required pursuant to ss. 121.71, 121.72, 121.73, and 121.74, the monthly balance of funds in the Florida Retirement System Contributions Clearing Trust Fund shall be transferred to the Florida Retirement System Trust Fund to pay the costs of providing *pension plan defined benefit program* benefits and plan administrative costs under the *pension plan defined benefit program*.

Section 38. Section 121.77, Florida Statutes, is amended to read:

121.77 Deductions from *member participant* accounts.—The State Board of Administration may authorize the third-party administrator to deduct reasonable fees and apply appropriate charges to *investment plan member optional retirement program participant* accounts. In no event ~~may shall~~ administrative and educational expenses exceed the portion of employer contributions earmarked for such expenses under this part, except for reasonable administrative charges assessed against *member participant* accounts of persons for whom no employer contributions are made during the calendar quarter. Investment management fees shall be deducted from *member participant* accounts, pursuant to the terms of the contract between the provider and the board.

Section 39. Section 121.78, Florida Statutes, is amended to read:

121.78 Payment and distribution of contributions.—

(1) Contributions made pursuant to this part shall be paid by the employer, *including the employee contribution*, to the Division of Retirement by electronic funds transfer no later than the 5th working day of the month immediately following the month during which the payroll period ended. Accompanying payroll data must be transmitted to the division concurrent with the contributions.

(2) The division, the State Board of Administration, and the third-party administrator, as applicable, shall ensure that the contributions are distributed to the appropriate trust funds or participant accounts in a timely manner.

(3)(a) *Employee and employer* contributions and accompanying payroll data received after the 5th working day of the month are considered late. The employer shall be assessed by the Division of Retirement a penalty of 1 percent of the contributions due for each calendar month or part thereof that the contributions or accompanying payroll data are late. Proceeds from the *1 percent 1 percent* assessment against con-

tributions made on behalf of ~~members participants~~ of the pension plan ~~must defined benefit program~~ shall be deposited in the Florida Retirement System Trust Fund, and proceeds from the 1-percent assessment against contributions made on behalf of ~~members participants~~ of the investment plan ~~optional retirement program~~ shall be transferred to the third-party administrator for deposit into ~~member participant~~ accounts, as provided in paragraph (c) ~~(b)~~.

(b) *Retirement contributions paid for a prior period shall be charged a delinquent fee of 1 percent for each calendar month or part thereof that the contributions should have been paid. This includes prior period contributions due to incorrect wages and contributions from an earlier report or wages and contributions that should have been reported but were not. The delinquent assessments may not be waived.*

(c) ~~(b)~~ If ~~employee contributions or contributions made by an employer on behalf of members participants of the investment plan optional retirement program or accompanying payroll data are not received within the calendar month they are due, including, but not limited to, contribution adjustments as a result of employer errors or corrections, and if that delinquency results in market losses to members participants, the employer shall reimburse each member's participant's account for market losses resulting from the late contributions. If a member participant has terminated employment and taken a distribution, the member participant is responsible for returning any excess contributions erroneously provided by employers, adjusted for any investment gain or loss incurred during the period such excess contributions were in the member's participant's account. The state board or its designated agent shall communicate to terminated members participants any obligation to repay such excess contribution amounts. However, the state board, its designated agents, the Florida Retirement System Investment Plan Public Employee Optional Retirement Program Trust Fund, the department, or the Florida Retirement System Trust Fund may not incur any loss or gain as a result of an employer's correction of such excess contributions. The third-party administrator, hired by the state board pursuant to s. 121.4501(8), shall calculate the market losses for each affected member participant. If contributions made on behalf of members participants of the investment plan optional retirement program or accompanying payroll data are not received within the calendar month due, the employer shall also pay the cost of the third-party administrator's calculation and reconciliation adjustments resulting from the late contributions. The third-party administrator shall notify the employer of the results of the calculations and the total amount due from the employer for such losses and the costs of calculation and reconciliation. The employer shall remit to the Division of Retirement the amount due within 30 working days after the date of the penalty notice sent by the division. The division shall transfer that amount to the third-party administrator, which shall deposit proceeds from the 1-percent assessment and from individual market losses into member participant accounts, as appropriate. The state board may adopt rules to administer the provisions regarding late contributions, late submission of payroll data, the process for reimbursing member participant accounts for resultant market losses, and the penalties charged to the employers.~~

(d) *If employee contributions reported by an employer on behalf of members are reduced as a result of employer errors or corrections, and the member has terminated employment and taken a refund or distribution, the employer shall be billed and is responsible for recovering from the member any excess contributions erroneously provided by the employer.*

(e) ~~(c)~~ Delinquency fees specified in paragraph (a) may be waived by the division of Retirement, with regard to pension plan ~~defined benefit program~~ contributions, and by the state board, with regard to investment plan ~~optional retirement program~~ contributions, only if, in the opinion of the division or the board, as appropriate, exceptional circumstances beyond the employer's control prevented remittance by the prescribed due date notwithstanding the employer's good faith efforts to effect delivery. Such a waiver of delinquency may be granted an employer only once each plan ~~state fiscal~~ year.

(f) *If the employer submits excess employer or employee contributions, the employer shall receive a credit to be applied against future contributions owed. The employer is responsible for reimbursing the member for any excess contributions submitted if any return of such an erroneous excess pretax contribution by the program is made within 1 year after making erroneous contributions or such other period allowed under applicable Internal Revenue guidance.*

(g) ~~(d)~~ If contributions made by an employer on behalf of ~~members participants~~ in the investment plan ~~optional retirement program~~ are

delayed in posting to ~~member participant~~ accounts due to acts of God beyond the control of the Division of Retirement, the state board, or the third-party administrator, as applicable, market losses resulting from the late contributions are not payable to the ~~members participants~~.

Section 40. Paragraph (a) of subsection (4) and paragraph (b) of subsection (5) of section 1012.875, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

1012.875 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity or other contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program, in accordance with s. 403(b) of the Internal Revenue Code. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

(4)(a)1. *Through June 30, 2011, each college must contribute on behalf of each program member participant an amount equal to 10.43 percent of the employee's participant's gross monthly compensation.*

2. *Effective July 1, 2011, each member shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of each program member an amount equal to the difference between 10.43 percent of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.*

3. The college shall deduct an amount approved by the district board of trustees of the college to provide for the administration of the optional retirement program. Payment of this contribution must be made ~~either~~ directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program ~~member participant~~.

(5)

(b) Benefits are payable under the optional retirement program to program participants or their beneficiaries, and ~~the benefits must be~~ paid only by the designated company in accordance with the terms of the contracts applicable to the program participant. Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer *and* employee contributions and the earnings thereon. Benefits funded by employer *and* employee contributions are payable in accordance with the following terms and conditions:

1. Benefits shall be payable only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable employer rule or policy.

3. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death as provided in paragraph (d). No other death benefits ~~are shall be~~ available for survivors of participants under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer at the employer's discretion.

(7) *Benefits, including employee contributions, are not payable for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason before termination from all employment relationships with participating employers for 3 calendar months.*

Section 41. (1) *Effective upon this act becoming a law, the State Board of Administration and the Department of Management Services shall request, as soon as practicable, a determination letter and private letter ruling from the United States Internal Revenue Service. If the United States Internal Revenue Service refuses to act upon a request for a*

private letter ruling, then a legal opinion from a qualified tax attorney or firm may be substituted for such private letter rulings.

(2) If the board or the department receives notification from the United States Internal Revenue Service that this act or any portion of this act will cause the Florida Retirement System, or a portion thereof, to be disqualified for tax purposes under the Internal Revenue Code, then the portion that will cause the disqualification does not apply. Upon receipt of such notice, the state board and the department shall notify the presiding officers of the Legislature.

Section 42. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 43. *For the 2011-2012 fiscal year, the sums of \$207,070 of recurring funds and \$31,184 of nonrecurring funds from the Florida Retirement System Operating Trust Fund are appropriated to, and four full-time equivalent positions are authorized for, the Division of Retirement within the Department of Management Services for the purpose of implementing this act.*

Section 44. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending ss. 110.123, 112.0801, 112.363, 112.65, and 121.011, F.S.; conforming provisions to changes made by the act; amending s. 121.021, F.S.; revising definitions; amending s. 121.051, F.S.; requiring that a local governmental entity or the governing body of a charter school or charter technical career center make certain elections regarding benefits at the time the entity or governing body joins the Florida Retirement System; requiring employee retirement contributions; providing that employer-paid employee contributions are subject to certain taxes; amending s. 121.0515, F.S.; redefining membership in the Special Risk Class; redefining criteria for Special Risk Class membership; providing for employee contributions to be used, if applicable, when purchasing credit for past service; amending s. 121.052, F.S., relating to the membership class of elected officers; conforming provisions to changes made by the act; requiring member contributions; providing for a refund of contributions under certain circumstances for an officer who leaves office; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; amending s. 121.053, F.S.; clarifying the employer contributions required for Elected Officers' Class members who participate in the Deferred Retirement Option Program; amending s. 121.055, F.S., relating to the Senior Management Service Class; conforming provisions to changes made by the act; requiring employee contributions; providing for a refund of contributions under certain circumstances for a member who terminates employment; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; limiting the payment of benefits prior to a participant's termination of employment; amending s. 121.061, F.S.; conforming provisions to changes made by the act; amending s. 121.071, F.S.; requiring employer and employee contributions to the retirement system; providing for a refund of contributions under certain circumstances following termination of employment; prohibiting such refund if an approved qualified domestic relations order is filed against the participant's retirement account; providing that a member who obtains a refund of contributions waives certain rights under the Florida Retirement System; requiring repayment plus interest of an invalid refund; amending s. 121.081, F.S.; providing and revising requirements for contributions for prior service performed on or after a certain date; amending s. 121.091, F.S.; modifying the early retirement benefit calculation for those members retiring on or after a certain date or before the normal retirement date to reflect the change in normal retirement age; revising provisions relating to disability retirement for judges; providing for the refund of accumulated contributions if a member's employment is terminated for any reason other than retirement; revis-

ing the interest rate on benefits for members enrolling in drop after a certain date; conforming provisions to changes made by the act; amending s. 121.1001, F.S.; conforming provisions to changes made by the act; amending s. 121.101, F.S.; revising the cost-of-living adjustment depending on the date of retirement; amending s. 121.1115, F.S.; conforming provisions to changes made by the act; amending s. 121.1122, F.S.; conforming provisions to changes made by the act; amending s. 121.121, F.S.; requiring that the purchase of creditable service following an authorized leave of absence be purchased at the employer and employee contribution rates in effect during the leave of absence after a certain date; amending s. 121.125, F.S.; requiring that a penalty be assessed against certain employers that fail to pay the required contributions for workers' compensation; reenacting s. 121.161, F.S.; conforming provisions to changes made by the act; amending s. 121.182, F.S.; conforming provisions to changes made by the act; amending s. 121.35, F.S., relating to the optional retirement program for the State University System; requiring employee contributions; limiting the payment of benefits before a participant's termination of employment; conforming provisions to changes made by the act; amending s. 121.355, F.S.; conforming provisions to changes made by the act; amending s. 121.4501, F.S.; changing the name of the Public Employee Optional Retirement Program to the Florida Retirement System Investment Plan; requiring members to make certain contributions to the plan; revising and providing definitions; revising the benefit commencement age for a member enrolled on or after a certain date; providing for contribution adjustments as a result of employer errors or corrections; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; providing for a pension plan participant to retain his or her prior plan choice following a return to employment; prohibiting a retiree who is re-employed from renewing membership in the plan; limiting certain refunds of contributions which exceed the amount that would have accrued had the member remained in the defined benefit program; providing certain requirements and limitations with respect to contributions; clarifying that participant and employer contributions are earmarked for specified purposes; providing duties of the third-party administrator; providing that a member is fully and immediately vested with respect to employee contributions paid by the member; providing for the forfeiture of nonvested employer contributions and service credit under certain circumstances; conforming provisions to changes made by the act; amending s. 121.4502, F.S.; changing the name of the Public Employee Optional Retirement Program Trust Fund to the Florida Retirement System Investment Plan Trust Fund; amending s. 121.4503, F.S.; providing for the deposit of employee contributions into the Florida Retirement System Contributions Clearing Trust Fund; amending s. 121.571, F.S.; providing requirements for submitting employee contributions; amending s. 121.591, F.S.; limiting the payment of benefits prior to a member's termination of employment; providing for the forfeiture of nonvested accumulations and service credits upon payment of certain vested benefits; providing that the distribution payment method selected by the member or beneficiary is final and irrevocable at the time of benefit distribution; prohibiting a distribution of employee contributions if a qualified domestic relations order is filed against the participant's account; conforming provisions to changes made by the act; amending s. 121.5911, F.S.; conforming provisions to changes made by the act; amending s. 121.70, F.S.; revising legislative intent; amending s. 121.71, F.S.; requiring that employee contributions be deducted from the employee's monthly salary, beginning on a specified date, and treated as employer contributions under certain provisions of federal law; clarifying that an employee may not receive such contributions directly; specifying the required employee retirement contribution rates for the membership of each membership class and subclass of the Florida Retirement System; specifying the required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System in order to address unfunded actuarial liabilities of the system; requiring an assessment to be imposed if the employee contributions remitted are less than the amount required under certain circumstances; providing for the employer to receive a credit for excess contributions remitted and to apply such credit against future contributions owed; amending ss. 121.72, 121.73, 121.74, 121.75, and 121.77, F.S.; conforming provisions to changes made by the act; amending s. 121.78, F.S.; requiring that certain fees be imposed for delinquent payments for retirement contributions; providing that an employer is responsible for recovering any refund provided to an employee in error; revising the terms of an authorized waiver of delinquency; requiring an employer to receive a credit for excess contributions and to reimburse an employee for excess contributions, subject to certain limitations; amending s. 1012.875, F.S.;

requiring employer and employee contributions for members of the State Community College System Optional Retirement Program on a certain date; limiting the payment of benefits prior to a participant's termination of employment; requiring the State Board of Administration and the Department of Management Services to request a determination letter and private letter ruling from the United States Internal Revenue Service; providing legislative findings; providing that the act fulfills an important state interest; providing appropriations to and authorizing additional positions for the Division of Retirement within the Department of Management Services; providing effective dates.

On motion by Senator Alexander, the Conference Committee Report on **SB 2100** was adopted. **SB 2100** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—24

Alexander	Flores	Negron
Benacquisto	Gaetz	Norman
Bennett	Garcia	Richter
Bogdanoff	Gardiner	Ring
Dean	Hays	Simmons
Detert	Jones	Storms
Diaz de la Portilla	Latvala	Thrasher
Evers	Lynn	Wise

Nays—13

Altman	Joyner	Siplin
Braynon	Margolis	Smith
Dockery	Montford	Sobel
Fasano	Rich	
Hill	Sachs	

Vote after roll call:

Yea—Mr. President

Nay—Oelrich

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2146**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2146, same being:

An act relating to the Department of Children and Family Services.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery

<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Committee Chair	<i>s/ Matt Hudson</i> Chair
Gary Aubuchon, At Large	Charles S. "Chuck" Chestnut IV,
Richard Corcoran	<i>s/ Daniel Davis</i>
<i>s/ Jose Felix Diaz</i>	James C. "Jim" Frishe
<i>s/ Gayle B. Harrell</i>	<i>s/ Dorothy L. Hukill, At Large</i>
Mia L. Jones	<i>s/ Paige Kreegel, At Large</i>
<i>s/ John Legg, At Large</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Seth McKeel, At Large</i>	Mark S. Pafford
<i>s/ William L. "Bill" Proctor,</i> At Large	Kenneth L. "Ken" Roberson
Franklin Sands, At Large	<i>s/ Darryl Ervin Rouson, At Large</i>
<i>s/ Robert C. "Rob" Schenck,</i> At Large	Ron Saunders, At Large
Will W. Weatherford, At Large	<i>s/ William D. Snyder, At Large</i>
<i>s/ Dana D. Young</i>	<i>s/ W. Gregory "Greg" Steube</i> John Wood

Managers on the part of the House

The Conference Committee Amendment for SB 2146, relating to the Department of Children and Family Services, provides for the following:

- Creates Section 409.16713, Florida Statutes.
- Requires the Department of Children and Family Services to allocate funds for community-based lead agencies according to an equity allocation model;
- Specifies the funding included and excluded from the equity model;
- Specifies the factors used in the equity model;
- Specifies the weighting for these factors to calculate the equity allocation;
- Requires that 75 percent of recurring core services funding for each lead agency be based on the prior year recurring base, and 25 percent be based on the equity allocation model; and
- Specifies that any new funds for Fiscal Year 2011-2012 be allocated based on the equity allocation model and only to those lead agencies where the current funding proportion is less than the proportion of funding based on the model.

**Conference Committee Amendment (528204)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 409.16713, Florida Statutes, is created to read:

*409.16713 Allocation of funds for community-based care lead agencies.—*

(1) *As used in this section, the term:*

(a) *"Core services funding" means all funds allocated to community-based care lead agencies operating under contract with the department pursuant to s. 409.1671, with the following exceptions:*

1. *Funds appropriated for independent living;*
2. *Funds appropriated for maintenance adoption subsidies;*

3. Funds allocated by the department for protective investigations training;

4. Nonrecurring funds;

5. Designated mental health wrap-around services funds; and

6. Funds for special projects for a designated community-based care lead agency.

(b) "Equity allocation model" means an allocation model that uses the following factors:

1. Proportion of children in poverty;

2. Proportion of child abuse hotline workload;

3. Proportion of children in care; and

4. Proportion of contribution in the reduction of out-of-home care.

(c) "Proportion of children in poverty" means the average of the proportion of children in the geographic area served by the community-based care lead agency based on the following subcomponents:

1. Children up to 18 years of age who are below the poverty level as determined by the latest available Small Area Income and Poverty Estimates (SAIPE) from the United States Census Bureau;

2. Children eligible for free or reduced-price meals as determined by the latest available survey published by the Department of Education; and

3. The number of children in families receiving benefits from the federal Supplemental Nutrition Assistance Program (SNAP) in the most recent month as determined by the department.

(d) "Proportion of child abuse hotline workload" means the weighted average of the following subcomponents:

1. The average number of initial and additional child abuse reports received during the month for the most recent 12 months based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 20 percent of the factor.

2. The average count of children in investigations in the most recent 12 months based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 40 percent of the factor.

3. The average count of children in investigations with a most serious finding of verified abuse in the most recent 12 months based on child protective investigations trend reports as determined by the department. This subcomponent shall be weighted as 40 percent of the factor.

(e) "Proportion of children in care" means the proportion of the sum of the number of children in care receiving in-home services and the number of children in out-of-home care at the end of the most recent month as reported in the child welfare services trend reports as determined by the department.

(f) "Proportion of contribution in the reduction of out-of-home care" means the proportion of the number of children in out-of-home care on December 31, 2006, minus the number of children in out-of-home care as of the end of the most recent month as reported in the child welfare services trend reports as determined by the department.

(2) The equity allocation of core services funds shall be calculated based on the following weights:

(a) Proportion of children in poverty shall be weighted as 30 percent of the total;

(b) Proportion of child abuse hotline workload shall be weighted as 30 percent of the total;

(c) Proportion of children in care shall be weighted as 30 percent of the total; and

(d) Proportion of contribution to the reduction in out-of-home care shall be weighted as 10 percent of the total.

(3) Beginning in the 2011-2012 state fiscal year, 75 percent of the recurring core services funding for each community-based care lead agency shall be based on the prior year recurring base of core services funds and 25 percent shall be based on the equity allocation model.

(4) For the 2011-2012 state fiscal year, any new core services funds shall be allocated based on the equity allocation model. Such allocations shall be proportional to the proportion of funding based on the equity model and allocated only to the community-based care lead agency contracts where the current funding proportion is less than the proportion of funding based on the equity model.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Children and Family Services; creating s. 409.16713, F.S.; defining terms; providing for the allocation of funding for community-based care lead agencies; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2146** was adopted. **SB 2146** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—25

Mr. President	Evers	Oelrich
Alexander	Fasano	Richter
Altman	Gaetz	Simmons
Benacquisto	Hays	Siplin
Bennett	Hill	Storms
Bogdanoff	Jones	Thrasher
Dean	Lynn	Wise
Detert	Negron	
Diaz de la Portilla	Norman	

Nays—13

Braynon	Latvala	Sachs
Dockery	Margolis	Smith
Flores	Montford	Sobel
Garcia	Rich	
Joyner	Ring	

## SPECIAL ORDER CALENDAR

On motion by Senator Latvala, by unanimous consent—

**CS for SB 1736**—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., relating to exclusions from part II of ch. 83, F.S., the Florida Residential Landlord and Tenant Act; clarifying that the procedures in s. 400.0255, F.S., for transfers and discharges are exclusive to residents of a nursing home licensed under part II of ch. 400, F.S.; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a provision that requires a laboratory to submit to the Agency for Health Care Administration a monthly report containing statistical information regarding the testing of employees and job applicants; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a requirement that facilities licensed under part I of ch. 395, F.S., pay licensing fees at the time of inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family

Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the terms "geriatric outpatient clinic" and "resident care plan"; amending s. 400.0234, F.S.; conforming provisions to changes made by the act; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; authorizing a facility to charge a fee to copy a resident's records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating requirements for furnishing the records of residents in a licensed nursing home to certain specified parties; amending 400.147, F.S.; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; deleting a requirement that the rules for minimum standards of care for persons under 21 years of age include a certain methodology; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; redefining the term "remuneration" for purposes of the Home Health Services Act; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; providing that a nurse registry is exempt from certain license penalties and fines otherwise imposed by the Agency for Health Care Administration on a nurse registry under certain circumstances; authorizing an administrator to manage up to five nurse registries under certain circumstances; requiring an administrator to designate, in writing, for each licensed entity, a qualified alternate administrator to serve during the administrator's absence; amending s. 400.509, F.S.; providing that organizations that provide companion services only to persons with developmental disabilities, under contract with the Agency for Persons

with Disabilities, are exempt from registration with the Agency for Health Care Administration; reenacting ss. 400.464(5)(b) and 400.506(6)(a), F.S., relating to home health agencies and licensure of nurse registries, respectively, to incorporate the amendment made to s. 400.509, F.S., in references thereto; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; requiring each applicant for initial licensure, change of ownership, or renewal to operate a licensed home medical equipment provider at a location outside the state to submit documentation of accreditation, or an application for accreditation, from an accrediting organization that is recognized by the Agency for Health Care Administration; requiring an applicant that has applied for accreditation to provide proof of accreditation within a specified time; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs at least a certain number of health care practitioners and bills for medical services under a single corporate tax identification number; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; providing that fees assessed on selected health care facilities and organizations may be collected prospectively at the time of licensure renewal and prorated for the licensing period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report to the Legislature providing information concerning the number of requests it receives for an exemption from certificate-of-need review; amending s. 408.037, F.S.; revising requirements for the financial information to be included in an application for a certificate of need; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; revising the requirements for becoming licensed as a home health agency, home medical equipment provider, or health care clinic; amending s. 408.809, F.S.; revising provisions to include a schedule for background rescreenings of certain employees; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.91196, F.S.; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; increasing the ad-

ditional licensing fee per resident based on the total licensed resident capacity of the facility; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that a biennial survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; prohibiting an assisted living facility from contracting or promising to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement with any health care provider or health care facility; providing exceptions; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.294, F.S.; conforming provisions to changes made by the act; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit to the Legislature a copy of proposed rules regarding the quality of resident care in an assisted living facility; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data semiannually to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; repealing s. 440.102(9)(d), F.S., relating to a laboratory's requirement to submit to the Agency for Health Care Administration a monthly report containing statistical information regarding the testing of employees and job applicants; amending s. 483.035, F.S.; providing for a clinical laboratory to be operated by certain nurses; amending s. 483.051, F.S.; requiring the Agency for Health Care Administration to provide for biennial licensure of all nonwaived laboratories that meet certain requirements; requiring the agency to prescribe qualifications for such licensure; defining nonwaived laboratories as laboratories that do not have a certificate of waiver from the Centers for Medicare and Medicaid Services; deleting requirements for the registration of an alternate site testing location when the clinical laboratory applies to renew its license; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 626.9541, F.S.; authorizing an insurer offering a group or individual health benefit plan to offer a wellness program; authorizing rewards or incentives; providing for verification of a member's inability to participate for medical reasons; providing that such rewards or incentives are not insurance benefits; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., to the definition of "health care provider"; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; amending s. 817.505, F.S.; providing that it is not patient brokering for an assisted living facility to offer payment under certain circumstances; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty

against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Health to adopt rules regarding the distribution of prescription drugs by blood establishments; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 1736**, on motion by Senator Latvala, by two-thirds vote **CS for CS for HB 119** was withdrawn from the Committees on Health Regulation; and Budget.

On motion by Senator Latvala, by two-thirds vote—

**CS for CS for HB 119**—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include additional staff; revising the term "resident care plan"; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete

provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensure Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident's rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term "remuneration" as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to include organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated

for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers; revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of

an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rule-making; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group practice" as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of "health care provider"; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1736** and by two-thirds vote read the second time by title.

Senator Latvala moved the following amendment:

**Amendment 1 (258560) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 83.42, Florida Statutes, is amended to read:

83.42 Exclusions from application of part.—This part does not apply to:

(1) Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services. *For residents of a facility licensed under part II of chapter 400, the provisions of s. 400.0255 are the exclusive procedures for all transfers and discharges.*

Section 2. Paragraphs (f) through (k) of subsection (10) of section 112.0455, Florida Statutes, are redesignated as paragraphs (e) through (j), respectively, paragraph (e) of subsection (12) is redesignated as paragraph (d), and present paragraph (e) of subsection (10), present paragraph (d) of subsection (12), and paragraph (e) of subsection (14) of that section are amended to read:

112.0455 Drug-Free Workplace Act.—

(10) EMPLOYER PROTECTION.—

~~(e) Nothing in this section shall be construed to operate retroactively, and nothing in this section shall abrogate the right of an employer under state law to conduct drug tests prior to January 1, 1990. A drug test conducted by an employer prior to January 1, 1990, is not subject to this section.~~

(12) DRUG-TESTING STANDARDS; LABORATORIES.—

~~(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The reports shall include information on the methods of analyses conducted, the drugs tested for, the number of positive and negative results for both initial and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. No monthly report shall identify specific employees or job applicants.~~

(14) DISCIPLINE REMEDIES.—

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.
2. Order compliance with paragraph (10)(f)(g).
3. Award back pay and benefits.
4. Award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

Section 3. Paragraph (n) of subsection (1) of section 154.11, Florida Statutes, is amended to read:

154.11 Powers of board of trustees.—

(1) The board of trustees of each public health trust shall be deemed to exercise a public and essential governmental function of both the state and the county and in furtherance thereof it shall, subject to limitation by the governing body of the county in which such board is located, have all of the powers necessary or convenient to carry out the operation and governance of designated health care facilities, including, but without limiting the generality of, the foregoing:

(n) To appoint originally the staff of physicians to practice in any designated facility owned or operated by the board and to approve the bylaws and rules to be adopted by the medical staff of any designated facility owned and operated by the board, such governing regulations to be in accordance with the standards of the Joint Commission ~~on the Accreditation of Hospitals~~ which provide, among other things, for the method of appointing additional staff members and for the removal of staff members.

Section 4. Subsection (15) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(15) Of the additional fine assessed under s. 318.18(3)(e) for a violation of s. 316.1893, 50 percent of the moneys received from the fines shall be remitted to the Department of Revenue and deposited into the Brain and Spinal Cord Injury Trust Fund of Department of Health and shall be appropriated to the Department of Health ~~Agency for Health Care Administration~~ as general revenue to provide an enhanced Medicaid payment to nursing homes that serve Medicaid recipients with brain and spinal cord injuries that are medically complex and who are technologically and respiratory dependent. The remaining 50 percent of the moneys received from the enhanced fine imposed under s. 318.18(3)(e) shall be remitted to the Department of Revenue and deposited into the Department of Health Emergency Medical Services Trust Fund to provide financial support to certified trauma centers in the counties where enhanced penalty zones are established to ensure the availability and accessibility of trauma services. Funds deposited into the Emergency Medical Services Trust Fund under this subsection shall be allocated as follows:

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

Section 5. *Section 383.325, Florida Statutes, is repealed.*

Section 6. Subsection (7) of section 394.4787, Florida Statutes, is amended to read:

394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and 394.4789.—As used in this section and ss. 394.4786, 394.4788, and 394.4789:

(7) "Specialty psychiatric hospital" means a hospital licensed by the agency pursuant to s. 395.002(26)(28) and part II of chapter 408 as a specialty psychiatric hospital.

Section 7. Subsection (2) of section 394.741, Florida Statutes, is amended to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(2) Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency's and department's facility licensure onsite review requirements and shall be accepted as a substitute for the department's administrative and program monitoring requirements, except as required by subsections (3) and (4), for:

(a) Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Council on Accreditation for Children and Family Services, or has those services that are being purchased by the department accredited by the Commission on Accreditation of Rehabilitation Facilities ~~CARF—the Rehabilitation Accreditation Commission.~~

(b) Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities ~~CARF—the Rehabilitation Accreditation Commission,~~ or the Council on Accreditation of Children and Family Services.

(c) Any network of providers from which the department or the agency purchases behavioral health care services accredited by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities ~~CARF—the Rehabilitation Accreditation Commission,~~ the Council on Accreditation of Children and Family Services, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.

Section 8. Present subsections (15) through (32) of section 395.002, Florida Statutes, are renumbered as subsections (14) through (28), respectively, and present subsections (1), (14), (24), (30), and (31) and paragraph (c) of present subsection (28) of that section are amended to read:

395.002 Definitions.—As used in this chapter:

(1) "Accrediting organizations" means *nationally recognized or approved accrediting organizations whose standards incorporate comparable licensure requirements as determined by the agency* ~~the Joint Commission on Accreditation of Healthcare Organizations, the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities, and the Accreditation Association for Ambulatory Health Care, Inc.~~

(14) "~~Initial denial determination~~" means ~~a determination by a private review agent that the health care services furnished or proposed to be furnished to a patient are inappropriate, not medically necessary, or not reasonable.~~

(24) "~~Private review agent~~" means ~~any person or entity which performs utilization review services for third party payors on a contractual basis for outpatient or inpatient services. However, the term shall not include full time employees, personnel, or staff of health insurers, health~~

~~maintenance organizations, or hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, when performing utilization review for their respective hospitals, health maintenance organizations, or insureds of the same insurance group. For this purpose, health insurers, health maintenance organizations, and hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, include such entities engaged as administrators of self insurance as defined in s. 624.031.~~

(26)(28) "Specialty hospital" means any facility which meets the provisions of subsection (12), and which regularly makes available either:

(c) Intensive residential treatment programs for children and adolescents as defined in subsection (14) (15).

(30) "~~Utilization review~~" means ~~a system for reviewing the medical necessity or appropriateness in the allocation of health care resources of hospital services given or proposed to be given to a patient or group of patients.~~

(31) "~~Utilization review plan~~" means ~~a description of the policies and procedures governing utilization review activities performed by a private review agent.~~

Section 9. Paragraph (c) of subsection (1) and paragraph (b) of subsection (2) of section 395.003, Florida Statutes, are amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(1)

~~(e) Until July 1, 2006, additional emergency departments located off the premises of licensed hospitals may not be authorized by the agency.~~

(2)

(b) The agency shall, at the request of a licensee that is a teaching hospital as defined in s. 408.07(45), issue a single license to a licensee for facilities that have been previously licensed as separate premises, provided such separately licensed facilities, taken together, constitute the same premises as defined in s. 395.002(22)(23). Such license for the single premises shall include all of the beds, services, and programs that were previously included on the licenses for the separate premises. The granting of a single license under this paragraph shall not in any manner reduce the number of beds, services, or programs operated by the licensee.

Section 10. Subsection (3) of section 395.0161, Florida Statutes, is amended to read:

395.0161 Licensure inspection.—

(3) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part, part II of chapter 408, and applicable rules. With the exception of state-operated licensed facilities, each facility licensed under this part shall pay to the agency, ~~at the time of inspection,~~ the following fees:

(a) *Inspection for licensure.*—A fee shall be paid which is not less than \$8 per hospital bed, nor more than \$12 per hospital bed, except that the minimum fee shall be \$400 per facility.

(b) *Inspection for lifesafety only.*—A fee shall be paid which is not less than 75 cents per hospital bed, nor more than \$1.50 per hospital bed, except that the minimum fee shall be \$40 per facility.

Section 11. Paragraph (e) of subsection (2) and subsection (4) of section 395.0193, Florida Statutes, are amended to read:

395.0193 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.—

(2) Each licensed facility, as a condition of licensure, shall provide for peer review of physicians who deliver health care services at the facility. Each licensed facility shall develop written, binding procedures by which such peer review shall be conducted. Such procedures shall include:

(e) Recording of agendas and minutes which do not contain confidential material, for review by the Division of *Medical Quality Assurance of the department Health Quality Assurance of the agency*.

(4) Pursuant to ss. 458.337 and 459.016, any disciplinary actions taken under subsection (3) shall be reported in writing to the Division of *Medical Quality Assurance of the department Health Quality Assurance of the agency* within 30 working days after its initial occurrence, regardless of the pendency of appeals to the governing board of the hospital. The notification shall identify the disciplined practitioner, the action taken, and the reason for such action. All final disciplinary actions taken under subsection (3), if different from those which were reported to the *department agency* within 30 days after the initial occurrence, shall be reported within 10 working days to the Division of *Medical Quality Assurance of the department Health Quality Assurance of the agency* in writing and shall specify the disciplinary action taken and the specific grounds therefor. The division shall review each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case s. 456.073 shall apply. The reports are not subject to inspection under s. 119.07(1) even if the division's investigation results in a finding of probable cause.

Section 12. Section 395.1023, Florida Statutes, is amended to read:

395.1023 Child abuse and neglect cases; duties.—Each licensed facility shall adopt a protocol that, at a minimum, requires the facility to:

(1) Incorporate a facility policy that every staff member has an affirmative duty to report, pursuant to chapter 39, any actual or suspected case of child abuse, abandonment, or neglect; and

(2) In any case involving suspected child abuse, abandonment, or neglect, designate, at the request of the Department of *Children and Family Services*, a staff physician to act as a liaison between the hospital and the Department of Children and Family Services office which is investigating the suspected abuse, abandonment, or neglect, and the child protection team, as defined in s. 39.01, when the case is referred to such a team.

Each general hospital and appropriate specialty hospital shall comply with the provisions of this section and shall notify the agency and the Department of *Children and Family Services* of its compliance by sending a copy of its policy to the agency and the Department of *Children and Family Services* as required by rule. The failure by a general hospital or appropriate specialty hospital to comply shall be punished by a fine not exceeding \$1,000, to be fixed, imposed, and collected by the agency. Each day in violation is considered a separate offense.

Section 13. Subsection (2) and paragraph (d) of subsection (3) of section 395.1041, Florida Statutes, are amended to read:

395.1041 Access to emergency services and care.—

(2) INVENTORY OF HOSPITAL EMERGENCY SERVICES.—The agency shall establish and maintain an inventory of hospitals with emergency services. The inventory shall list all services within the service capability of the hospital, and such services shall appear on the face of the hospital license. Each hospital having emergency services shall notify the agency of its service capability in the manner and form prescribed by the agency. The agency shall use the inventory to assist emergency medical services providers and others in locating appropriate emergency medical care. The inventory shall also be made available to the general public. ~~On or before August 1, 1992, the agency shall request that each hospital identify the services which are within its service capability. On or before November 1, 1992, the agency shall notify each hospital of the service capability to be included in the inventory. The hospital has 15 days from the date of receipt to respond to the notice. By December 1, 1992, the agency shall publish a final inventory.~~ Each hospital shall reaffirm its service capability when its license is renewed and shall notify the agency of the addition of a new service or the termination of a service prior to a change in its service capability.

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.—

(d)1. Every hospital shall ensure the provision of services within the service capability of the hospital, at all times, either directly or indirectly through an arrangement with another hospital, through an arrangement

with one or more physicians, or as otherwise made through prior arrangements. A hospital may enter into an agreement with another hospital for purposes of meeting its service capability requirement, and appropriate compensation or other reasonable conditions may be negotiated for these backup services.

2. If any arrangement requires the provision of emergency medical transportation, such arrangement must be made in consultation with the applicable provider and may not require the emergency medical service provider to provide transportation that is outside the routine service area of that provider or in a manner that impairs the ability of the emergency medical service provider to timely respond to prehospital emergency calls.

3. A hospital shall not be required to ensure service capability at all times as required in subparagraph 1. if, prior to the receiving of any patient needing such service capability, such hospital has demonstrated to the agency that it lacks the ability to ensure such capability and it has exhausted all reasonable efforts to ensure such capability through backup arrangements. In reviewing a hospital's demonstration of lack of ability to ensure service capability, the agency shall consider factors relevant to the particular case, including the following:

- Number and proximity of hospitals with the same service capability.
- Number, type, credentials, and privileges of specialists.
- Frequency of procedures.
- Size of hospital.

4. The agency shall publish ~~proposed~~ rules implementing a reasonable exemption procedure ~~by November 1, 1992. Subparagraph 1. shall become effective upon the effective date of said rules or January 31, 1993, whichever is earlier. For a period not to exceed 1 year from the effective date of subparagraph 1., a hospital requesting an exemption shall be deemed to be exempt from offering the service until the agency initially acts to deny or grant the original request.~~ The agency has 45 days ~~after from~~ the date of receipt of the request to approve or deny the request. ~~After the first year from the effective date of subparagraph 1., if the agency fails to initially act within that the time period, the hospital is deemed to be exempt from offering the service until the agency initially acts to deny the request.~~

Section 14. Section 395.1046, Florida Statutes, is repealed.

Section 15. Paragraphs (b) and (e) of subsection (1) of section 395.1055, Florida Statutes, are amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(b) Infection control, housekeeping, sanitary conditions, and medical record procedures that will adequately protect patient care and safety are established and implemented. *These procedures shall require housekeeping and sanitation staff to wear masks and gloves when cleaning patient rooms and disinfecting environmental surfaces in patient rooms in accordance with the time instructions on the label of the disinfectant used by the hospital. The agency may impose an administrative fine for each day that a violation of this paragraph occurs.*

(e) Licensed facility beds conform to minimum space, equipment, and furnishings standards as specified by the *agency, the Florida Building Code, and the Florida Fire Prevention Code department*.

Section 16. Subsection (1) of section 395.10972, Florida Statutes, is amended to read:

395.10972 Health Care Risk Manager Advisory Council.—The Secretary of Health Care Administration may appoint a seven-member advisory council to advise the agency on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the secretary. The council shall designate a chair. The council shall meet at the call of the secretary or at those times as may be required by rule of the agency. The members of the advisory council shall

receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall consist of individuals representing the following areas:

(1) Two shall be active health care risk managers, including one risk manager who is recommended by and a member of the Florida Society for Healthcare Risk Management and Patient Safety.

Section 17. Subsection (3) of section 395.2050, Florida Statutes, is amended to read:

395.2050 Routine inquiry for organ and tissue donation; certification for procurement activities; death records review.—

(3) Each organ procurement organization designated by the federal Centers for Medicare and Medicaid Services Health Care Financing Administration and licensed by the state shall conduct an annual death records review in the organ procurement organization's affiliated donor hospitals. The organ procurement organization shall enlist the services of every Florida licensed tissue bank and eye bank affiliated with or providing service to the donor hospital and operating in the same service area to participate in the death records review.

Section 18. Subsection (2) of section 395.3036, Florida Statutes, is amended to read:

395.3036 Confidentiality of records and meetings of corporations that lease public hospitals or other public health care facilities.—The records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and the meetings of the governing board of a private corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution when the public lessor complies with the public finance accountability provisions of s. 155.40(5) with respect to the transfer of any public funds to the private lessee and when the private lessee meets at least three of the five following criteria:

(2) The public lessor and the private lessee do not commingle any of their funds in any account maintained by either of them, other than the payment of the rent and administrative fees or the transfer of funds pursuant to s. 155.40 subsection (2).

Section 19. Section 395.3037, Florida Statutes, is repealed.

Section 20. Subsections (1), (4), and (5) of section 395.3038, Florida Statutes, are amended to read:

395.3038 State-listed primary stroke centers and comprehensive stroke centers; notification of hospitals.—

(1) The agency shall make available on its website and to the department a list of the name and address of each hospital that meets the criteria for a primary stroke center and the name and address of each hospital that meets the criteria for a comprehensive stroke center. The list of primary and comprehensive stroke centers shall include only those hospitals that attest in an affidavit submitted to the agency that the hospital meets the named criteria, or those hospitals that attest in an affidavit submitted to the agency that the hospital is certified as a primary or a comprehensive stroke center by the Joint Commission on Accreditation of Healthcare Organizations.

(4) The agency shall adopt by rule criteria for a primary stroke center which are substantially similar to the certification standards for primary stroke centers of the Joint Commission on Accreditation of Healthcare Organizations.

(5) The agency shall adopt by rule criteria for a comprehensive stroke center. However, if the Joint Commission on Accreditation of Healthcare Organizations establishes criteria for a comprehensive stroke center, the agency shall establish criteria for a comprehensive stroke center which are substantially similar to those criteria established by the Joint Commission on Accreditation of Healthcare Organizations.

Section 21. Paragraph (d) of subsection (2) of section 395.4025, Florida Statutes, is amended to read:

395.4025 Trauma centers; selection; quality assurance; records.—

(2)

(d)1. Notwithstanding other provisions in this section, the department may grant up to an additional 18 months to a hospital applicant that is unable to meet all requirements as provided in paragraph (c) at the time of application if the number of applicants in the service area in which the applicant is located is equal to or less than the service area allocation, as provided by rule of the department. An applicant that is granted additional time pursuant to this paragraph shall submit a plan for departmental approval which includes timelines and activities that the applicant proposes to complete in order to meet application requirements. Any applicant that demonstrates an ongoing effort to complete the activities within the timelines outlined in the plan shall be included in the number of trauma centers at such time that the department has conducted a provisional review of the application and has determined that the application is complete and that the hospital has the critical elements required for a trauma center. *An applicant that has received an additional 18 months pursuant to this paragraph shall be granted up to two additional 6-month extensions to meet all requirements as provided in paragraph (c), if construction related to a critical element is delayed as a result of governmental action or inaction with respect to regulations or permitting, and the applicant has made a good faith effort to comply with the applicable regulations or obtain the required permits.*

2. Timeframes provided in subsections (1)-(8) shall be stayed until the department determines that the application is complete and that the hospital has the critical elements required for a trauma center.

Section 22. Paragraph (e) of subsection (2) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

(2) DEFINITIONS.—As used in this part:

(e) "Rural hospital" means an acute care hospital licensed under this chapter, having 100 or fewer licensed beds and an emergency room, which is:

1. The sole provider within a county with a population density of no greater than 100 persons per square mile;

2. An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county;

3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

~~4. A hospital in a constitutional charter county with a population of over 1 million persons that has imposed a local option health service tax pursuant to law and in an area that was directly impacted by a catastrophic event on August 24, 1992, for which the Governor of Florida declared a state of emergency pursuant to chapter 125, and has 120 beds or less that serves an agricultural community with an emergency room utilization of no less than 20,000 visits and a Medicaid inpatient utilization rate greater than 15 percent;~~

~~4.5. A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this subparagraph, the term "service area" means the fewest number of zip codes that account for 75 percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or~~

~~5.6. A hospital designated as a critical access hospital, as defined in s. 408.07(15).~~

Population densities used in this paragraph must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room, ~~or meets the criteria of subparagraph 4.~~ An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this para-

graph shall be granted such designation upon application, including supporting documentation to the Agency for Health Care Administration.

Section 23. Subsections (8) and (16) of section 400.021, Florida Statutes, are amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(8) “Geriatric outpatient clinic” means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant, *or a licensed practical nurse under the direct supervision of a registered nurse, advanced registered nurse practitioner, physician assistant, or physician.*

(16) “Resident care plan” means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident; the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being; a listing of services provided within or outside the facility to meet those needs; and an explanation of service goals. ~~The resident care plan must be signed by the director of nursing or another registered nurse employed by the facility to whom institutional responsibilities have been delegated and by the resident, the resident’s designee, or the resident’s legal representative. The facility may not use an agency or temporary registered nurse to satisfy the foregoing requirement and must document the institutional responsibilities that have been delegated to the registered nurse.~~

Section 24. Paragraph (g) of subsection (2) of section 400.0239, Florida Statutes, is amended to read:

400.0239 Quality of Long-Term Care Facility Improvement Trust Fund.—

(2) Expenditures from the trust fund shall be allowable for direct support of the following:

(g) Other initiatives authorized by the Centers for Medicare and Medicaid Services for the use of federal civil monetary penalties, ~~including projects recommended through the Medicaid “Up or Out” Quality of Care Contract Management Program pursuant to s. 400.148.~~

Section 25. Subsection (15) of section 400.0255, Florida Statutes, is amended to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(15)(a) The department’s Office of Appeals Hearings shall conduct hearings under this section. The office shall notify the facility of a resident’s request for a hearing.

(b) The department shall, by rule, establish procedures to be used for fair hearings requested by residents. These procedures shall be equivalent to the procedures used for fair hearings for other Medicaid cases *appearing in s. 409.285 and applicable rules, chapter 10-2, part VI, Florida Administrative Code.* The burden of proof must be clear and convincing evidence. A hearing decision must be rendered within 90 days after receipt of the request for hearing.

(c) If the hearing decision is favorable to the resident who has been transferred or discharged, the resident must be readmitted to the facility’s first available bed.

(d) The decision of the hearing officer shall be final. Any aggrieved party may appeal the decision to the district court of appeal in the appellate district where the facility is located. Review procedures shall be conducted in accordance with the Florida Rules of Appellate Procedure.

Section 26. Subsection (2) of section 400.063, Florida Statutes, is amended to read:

400.063 Resident protection.—

(2) The agency is authorized to establish for each facility, subject to intervention by the agency, a separate bank account for the deposit to the credit of the agency of any moneys received from the Health Care Trust Fund or any other moneys received for the maintenance and care of residents in the facility, and the agency is authorized to disburse moneys from such account to pay obligations incurred for the purposes of this section. The agency is authorized to requisition moneys from the Health Care Trust Fund in advance of an actual need for cash on the basis of an estimate by the agency of moneys to be spent under the authority of this section. Any bank account established under this section need not be approved in advance of its creation as required by s. 17.58, but shall be secured by depository insurance equal to or greater than the balance of such account or by the pledge of collateral security ~~in conformance with criteria established in s. 18.11.~~ The agency shall notify the Chief Financial Officer of any such account so established and shall make a quarterly accounting to the Chief Financial Officer for all moneys deposited in such account.

Section 27. Subsections (1) and (5) of section 400.071, Florida Statutes, are amended to read:

400.071 Application for license.—

(1) In addition to the requirements of part II of chapter 408, the application for a license shall be under oath and must contain the following:

(a) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

~~(b) A signed affidavit disclosing any financial or ownership interest that a controlling interest as defined in part II of chapter 408 has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.~~

~~(c) The total number of beds and the total number of Medicare and Medicaid-certified beds.~~

~~(b)(d)~~ Information relating to the applicant and employees which the agency requires by rule. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

~~(c) Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents’ rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility’s licensure file and in an agency database which is available as a public record.~~

(5) As a condition of licensure, each facility must establish ~~and submit with its application~~ a plan for quality assurance and for conducting risk management.

Section 28. Section 400.0712, Florida Statutes, is amended to read:

400.0712 Application for inactive license.—

~~(1) As specified in this section, the agency may issue an inactive license to a nursing home facility for all or a portion of its beds. Any request by a licensee that a nursing home or portion of a nursing home become inactive must be submitted to the agency in the approved format. The facility may not initiate any suspension of services, notify residents, or initiate inactivity before receiving approval from the agency, and a licensee that violates this provision may not be issued an inactive license.~~

~~(1)(2)~~ In addition to the powers granted under part II of chapter 408, the agency may issue an inactive license for a portion of the total beds to

a nursing home that chooses to use an unoccupied contiguous portion of the facility for an alternative use to meet the needs of elderly persons through the use of less restrictive, less institutional services.

(a) An inactive license issued under this subsection may be granted for a period not to exceed the current licensure expiration date but may be renewed by the agency at the time of licensure renewal.

(b) A request to extend the inactive license must be submitted to the agency in the approved format and approved by the agency in writing.

(c) Nursing homes that receive an inactive license to provide alternative services shall not receive preference for participation in the Assisted Living for the Elderly Medicaid waiver.

~~(2)(g)~~ The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement this section.

Section 29. Section 400.111, Florida Statutes, is amended to read:

400.111 Disclosure of controlling interest.—In addition to the requirements of part II of chapter 408, *when requested by the agency*, the licensee shall submit a signed affidavit disclosing any financial or ownership interest that a controlling interest has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.

Section 30. Subsection (2) of section 400.1183, Florida Statutes, is amended to read:

400.1183 Resident grievance procedures.—

(2) Each facility shall maintain records of all grievances and shall ~~retain a log for agency inspection of~~ ~~report to the agency at the time of relicensure~~ the total number of grievances handled ~~during the prior licensure period~~, a categorization of the cases underlying the grievances, and the final disposition of the grievances.

Section 31. Section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(a) Be under the administrative direction and charge of a licensed administrator.

(b) Appoint a medical director licensed pursuant to chapter 458 or chapter 459. The agency may establish by rule more specific criteria for the appointment of a medical director.

(c) Have available the regular, consultative, and emergency services of physicians licensed by the state.

(d) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter or chapter 429, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. In order to be eligible for the repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits, a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under this paragraph may not be held liable in any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign

an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided in this paragraph. A pharmacist who repackages and relabels prescription medications, as authorized under this paragraph, may charge a reasonable fee for costs resulting from the implementation of this provision.

(e) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

(f) Be allowed and encouraged by the agency to provide other needed services under certain conditions. If the facility has a standard licensure status, ~~and has had no class I or class II deficiencies during the past 2 years or has been awarded a Gold Seal under the program established in s. 400.235~~, it may be encouraged by the agency to provide services, including, but not limited to, respite and adult day services, which enable individuals to move in and out of the facility. A facility is not subject to any additional licensure requirements for providing these services, *under the following conditions:*

1. Respite care may be offered to persons in need of short-term or temporary nursing home services. *For each person admitted under the respite care program, the facility licensee must:*

a. *Have a written abbreviated plan of care that, at a minimum, includes nutritional requirements, medication orders, physician orders, nursing assessments, and dietary preferences. The nursing or physician assessments may take the place of all other assessments required for full-time residents.*

b. *Have a contract that, at a minimum, specifies the services to be provided to the respite resident, including charges for services, activities, equipment, emergency medical services, and the administration of medications. If multiple respite admissions for a single person are anticipated, the original contract is valid for 1 year after the date of execution.*

c. *Ensure that each resident is released to his or her caregiver or an individual designated in writing by the caregiver.*

2. *A person admitted under the respite care program is:*

a. *Exempt from requirements in rule related to discharge planning.*

b. *Covered by the residents' rights set forth in s. 400.022(1)(a)-(o) and (r)-(t). Funds or property of the resident shall not be considered trust funds subject to the requirements of s. 400.022(1)(h) until the resident has been in the facility for more than 14 consecutive days.*

c. *Allowed to use his or her personal medications for the respite stay if permitted by facility policy. The facility must obtain a physician's order for the medications. The caregiver may provide information regarding the medications as part of the nursing assessment and that information must agree with the physician's order. Medications shall be released with the resident upon discharge in accordance with current physician's orders.*

3. *A person receiving respite care is entitled to reside in the facility for a total of 60 days within a contract year or within a calendar year if the contract is for less than 12 months. However, each single stay may not exceed 14 days. If a stay exceeds 14 consecutive days, the facility must comply with all assessment and care planning requirements applicable to nursing home residents.*

4. *A person receiving respite care must reside in a licensed nursing home bed.*

5. *A prospective respite resident must provide medical information from a physician, physician assistant, or nurse practitioner and other information from the primary caregiver as may be required by the facility before or at the time of admission to receive respite care. The medical information must include a physician's order for respite care and proof of a physical examination by a licensed physician, physician assistant, or*

nurse practitioner. The physician's order and physical examination may be used to provide intermittent respite care for up to 12 months after the date the order is written.

6. ~~The facility must assume the duties of the primary caregiver. To ensure continuity of care and services, the resident is entitled to retain his or her personal physician and must have access to medically necessary services such as physical therapy, occupational therapy, or speech therapy, as needed. The facility must arrange for transportation to these services if necessary. Respite care must be provided in accordance with this part and rules adopted by the agency. However, the agency shall, by rule, adopt modified requirements for resident assessment, resident care plans, resident contracts, physician orders, and other provisions, as appropriate, for short-term or temporary nursing home services.~~

7. The agency shall allow for shared programming and staff in a facility which meets minimum standards and offers services pursuant to this paragraph, but, if the facility is cited for deficiencies in patient care, may require additional staff and programs appropriate to the needs of service recipients. A person who receives respite care may not be counted as a resident of the facility for purposes of the facility's licensed capacity unless that person receives 24-hour respite care. A person receiving either respite care for 24 hours or longer or adult day services must be included when calculating minimum staffing for the facility. Any costs and revenues generated by a nursing home facility from nonresidential programs or services shall be excluded from the calculations of Medicaid per diems for nursing home institutional care reimbursement.

(g) If the facility has a standard license ~~or is a Gold Seal facility,~~ exceeds the minimum required hours of licensed nursing and certified nursing assistant direct care per resident per day, and is part of a continuing care facility licensed under chapter 651 or a retirement community that offers other services pursuant to part III of this chapter or part I or part III of chapter 429 on a single campus, be allowed to share programming and staff. At the time of inspection ~~and in the semiannual report required pursuant to paragraph (e),~~ a continuing care facility or retirement community that uses this option must demonstrate through staffing records that minimum staffing requirements for the facility were met. Licensed nurses and certified nursing assistants who work in the nursing home facility may be used to provide services elsewhere on campus if the facility exceeds the minimum number of direct care hours required per resident per day and the total number of residents receiving direct care services from a licensed nurse or a certified nursing assistant does not cause the facility to violate the staffing ratios required under s. 400.23(3)(a). Compliance with the minimum staffing ratios shall be based on total number of residents receiving direct care services, regardless of where they reside on campus. If the facility receives a conditional license, it may not share staff until the conditional license status ends. This paragraph does not restrict the agency's authority under federal or state law to require additional staff if a facility is cited for deficiencies in care which are caused by an insufficient number of certified nursing assistants or licensed nurses. The agency may adopt rules for the documentation necessary to determine compliance with this provision.

(h) Maintain the facility premises and equipment and conduct its operations in a safe and sanitary manner.

(i) If the licensee furnishes food service, provide a wholesome and nourishing diet sufficient to meet generally accepted standards of proper nutrition for its residents and provide such therapeutic diets as may be prescribed by attending physicians. In making rules to implement this paragraph, the agency shall be guided by standards recommended by nationally recognized professional groups and associations with knowledge of dietetics.

(j) Keep full records of resident admissions and discharges; medical and general health status, including medical records, personal and social history, and identity and address of next of kin or other persons who may have responsibility for the affairs of the residents; and individual resident care plans including, but not limited to, prescribed services, service frequency and duration, and service goals. The records shall be open to inspection by the agency. *The facility must maintain clinical records on each resident in accordance with accepted professional standards and practices that are complete, accurately documented, readily accessible, and systematically organized.*

(k) Keep such fiscal records of its operations and conditions as may be necessary to provide information pursuant to this part.

(l) Furnish copies of personnel records for employees affiliated with such facility, to any other facility licensed by this state requesting this information pursuant to this part. Such information contained in the records may include, but is not limited to, disciplinary matters and any reason for termination. Any facility releasing such records pursuant to this part shall be considered to be acting in good faith and may not be held liable for information contained in such records, absent a showing that the facility maliciously falsified such records.

(m) Publicly display a poster provided by the agency containing the names, addresses, and telephone numbers for the state's abuse hotline, the State Long-Term Care Ombudsman, the Agency for Health Care Administration consumer hotline, the Advocacy Center for Persons with Disabilities, the Florida Statewide Advocacy Council, and the Medicaid Fraud Control Unit, with a clear description of the assistance to be expected from each.

~~(n) Submit to the agency the information specified in s. 400.071(1)(b) for a management company within 30 days after the effective date of the management agreement.~~

~~(n)(e)1. Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff to resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:~~

~~a. Staff to resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.~~

~~b. Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.~~

~~c. The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.~~

~~d. A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this sub-paragraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium is subject to a \$1,000 fine constitutes a class II deficiency.~~

~~2.e. A nursing facility which does not have a conditional license may be cited for failure to comply with the standards in s. 400.23(3)(a)1.b. and c. only if it has failed to meet those standards on 2 consecutive days or if it has failed to meet at least 97 percent of those standards on any one day.~~

~~3.f. A facility which has a conditional license must be in compliance with the standards in s. 400.23(3)(a) at all times.~~

~~2. This paragraph does not limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.~~

~~(o)(p) Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgment of such signs by facility staff. If an underlying condition is determined to exist, the fa-~~

cility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

(p)(~~q~~) If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.

~~(r) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin off of its assets, or corporate reorganization within 30 days after the completion of such activity.~~

(q)(~~s~~) Maintain general and professional liability insurance coverage that is in force at all times. In lieu of general and professional liability insurance coverage, a state-designated teaching nursing home and its affiliated assisted living facilities created under s. 430.80 may demonstrate proof of financial responsibility as provided in s. 430.80(3)(g).

(r)(~~t~~) Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.

(s)(~~u~~) Before November 30 of each year, subject to the availability of an adequate supply of the necessary vaccine, provide for immunizations against influenza viruses to all its consenting residents in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Subject to these exemptions, any consenting person who becomes a resident of the facility after November 30 but before March 31 of the following year must be immunized within 5 working days after becoming a resident. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this paragraph. This paragraph does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

(t)(~~v~~) Assess all residents for eligibility for pneumococcal polysaccharide vaccination (PPV) and vaccinate residents when indicated within 60 days after the effective date of this act in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Residents admitted after the effective date of this act shall be assessed within 5 working days of admission and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contraindications and religious or personal beliefs. Immunization shall not be provided to any resident who provides documentation that he or she has been immunized as required by this paragraph. This paragraph does not prohibit a resident from receiving the immunization from his or her personal physician if he or she so chooses. A resident who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

(u)(~~w~~) Annually encourage and promote to its employees the benefits associated with immunizations against influenza viruses in accordance with the recommendations of the United States Centers for Disease Control and Prevention. The agency may adopt and enforce any rules necessary to comply with or implement this paragraph.

*This subsection does not limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.*

(2) Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of their program.

(3) *A facility may charge a reasonable fee for the copying of resident records. The fee may not exceed \$1 per page for the first 25 pages and 25 cents per page for each page in excess of 25 pages.*

Section 32. Subsection (3) of section 400.142, Florida Statutes, is amended to read:

400.142 Emergency medication kits; orders not to resuscitate.—

(3) Facility staff may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. ~~The agency shall adopt rules providing for the implementation of such orders.~~ Facility staff and facilities shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency. The absence of an order not to resuscitate executed pursuant to s. 401.45 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation as otherwise permitted by law.

Section 33. *Sections 400.0234, 400.145, and 429.294, Florida Statutes, are repealed.*

Section 34. Subsection (9) and subsections (11) through (15) of section 400.147, Florida Statutes, are renumbered as subsections (8) through (13), respectively, and present subsections (7), (8), and (10) of that section are amended to read:

400.147 Internal risk management and quality assurance program.—

(7) The facility shall initiate an investigation ~~and shall notify the agency~~ within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). *Each facility shall complete the investigation and submit a report to the agency within 15 calendar days after an incident is determined to be an adverse incident. The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery.* The agency shall develop a form for reporting this information and the notification must include *the name of the risk manager of the facility*, information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each ~~report incident~~ and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

~~(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If, after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.~~

~~(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.~~

~~(c) The report submitted to the agency must also contain the name of the risk manager of the facility.~~

~~(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action,~~

~~except in disciplinary proceedings by the agency or the appropriate regulatory board.~~

~~(10) By the 10th of each month, each facility subject to this section shall report any notice received pursuant to s. 400.0233(2) and each initial complaint that was filed with the clerk of the court and served on the facility during the previous month by a resident or a resident's family member, guardian, conservator, or personal legal representative. The report must include the name of the resident, the resident's date of birth and social security number, the Medicaid identification number for Medicaid eligible persons, the date or dates of the incident leading to the claim or dates of residency, if applicable, and the type of injury or violation of rights alleged to have occurred. Each facility shall also submit a copy of the notices received pursuant to s. 400.0233(2) and complaints filed with the clerk of the court. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.~~

Section 35. *Section 400.148, Florida Statutes, is repealed.*

Section 36. Paragraph (e) of subsection (2) of section 400.179, Florida Statutes, is amended to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

~~(c) For the 2009-2010 fiscal year only, the provisions of paragraph (d) shall not apply. This paragraph expires July 1, 2010.~~

Section 37. Subsection (3) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period, or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be \$6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys. The agency shall verify through subsequent inspection that any deficiency identified during inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency ~~unrelated to resident rights or resident care~~ without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

Section 38. Subsection (5) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5)(a) The agency, in collaboration with the Division of Children's Medical Services Network of the Department of Health, must, ~~no later than December 31, 1993,~~ adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. ~~The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age.~~ A facility may be exempt from these standards for specific persons

between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

(b) *The agency, in collaboration with the Division of Children's Medical Services Network, shall adopt rules for minimum staffing requirements for nursing home facilities that serve persons under 21 years of age, which shall apply in lieu of the standards contained in subsection (3).*

1. *For persons under 21 years of age who require skilled care, the requirements shall include a minimum combined average of licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants of 3.9 hours of direct care per resident per day for each nursing home facility.*

2. *For persons under 21 years of age who are fragile, the requirements shall include a minimum combined average of licensed nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants of 5 hours of direct care per resident per day for each nursing home facility.*

Section 39. Subsection (1) of section 400.275, Florida Statutes, is amended to read:

400.275 Agency duties.—

~~(1) The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility. The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 2 ½ years.~~

Section 40. Subsection (27) of section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(27) "Remuneration" means any payment or other benefit made directly or indirectly, overtly or covertly, in cash or in kind. *However, when the term is used in any provision of law relating to a health care provider, such term does not mean an item with an individual value of up to \$15, including, but not limited to, plaques, certificates, trophies, or novelties that are intended solely for presentation or are customarily given away solely for promotional, recognition, or advertising purposes.*

Section 41. Subsection (2) of section 400.484, Florida Statutes, is amended to read:

400.484 Right of inspection; ~~violations deficiencies;~~ fines.—

(2) The agency shall impose fines for various classes of ~~violations deficiencies~~ in accordance with the following schedule:

(a) ~~Class I violations are defined in s. 408.813. A class I deficiency is any act, omission, or practice that results in a patient's death, disablement, or permanent injury, or places a patient at imminent risk of death, disablement, or permanent injury.~~ Upon finding a class I ~~violation deficiency~~, the agency shall impose an administrative fine in the amount of \$15,000 for each occurrence and each day that the ~~violation deficiency~~ exists.

(b) ~~Class II violations are defined in s. 408.813. A class II deficiency is any act, omission, or practice that has a direct adverse effect on the health, safety, or security of a patient.~~ Upon finding a class II ~~violation deficiency~~, the agency shall impose an administrative fine in the amount of \$5,000 for each occurrence and each day that the ~~violation deficiency~~ exists.

(c) ~~Class III violations are defined in s. 408.813. A class III deficiency is any act, omission, or practice that has an indirect, adverse effect on the health, safety, or security of a patient.~~ Upon finding an uncorrected or repeated class III ~~violation deficiency~~, the agency shall impose an administrative fine not to exceed \$1,000 for each occurrence and each day that the uncorrected or repeated ~~violation deficiency~~ exists.

(d) ~~Class IV violations are defined in s. 408.813. A class IV deficiency is any act, omission, or practice related to required reports, forms, or documents which does not have the potential of negatively affecting patients. These violations are of a type that the agency determines do not threaten the health, safety, or security of patients.~~ Upon finding an uncorrected or repeated class IV *violation* deficiency, the agency shall impose an administrative fine not to exceed \$500 for each occurrence and each day that the uncorrected or repeated *violation* deficiency exists.

Section 42. Subsections (16) and (17) of section 400.506, Florida Statutes, are renumbered as subsections (17) and (18), respectively, paragraph (a) of subsection (15) is amended, and a new subsection (16) is added to that section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(15)(a) The agency may deny, suspend, or revoke the license of a nurse registry and shall impose a fine of \$5,000 against a nurse registry that:

1. Provides services to residents in an assisted living facility for which the nurse registry does not receive fair market value remuneration.
2. Provides staffing to an assisted living facility for which the nurse registry does not receive fair market value remuneration.
3. Fails to provide the agency, upon request, with copies of all contracts with assisted living facilities which were executed within the last 5 years.
4. Gives remuneration to a case manager, discharge planner, facility-based staff member, or third-party vendor who is involved in the discharge planning process of a facility licensed under chapter 395 or this chapter and from whom the nurse registry receives referrals. A nurse registry is exempt from this subparagraph if it does not bill the ~~Florida Medicaid program or the Medicare program~~ or share a controlling interest with any entity licensed, registered, or certified under part II of chapter 408 that bills the ~~Florida Medicaid program or the Medicare program~~.
5. Gives remuneration to a physician, a member of the physician's office staff, or an immediate family member of the physician, and the nurse registry received a patient referral in the last 12 months from that physician or the physician's office staff. A nurse registry is exempt from this subparagraph if it does not bill the ~~Florida Medicaid program or the Medicare program~~ or share a controlling interest with any entity licensed, registered, or certified under part II of chapter 408 that bills the ~~Florida Medicaid program or the Medicare program~~.

(16) *An administrator may manage only one nurse registry, except that an administrator may manage up to five registries if all five registries have identical controlling interests as defined in s. 408.803 and are located within one agency geographic service area or within an immediately contiguous county. An administrator shall designate, in writing, for each licensed entity, a qualified alternate administrator to serve during the administrator's absence.*

Section 43. Subsection (1) of section 400.509, Florida Statutes, is amended to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(1) Any organization that provides companion services or homemaker services and does not provide a home health service to a person is exempt from licensure under this part. However, any organization that provides companion services or homemaker services must register with the agency. *An organization under contract with the Agency for Persons with Disabilities that provides companion services only for persons with a developmental disability, as defined in s. 393.063, is exempt from registration.*

Section 44. Paragraph (i) of subsection (1) and subsection (4) of section 400.606, Florida Statutes, are amended to read:

400.606 License; application; renewal; conditional license or permit; certificate of need.—

(1) In addition to the requirements of part II of chapter 408, the initial application and change of ownership application must be accompanied by a plan for the delivery of home, residential, and homelike inpatient hospice services to terminally ill persons and their families. Such plan must contain, but need not be limited to:

- ~~(i) The projected annual operating cost of the hospice.~~

If the applicant is an existing licensed health care provider, the application must be accompanied by a copy of the most recent profit-loss statement and, if applicable, the most recent licensure inspection report.

(4) A freestanding hospice facility that is ~~primarily~~ engaged in providing inpatient and related services and that is not otherwise licensed as a health care facility shall be required to obtain a certificate of need. However, a freestanding hospice facility with six or fewer beds shall not be required to comply with institutional standards such as, but not limited to, standards requiring sprinkler systems, emergency electrical systems, or special lavatory devices.

Section 45. Subsection (2) of section 400.607, Florida Statutes, is amended to read:

400.607 Denial, suspension, revocation of license; emergency actions; imposition of administrative fine; grounds.—

(2) *A violation of this part, part II of chapter 408, or applicable rules* ~~Any of the following actions~~ by a licensed hospice or any of its employees shall be grounds for *administrative* action by the agency against a hospice.†

~~(a) A violation of the provisions of this part, part II of chapter 408, or applicable rules.~~

~~(b) An intentional or negligent act materially affecting the health or safety of a patient.~~

Section 46. Section 400.915, Florida Statutes, is amended to read:

400.915 Construction and renovation; requirements.—The requirements for the construction or renovation of a PPEC center shall comply with:

- (1) The provisions of chapter 553, which pertain to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for the physically disabled;
- (2) *The provisions of s. 633.022 and applicable rules pertaining to physical minimum standards for nonresidential child care physical facilities in rule 10M-12.003, Florida Administrative Code, Child Care Standards;* and
- (3) The standards or rules adopted pursuant to this part and part II of chapter 408.

Section 47. Subsection (1) of section 400.925, Florida Statutes, is amended to read:

400.925 Definitions.—As used in this part, the term:

(1) "Accrediting organizations" means the Joint Commission ~~on Accreditation of Healthcare Organizations~~ or other national accreditation agencies whose standards for accreditation are comparable to those required by this part for licensure.

Section 48. Subsection (2) of section 400.931, Florida Statutes, is amended to read:

400.931 Application for license; fee; ~~provisional license; temporary permit.~~—

(2) *An applicant for initial licensure, change of ownership, or renewal to operate a licensed home medical equipment provider at a location outside the state must submit documentation of accreditation or an application for accreditation from an accrediting organization that is recognized by the agency. An applicant that has applied for accreditation must provide proof of accreditation that is not conditional or provisional within 120 days after the date the agency receives the application for licensure or the application shall be withdrawn from further considera-*

tion. Such accreditation must be maintained by the home medical equipment provider to maintain licensure. ~~As an alternative to submitting proof of financial ability to operate as required in s. 408.810(8), the applicant may submit a \$50,000 surety bond to the agency.~~

Section 49. Subsection (2) of section 400.932, Florida Statutes, is amended to read:

400.932 Administrative penalties.—

(2) ~~A violation of this part, part II of chapter 408, or applicable rules~~ Any of the following actions by an employee of a home medical equipment provider shall be grounds for administrative action or penalties by the agency:

~~(a) Violation of this part, part II of chapter 408, or applicable rules.~~

~~(b) An intentional, reckless, or negligent act that materially affects the health or safety of a patient.~~

Section 50. Subsection (3) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of ~~violations~~ deficiencies.—

(3) The agency shall adopt rules to provide that, when the criteria established under this part and part II of chapter 408 are not met, such ~~violations~~ deficiencies shall be classified according to the nature of the ~~violation~~ deficiency. The agency shall indicate the classification on the face of the notice of deficiencies as follows:

(a) ~~Class I violations~~ deficiencies are defined in s. 408.813 ~~those which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical harm would result therefrom. The condition or practice constituting a class I violation must be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction.~~ A class I ~~violation~~ deficiency is subject to a civil penalty in an amount not less than \$5,000 and not exceeding \$10,000 for each ~~violation~~ deficiency. A fine may be levied notwithstanding the correction of the ~~violation~~ deficiency.

(b) ~~Class II violations~~ deficiencies are defined in s. 408.813 ~~those which the agency determines have a direct or immediate relationship to the health, safety, or security of the facility residents, other than class I deficiencies.~~ A class II ~~violation~~ deficiency is subject to a civil penalty in an amount not less than \$1,000 and not exceeding \$5,000 for each ~~violation~~ deficiency. A citation for a class II ~~violation~~ deficiency shall specify the time within which the ~~violation~~ deficiency must be corrected. If a class II ~~violation~~ deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(c) ~~Class III violations~~ deficiencies are defined in s. 408.813 ~~those which the agency determines to have an indirect or potential relationship to the health, safety, or security of the facility residents, other than class I or class II deficiencies.~~ A class III ~~violation~~ deficiency is subject to a civil penalty of not less than \$500 and not exceeding \$1,000 for each deficiency. A citation for a class III ~~violation~~ deficiency shall specify the time within which the ~~violation~~ deficiency must be corrected. If a class III ~~violation~~ deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.

(d) ~~Class IV violations~~ are defined in s. 408.813. Upon finding an uncorrected or repeated class IV ~~violation~~, the agency shall impose an administrative fine not to exceed \$500 for each occurrence and each day that the uncorrected or repeated ~~violation~~ exists.

Section 51. Subsections (4) and (7) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.—

(4) “Clinic” means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable health service or equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395; or entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; or entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; or entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; or entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan under 26 U.S.C. s. 409 that has a board of trustees not less than two-thirds of which are Florida-licensed health care practitioners and provides only physical therapy services under physician orders, any community college or university clinic, and any entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

(g) A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this paragraph and the spouse, parent, child, or sibling of a licensed health care practitioner, so long as

one of the owners who is a licensed health care practitioner is supervising the business activities and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

(h) Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

(j) Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

(k) Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming an exemption from licensure under this paragraph must provide documentation demonstrating compliance.

(l) Orthotic, ~~or~~ prosthetic, *pediatric cardiology*, or *perinatology* clinical facilities that are a publicly traded corporation or that are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this paragraph, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

(m) *Entities that are owned by a corporation that has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners if one or more of the owners of the entity is a health care practitioner who is licensed in this state, is responsible for supervising the business activities of the entity, and is legally responsible for the entity's compliance with state law for purposes of this section.*

(n) *Entities that are owned or controlled, directly or indirectly, by a publicly traded entity with \$100 million or more, in the aggregate, in total annual revenues derived from providing health care services by licensed health care practitioners that are employed or contracted by an entity described in this paragraph.*

(o) *Entities that employ 50 or more health care practitioners licensed under chapter 458 or chapter 459 when the billing for medical services is under a single tax identification number. The application for exemption under this paragraph shall contain information that includes the name, residence address, business address, and phone number of the entity that owns the practice; a complete list of the names and contact information of all the officers and directors of the entity; the name, residence address, business address, and medical license number of each licensed Florida health care practitioner employed by the entity; the corporate tax identification number of the entity seeking an exemption; a listing of health care services to be provided by the entity at the health care clinics owned or operated by the entity and a certified statement prepared by an independent certified public accountant which states that the entity and the health care clinics owned or operated by the entity have not received payment for health care services under personal injury protection insurance coverage for the previous year. If the agency determines that an entity that is exempt under this paragraph has received payments for medical services under personal injury protection insurance coverage the agency may deny or revoke the exemption from licensure under this paragraph.*

(7) "Portable health service or equipment provider" means an entity that contracts with or employs persons to provide portable health services or equipment to multiple locations ~~performing treatment or diagnostic testing of individuals~~, that bills third-party payors for those services, and that otherwise meets the definition of a clinic in subsection (4).

Section 52. Paragraph (b) of subsection (1) and paragraph (c) of subsection (4) of section 400.991, Florida Statutes, are amended to read:

400.991 License requirements; background screenings; prohibitions.—

(1)

(b) Each mobile clinic must obtain a separate health care clinic license and must provide to the agency, at least quarterly, its projected street location to enable the agency to locate and inspect such clinic. A portable *health service* or equipment provider must obtain a health care clinic license for a single administrative office and is not required to submit quarterly projected street locations.

(4) In addition to the requirements of part II of chapter 408, the applicant must file with the application satisfactory proof that the clinic is in compliance with this part and applicable rules, including:

(c) Proof of financial ability to operate as required under ~~ss. s. 408.810(8) and 408.8065. As an alternative to submitting proof of financial ability to operate as required under s. 408.810(8), the applicant may file a surety bond of at least \$500,000 which guarantees that the clinic will act in full conformity with all legal requirements for operating a clinic, payable to the agency. The agency may adopt rules to specify related requirements for such surety bond.~~

Section 53. Paragraph (g) of subsection (1) and paragraph (a) of subsection (7) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by the ~~Joint Commission on Accreditation of Healthcare Organizations~~ or the Accreditation Association for Ambulatory Health Care, and the American College of Radiology; and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to all personal injury protection insurance carriers was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

(7)(a) Each clinic engaged in magnetic resonance imaging services must be accredited by the ~~Joint Commission on Accreditation of Healthcare Organizations~~, the American College of Radiology, or the Accreditation Association for Ambulatory Health Care, within 1 year after licensure. A clinic that is accredited by the American College of Radiology or is within the original 1-year period after licensure and replaces its core magnetic resonance imaging equipment shall be given 1 year after the date on which the equipment is replaced to attain accreditation. However, a clinic may request a single, 6-month extension if it provides evidence to the agency establishing that, for good cause shown, such clinic cannot be accredited within 1 year after licensure, and that such accreditation will be completed within the 6-month extension. After obtaining accreditation as required by this subsection, each such clinic must maintain accreditation as a condition of renewal of its license. A clinic that files a change of ownership application must comply with the original accreditation timeframe requirements of the transferor. The agency shall deny a change of ownership application if the clinic is not in compliance with the accreditation requirements. When a clinic adds, replaces, or modifies magnetic resonance imaging equipment and the accreditation agency requires new accreditation, the clinic must be accredited within 1 year after the date of the addition, replacement, or modification but may request a single, 6-month extension if the clinic provides evidence of good cause to the agency.

Section 54. Paragraph (a) of subsection (2) of section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(2) FUNDING.—

(a) The Legislature intends that the cost of local health councils be borne by assessments on selected health care facilities subject to facility licensure by the Agency for Health Care Administration, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks and clinical laboratories operated by practitioners for exclusive use regulated under s. 483.035, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, health care clinics, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics. *Fees assessed may be collected prospectively at the time of licensure renewal and prorated for the licensure period.*

Section 55. Subsection (2) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393 and 395 and parts II, ~~and~~ IV, *and VIII* of chapter 400, the agency may not issue a license to any health care facility or health service provider that fails to receive a certificate of need or an exemption for the licensed facility or service.

Section 56. Paragraph (d) of subsection (1) and paragraph (m) of subsection (3) of section 408.036, Florida Statutes, are amended to read:

408.036 Projects subject to review; exemptions.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs (a)-(g), are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(d) The establishment of a hospice or hospice inpatient facility, ~~except as provided in s. 408.043.~~

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(m)1. For the provision of adult open-heart services in a hospital located within the boundaries of a health service planning district, as defined in s. 408.032(5), which has experienced an annual net out-migration of at least 600 open-heart-surgery cases for 3 consecutive years according to the most recent data reported to the agency, and the district's population per licensed and operational open-heart programs exceeds the state average of population per licensed and operational open-heart programs by at least 25 percent. All hospitals within a health service planning district which meet the criteria reference in sub-subparagraphs 2.a.-h. shall be eligible for this exemption on July 1, 2004, and shall receive the exemption upon filing for it and subject to the following:

a. A hospital that has received a notice of intent to grant a certificate of need or a final order of the agency granting a certificate of need for the establishment of an open-heart-surgery program is entitled to receive a letter of exemption for the establishment of an adult open-heart-surgery program upon filing a request for exemption and complying with the criteria enumerated in sub-subparagraphs 2.a.-h., and is entitled to immediately commence operation of the program.

b. An otherwise eligible hospital that has not received a notice of intent to grant a certificate of need or a final order of the agency granting a certificate of need for the establishment of an open-heart-surgery program is entitled to immediately receive a letter of exemption for the establishment of an adult open-heart-surgery program upon filing a request for exemption and complying with the criteria enumerated in sub-subparagraphs 2.a.-h., but is not entitled to commence operation of its program until December 31, 2006.

2. A hospital shall be exempt from the certificate-of-need review for the establishment of an open-heart-surgery program when the application for exemption submitted under this paragraph complies with the following criteria:

a. The applicant must certify that it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing adult open-heart programs, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. The applicant can demonstrate that it has discharged at least 300 inpatients with a principal diagnosis of ischemic heart disease for the most recent 12-month period as reported to the agency.

e. The applicant is a general acute care hospital that is in operation for 3 years or more.

f. The applicant is performing more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient.

g. The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.

h. If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.

~~3. By December 31, 2004, and annually thereafter, the agency shall submit a report to the Legislature providing information concerning the number of requests for exemption it has received under this paragraph during the calendar year and the number of exemptions it has granted or denied during the calendar year.~~

Section 57. Paragraph (c) of subsection (1) of section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

(1) Except as provided in subsection (2) for a general hospital, an application for a certificate of need must contain:

(c) An audited financial statement of the applicant *or the applicant's parent corporation if audited financial statements of the applicant do not exist*. In an application submitted by an existing health care facility, health maintenance organization, or hospice, financial condition documentation must include, but need not be limited to, a balance sheet and a profit-and-loss statement of the 2 previous fiscal years' operation.

Section 58. Subsection (2) of section 408.043, Florida Statutes, is amended to read:

408.043 Special provisions.—

(2) HOSPICES.—When an application is made for a certificate of need to establish or to expand a hospice, the need for such hospice shall be determined on the basis of the need for and availability of hospice services in the community. The formula on which the certificate of need is based shall discourage regional monopolies and promote competition. The inpatient hospice care component of a hospice which is a free-standing facility, or a part of a facility, ~~which is primarily engaged in providing inpatient care and related services~~ and is not licensed as a health care facility shall also be required to obtain a certificate of need. Provision of hospice care by any current provider of health care is a significant change in service and therefore requires a certificate of need for such services.

Section 59. Paragraph (k) of subsection (3) of section 408.05, Florida Statutes, is amended to read:

408.05 Florida Center for Health Information and Policy Analysis.—

(3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.—In order to produce comparable and uniform health information and statistics for the development of policy recommendations, the agency shall perform the following functions:

(k) Develop, in conjunction with the State Consumer Health Information and Policy Advisory Council, and implement a long-range plan for making available health care quality measures and financial data that will allow consumers to compare health care services. The health care quality measures and financial data the agency must make available shall include, but is not limited to, pharmaceuticals, physicians, health care facilities, and health plans and managed care entities. The agency shall update the plan and report on the status of its implementation annually. The agency shall also make the plan and status report available to the public on its Internet website. As part of the plan, the agency shall identify the process and timeframes for implementation, any barriers to implementation, and recommendations of changes in the law that may be enacted by the Legislature to eliminate the barriers. As preliminary elements of the plan, the agency shall:

1. Make available patient-safety indicators, inpatient quality indicators, and performance outcome and patient charge data collected from health care facilities pursuant to s. 408.061(1)(a) and (2). The terms “patient-safety indicators” and “inpatient quality indicators” shall be as defined by the Centers for Medicare and Medicaid Services, the National Quality Forum, the Joint Commission on Accreditation of Healthcare Organizations, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or a similar national entity that establishes standards to measure the performance of health care providers, or by other states. The agency shall determine which conditions, procedures, health care quality measures, and patient charge data to disclose based upon input from the council. When determining which conditions and procedures are to be disclosed, the council and the agency shall consider variation in costs, variation in outcomes, and magnitude of variations and other relevant information. When determining which health care quality measures to disclose, the agency:

a. Shall consider such factors as volume of cases; average patient charges; average length of stay; complication rates; mortality rates; and infection rates, among others, which shall be adjusted for case mix and severity, if applicable.

b. May consider such additional measures that are adopted by the Centers for Medicare and Medicaid Studies, National Quality Forum, the Joint Commission on Accreditation of Healthcare Organizations, the Agency for Healthcare Research and Quality, Centers for Disease Control and Prevention, or a similar national entity that establishes standards to measure the performance of health care providers, or by other states.

When determining which patient charge data to disclose, the agency shall include such measures as the average of undiscounted charges on frequently performed procedures and preventive diagnostic procedures, the range of procedure charges from highest to lowest, average net revenue per adjusted patient day, average cost per adjusted patient day, and average cost per admission, among others.

2. Make available performance measures, benefit design, and premium cost data from health plans licensed pursuant to chapter 627 or chapter 641. The agency shall determine which health care quality measures and member and subscriber cost data to disclose, based upon input from the council. When determining which data to disclose, the agency shall consider information that may be required by either individual or group purchasers to assess the value of the product, which may include membership satisfaction, quality of care, current enrollment or membership, coverage areas, accreditation status, premium costs, plan costs, premium increases, range of benefits, copayments and deductibles, accuracy and speed of claims payment, credentials of physicians, number of providers, names of network providers, and hospitals in the network. Health plans shall make available to the agency any such data or information that is not currently reported to the agency or the office.

3. Determine the method and format for public disclosure of data reported pursuant to this paragraph. The agency shall make its determination based upon input from the State Consumer Health In-

formation and Policy Advisory Council. At a minimum, the data shall be made available on the agency’s Internet website in a manner that allows consumers to conduct an interactive search that allows them to view and compare the information for specific providers. The website must include such additional information as is determined necessary to ensure that the website enhances informed decisionmaking among consumers and health care purchasers, which shall include, at a minimum, appropriate guidance on how to use the data and an explanation of why the data may vary from provider to provider.

4. Publish on its website undiscounted charges for no fewer than 150 of the most commonly performed adult and pediatric procedures, including outpatient, inpatient, diagnostic, and preventative procedures.

Section 60. Paragraph (a) of subsection (1) of section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidential information; immunity.—

(1) The agency shall require the submission by health care facilities, health care providers, and health insurers of data necessary to carry out the agency’s duties. Specifications for data to be collected under this section shall be developed by the agency with the assistance of technical advisory panels including representatives of affected entities, consumers, purchasers, and such other interested parties as may be determined by the agency.

(a) Data submitted by health care facilities, including the facilities as defined in chapter 395, shall include, but are not limited to: case-mix data, patient admission and discharge data, hospital emergency department data which shall include the number of patients treated in the emergency department of a licensed hospital reported by patient acuity level, data on hospital-acquired infections as specified by rule, data on complications as specified by rule, data on readmissions as specified by rule, with patient and provider-specific identifiers included, actual charge data by diagnostic groups, financial data, accounting data, operating expenses, expenses incurred for rendering services to patients who cannot or do not pay, interest charges, depreciation expenses based on the expected useful life of the property and equipment involved, and demographic data. The agency shall adopt nationally recognized risk adjustment methodologies or software consistent with the standards of the Agency for Healthcare Research and Quality and as selected by the agency for all data submitted as required by this section. Data may be obtained from documents such as, but not limited to: leases, contracts, debt instruments, itemized patient bills, medical record abstracts, and related diagnostic information. Reported data elements shall be reported electronically ~~and in accordance with rule 59E-7.012, Florida Administrative Code. Data submitted shall be certified by the chief executive officer or an appropriate and duly authorized representative or employee of the licensed facility that the information submitted is true and accurate.~~

Section 61. Subsection (43) of section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(43) “Rural hospital” means an acute care hospital licensed under chapter 395, having 100 or fewer licensed beds and an emergency room, and which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county;

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or fewer per square mile;

(d) A hospital with a service area that has a population of 100 persons or fewer per square mile. As used in this paragraph, the term “service area” means the fewest number of zip codes that account for 75

percent of the hospital's discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Policy Analysis at the Agency for Health Care Administration; or

(e) A critical access hospital.

Population densities used in this subsection must be based upon the most recently completed United States census. A hospital that received funds under s. 409.9116 for a quarter beginning no later than July 1, 2002, is deemed to have been and shall continue to be a rural hospital from that date through June 30, 2015, if the hospital continues to have 100 or fewer licensed beds and an emergency room, ~~or meets the criteria of s. 395.602(2)(e)4.~~ An acute care hospital that has not previously been designated as a rural hospital and that meets the criteria of this subsection shall be granted such designation upon application, including supporting documentation, to the Agency for Health Care Administration.

Section 62. Section 408.10, Florida Statutes, is amended to read:

408.10 Consumer complaints.—The agency shall:

(1) publish and make available to the public a toll-free telephone number for the purpose of handling consumer complaints and shall serve as a liaison between consumer entities and other private entities and governmental entities for the disposition of problems identified by consumers of health care.

~~(2) Be empowered to investigate consumer complaints relating to problems with health care facilities' billing practices and issue reports to be made public in any cases where the agency determines the health care facility has engaged in billing practices which are unreasonable and unfair to the consumer.~~

Section 63. Subsections (12) through (30) of section 408.802, Florida Statutes, are renumbered as subsections (11) through (29), respectively, and present subsection (11) of that section is amended to read:

408.802 Applicability.—The provisions of this part apply to the provision of services that require licensure as defined in this part and to the following entities licensed, registered, or certified by the agency, as described in chapters 112, 383, 390, 394, 395, 400, 429, 440, 483, and 765:

~~(11) Private review agents, as provided under part I of chapter 395.~~

Section 64. Subsection (3) is added to section 408.804, Florida Statutes, to read:

408.804 License required; display.—

(3) Any person who knowingly alters, defaces, or falsifies a license certificate issued by the agency, or causes or procures any person to commit such an offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s 775.083. Any licensee or provider who displays an altered, defaced, or falsified license certificate is subject to the penalties set forth in s. 408.815 and an administrative fine of \$1,000 for each day of illegal display.

Section 65. Paragraph (d) of subsection (2) of section 408.806, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

408.806 License application process.—

(2)

~~(d) The agency shall notify the licensee by mail or electronically at least 90 days before the expiration of a license that a renewal license is necessary to continue operation. The licensee's failure to timely file submit a renewal application and license application fee with the agency shall result in a \$50 per day late fee charged to the licensee by the agency; however, the aggregate amount of the late fee may not exceed 50 percent of the licensure fee or \$500, whichever is less. The agency shall provide a courtesy notice to the licensee by United States mail, electronically, or by any other manner at its address of record or mailing address, if provided, at least 90 days prior to the expiration of a license informing the licensee of the expiration of the license. If the licensee does~~

~~not receive the courtesy notice, the licensee continues to be legally obligated to timely file the renewal application and license application fee with the agency and is not excused from the payment of a late fee. If an application is received after the required filing date and exhibits a hand-canceled postmark obtained from a United States post office dated on or before the required filing date, no fine will be levied.~~

~~(e) The applicant must pay the late fee before a late application is considered complete and failure to pay the late fee is considered an omission from the application for licensure pursuant to paragraph (3)(b).~~

Section 66. Paragraph (b) of subsection (1) of section 408.8065, Florida Statutes, is amended to read:

408.8065 Additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics.—

(1) An applicant for initial licensure, or initial licensure due to a change of ownership, as a home health agency, home medical equipment provider, or health care clinic shall:

(b) Submit ~~projected pro forma~~ financial statements, including a balance sheet, income and expense statement, and a statement of cash flows for the first 2 years of operation which provide evidence that the applicant has sufficient assets, credit, and projected revenues to cover liabilities and expenses.

All documents required under this subsection must be prepared in accordance with generally accepted accounting principles and may be in a compilation form. The financial statements must be signed by a certified public accountant.

Section 67. Subsections (5) through (8) of section 408.809, Florida Statutes are renumbered as subsections (6) through (9), respectively, and subsection (4) of that section is amended to read:

408.809 Background screening; prohibited offenses.—

(4) In addition to the offenses listed in s. 435.04, all persons required to undergo background screening pursuant to this part or authorizing statutes must not have an arrest awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record not have been sealed or expunged for any of the following offenses or any similar offense of another jurisdiction:

(a) Any authorizing statutes, if the offense was a felony.

(b) This chapter, if the offense was a felony.

(c) Section 409.920, relating to Medicaid provider fraud.

(d) Section 409.9201, relating to Medicaid fraud.

(e) Section 741.28, relating to domestic violence.

(f) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

(g) Section 817.234, relating to false and fraudulent insurance claims.

(h) Section 817.505, relating to patient brokering.

(i) Section 817.568, relating to criminal use of personal identification information.

(j) Section 817.60, relating to obtaining a credit card through fraudulent means.

(k) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

(l) Section 831.01, relating to forgery.

(m) Section 831.02, relating to uttering forged instruments.

(n) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

(o) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

(p) Section 831.30, relating to fraud in obtaining medicinal drugs.

(q) Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

(5) A person who serves as a controlling interest of, is employed by, or contracts with a licensee on July 31, 2010, who has been screened and qualified according to standards specified in s. 435.03 or s. 435.04 must be rescreened by July 31, 2015, in accordance with the schedule provided in paragraphs (a)-(c). ~~The agency may adopt rules to establish a schedule to stagger the implementation of the required rescreening over the 5-year period, beginning July 31, 2010, through July 31, 2015.~~ If, upon rescreening, such person has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency within 30 days after receipt of the rescreening results by the person. *The rescreening schedule shall be:*

(a) *Individuals whose last screening was conducted before December 31, 2003, must be rescreened by July 31, 2013.*

(b) *Individuals whose last screening was conducted between January 1, 2004, through December 31, 2007, must be rescreened by July 31, 2014.*

(c) *Individuals whose last screening was conducted between January 1, 2008, through July 31, 2010, must be rescreened by July 31, 2015.*

Section 68. Subsection (9) of section 408.810, Florida Statutes, is amended to read:

408.810 Minimum licensure requirements.—In addition to the licensure requirements specified in this part, authorizing statutes, and applicable rules, each applicant and licensee must comply with the requirements of this section in order to obtain and maintain a license.

(9) A controlling interest may not withhold from the agency any evidence of financial instability, including, but not limited to, checks returned due to insufficient funds, delinquent accounts, nonpayment of withholding taxes, unpaid utility expenses, nonpayment for essential services, or adverse court action concerning the financial viability of the provider or any other provider licensed under this part that is under the control of the controlling interest. *A controlling interest shall notify the agency within 10 days after a court action to initiate bankruptcy, foreclosure, or eviction proceedings concerning the provider in which the controlling interest is a petitioner or defendant.* Any person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation is a separate offense.

Section 69. Subsection (3) is added to section 408.813, Florida Statutes, to read:

408.813 Administrative fines; violations.—As a penalty for any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

(3) *The agency may impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine shall not exceed \$500 for each violation. Unclassified violations may include:*

- (a) *Violating any term or condition of a license.*
- (b) *Violating any provision of this part, authorizing statutes, or applicable rules.*
- (c) *Exceeding licensed capacity.*
- (d) *Providing services beyond the scope of the license.*

(e) *Violating a moratorium imposed pursuant to s. 408.814.*

Section 70. Subsection (4) of section 408.815, Florida Statutes, is amended, and subsections (5) and (6) are added to that section, to read:

408.815 License or application denial; revocation.—

(4) *Unless an applicant is determined by the agency to satisfy the provisions of subsection (5) for the action in question, the agency shall deny an application for a license or license renewal based upon any of the following actions of an applicant, a controlling interest of the applicant, or any entity in which a controlling interest of the applicant was an owner or officer when the following actions occurred. In addition to the grounds provided in authorizing statutes, the agency shall deny an application for a license or license renewal if the applicant or a person having a controlling interest in an applicant has been:*

(a) ~~Conviction~~ *Convicted* of, or enters a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, *Medicare fraud, Medicaid fraud, or insurance fraud*, unless the sentence and any subsequent period of probation for such convictions or plea ended more than 15 years prior to the date of the application;

(b) ~~Termination~~ *Terminated* for cause from the *Medicare program or a state Florida Medicaid program pursuant to s. 409.913*, unless the applicant has been in good standing with the *Medicare program or a state Florida Medicaid program* for the most recent 5 years and the termination occurred at least 20 years before the date of the application.; ~~or~~

(c) ~~Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from the federal Medicare program or from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years prior to the date of the application.~~

(5) *For any application subject to denial under subsection (4), the agency may consider mitigating circumstances, as applicable, including, but not limited to:*

(a) *Completion or lawful release from confinement, supervision, or sanction, including any terms of probation, and full restitution;*

(b) *Execution of a compliance plan with the agency;*

(c) *Compliance with any integrity agreement or compliance plan with any other government agency;*

(d) *Determination by the Medicare program or a state Medicaid program that the controlling interest or entity in which the controlling interest was an owner or officer is currently allowed to participate in the Medicare program or a state Medicaid program, either directly as a provider or indirectly as an owner or officer of a provider entity;*

(e) *Continuation of licensure by the controlling interest or entity in which the controlling interest was an owner or officer, either directly as a licensee or indirectly as an owner or officer of a licensed entity in the state where the action occurred;*

(f) *Overall impact upon the public health, safety, or welfare; or*

(g) *Determination that license denial is not commensurate with the prior action taken by the Medicare program or a state Medicaid program.*

*After considering the circumstances set forth in this subsection, the agency shall grant the license, with or without conditions, grant a provisional license for a period of no more than the licensure cycle, with or without conditions, or deny the license.*

(6) *In order to ensure the health, safety, and welfare of clients when a license has been denied, revoked, or is set to terminate, the agency may extend the license expiration date for a period of up to 30 days for the sole purpose of allowing the safe and orderly discharge of clients. The agency may impose conditions on the extension, including, but not limited to, prohibiting or limiting admissions, expedited discharge planning, required status reports, and mandatory monitoring by the agency or third parties. When imposing these conditions, the agency shall take into con-*

*sideration the nature and number of clients, the availability and location of acceptable alternative placements, and the ability of the licensee to continue providing care to the clients. The agency may terminate the extension or modify the conditions at any time. This authority is in addition to any other authority granted to the agency under chapter 120, this part, and authorizing statutes but creates no right or entitlement to an extension of a license expiration date.*

Section 71. Paragraph (c) of subsection (4) of section 409.212, Florida Statutes, is amended to read:

409.212 Optional supplementation.—

(4) In addition to the amount of optional supplementation provided by the state, a person may receive additional supplementation from third parties to contribute to his or her cost of care. Additional supplementation may be provided under the following conditions:

(c) The additional supplementation shall not exceed ~~three~~ *two* times the provider rate recognized under the optional state supplementation program.

Section 72. Subsection (1) of section 409.91196, Florida Statutes, is amended to read:

409.91196 Supplemental rebate agreements; public records and public meetings exemption.—

(1) The rebate amount, percent of rebate, manufacturer's pricing, and supplemental rebate, and other trade secrets as defined in s. 688.002 that the agency has identified for use in negotiations, held by the Agency for Health Care Administration under s. 409.912(39)(a)8.7, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 73. Paragraph (b) of subsection (4), paragraph (a) of subsection (39), and subsection (41) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider avail-

ability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpeded access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the

state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d), shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts must be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed

under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, that are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. *The agency shall work with the specialty plan to develop clinically effective, evidence-based alternatives as a downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services.* The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system and who reside in AHCA area 10 are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd).

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the preferred drug list on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency is authorized to seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to implement this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There is a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed is provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. *For a prescribed drug billed as a 340B prescribed medication, the claim must meet the requirements of the Deficit Reduction Act of 2005 and the federal 340B program, contain a national drug code, and be billed at the actual acquisition cost or payment shall be denied.*

~~4.~~ The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant

numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

5.4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

6.5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

7.6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

8.7. The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

9.8. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes.

Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10.9. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.10.a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

12.11.a. The agency shall implement a Medicaid prescription drug management system. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on

national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

~~13.12-~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

~~14.13-~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

~~15.14-~~ The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may, but is not required to, prior-authorize the use of a product:

- a. For an indication not approved in labeling;
- b. To comply with certain clinical guidelines; or
- c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug. The agency *shall accept electronic prior authorization requests from prescribers or pharmacists for any drug requiring prior authorization and may* post prior authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.

~~16.15-~~ The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

~~17.16-~~ The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months prior to the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according

to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

- a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;
- b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or
- c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

~~18.17-~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.

(41) The agency shall ~~establish~~ *provide for the development of a demonstration project by establishment* in Miami-Dade County of a long-term-care facility licensed *and a psychiatric facility* pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and ~~collocated~~ *co-located* with licensed facilities providing a continuum of care. ~~These projects are~~ *The establishment of this project is* not subject to the provisions of s. 408.036 or s. 408.039.

Section 74. Subsection (3) and paragraph (c) of subsection (4) of section 429.07, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

429.07 License required; fee; *inspections.*—

(3) In addition to the requirements of s. 408.806, each license granted by the agency must state the type of care for which the license is granted. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, ~~limited nursing services~~, or limited mental health.

(a) A standard license shall be issued to *a facility* ~~facilities~~ providing one or more of the personal services identified in s. 429.02. Such *licensee* ~~facilities~~ may also employ or contract with a person ~~licensed under part I of chapter 464 to administer medications and perform other tasks as specified in s. 429.255.~~

(b) An extended congregate care license shall be issued to *a licensee* ~~facilities~~ providing, directly or through contract, services beyond those authorized in paragraph (a), including services performed by persons licensed under part I of chapter 464 and supportive services, as defined by rule, to persons who would otherwise be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the ~~facility's~~ license, that such services may be provided and whether the designation applies to all or part of the facility. Such designation may be made at the time of initial licensure or relicensure, or upon request in writing by a licensee

under this part and part II of chapter 408. The notification of approval or the denial of the request shall be made in accordance with part II of chapter 408. An existing *licensee facilities* qualifying to provide extended congregate care services must have maintained a standard license and ~~may not have~~ been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

- a. A class I or class II violation;
- b. Three or more repeat or recurring class III violations of identical or similar resident care standards from which a pattern of non-compliance is found by the agency;
- c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;
- d. Violation of resident care standards which results in requiring the facility to employ the services of a consultant pharmacist or consultant dietitian;
- e. Denial, suspension, or revocation of a license for another facility licensed under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or
- f. Imposition of a moratorium pursuant to this part or part II of chapter 408 or initiation of injunctive proceedings.

2. A facility that is licensed to provide extended congregate care services shall maintain a written progress report ~~for on~~ each person who receives services which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. ~~A registered nurse, or appropriate designee, representing the agency shall visit the facility at least quarterly to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part, part II of chapter 408, and relevant rules. One of the visits may be in conjunction with the regular survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that inspects the facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. The agency must first consult with the long term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.~~

3. A facility that is licensed to provide extended congregate care services must:
  - a. Demonstrate the capability to meet unanticipated resident service needs.
  - b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.
  - c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency.
  - d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place, so that moves due to changes in functional status are minimized or avoided.
  - e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of personal choices, participate in developing service plans, and share responsibility in decisionmaking.
  - f. Implement the concept of managed risk.

g. Provide, directly or through contract, the services of a person licensed under part I of chapter 464.

h. In addition to the training mandated in s. 429.52, provide specialized training as defined by rule for facility staff.

4. A facility that is licensed to provide extended congregate care services is exempt from the criteria for continued residency set forth in rules adopted under s. 429.41. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, the facility may not serve residents who require 24-hour nursing supervision. A licensed facility that provides extended congregate care services must also provide each resident with a written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before the admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 429.26(4) and the facility must develop a preliminary service plan for the individual.

7. When a *licensee facility* can no longer provide or arrange for services in accordance with the resident's service plan and needs and the *licensee's facility's* policy, the *licensee facility* shall make arrangements for relocating the person in accordance with s. 429.28(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

~~(e) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.~~

~~1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or relicensure, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with part II of chapter 408. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.~~

~~2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least twice a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part, part II of chapter 408, and related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that inspects such facility.~~

~~3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 429.28(1)(k), unless the facility is licensed to provide extended congregate care services.~~

(4) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part, part II of

chapter 408, and applicable rules. The amount of the fee shall be established by rule.

~~(e) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$250 per license, with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility.~~

(6) *In order to determine whether the facility is adequately protecting residents' rights as provided in s. 429.28, the agency's standard licensure survey shall include private informal conversations with a sample of residents and consultation with the ombudsman council in the planning and service area in which the facility is located to discuss residents' experiences within the facility.*

(7) *An assisted living facility that has been cited within the previous 24-month period for a class I or class II violation, regardless of the status of any enforcement or disciplinary action, is subject to periodic unannounced monitoring to determine if the facility is in compliance with this part, part II of chapter 408, and applicable rules. Monitoring may occur through a desk review or an onsite assessment. If the class I or class II violation relates to providing or failing to provide nursing care, a registered nurse must participate in monitoring activities during the 12-month period following the violation.*

Section 75. Subsection (2) of section 429.075, Florida Statutes, is amended to read:

429.075 Limited mental health license.—An assisted living facility that serves three or more mental health residents must obtain a limited mental health license.

(2) Facilities licensed to provide services to mental health residents shall provide appropriate supervision and staffing to provide for the health, safety, and welfare of such residents. *In a municipality having a population of more than 300,000 residents, an assisted living facility or a community residential home located within an area zoned as a residential area must maintain 24-hour security services if the assisted living facility or a community residential home has:*

(a) *Residents who are identified as being part of a priority population; and*

(b) *Adult residents and adolescent residents who have severe and persistent mental illnesses or substance abuse disorders as described in s. 394.674.*

Section 76. Subsection (7) of section 429.11, Florida Statutes, is renumbered as subsection (6), and present subsection (6) of that section is amended to read:

429.11 Initial application for license; ~~provisional license.~~—

~~(6) In addition to the license categories available in s. 408.808, a provisional license may be issued to an applicant making initial application for licensure or making application for a change of ownership. A provisional license shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency.~~

Section 77. Section 429.12, Florida Statutes, is amended to read:

429.12 Sale or transfer of ownership of a facility.—It is the intent of the Legislature to protect the rights of the residents of an assisted living facility when the facility is sold or the ownership thereof is transferred. Therefore, in addition to the requirements of part II of chapter 408, whenever a facility is sold or the ownership thereof is transferred, including leasing,:

(1) the transferee shall notify the residents, in writing, of the change of ownership within 7 days after receipt of the new license.

~~(2) The transferor of a facility the license of which is denied pending an administrative hearing shall, as a part of the written change of ownership contract, advise the transferee that a plan of correction must be submitted by the transferee and approved by the agency at least 7 days before the change of ownership and that failure to correct the condition which resulted in the moratorium pursuant to part II of~~

~~chapter 408 or denial of licensure is grounds for denial of the transferee's license.~~

Section 78. Subsection (5) of section 429.14, Florida Statutes, is amended to read:

429.14 Administrative penalties.—

(5) An action taken by the agency to suspend, deny, or revoke a facility's license under this part or part II of chapter 408, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility, shall be heard by the Division of Administrative Hearings of the Department of Management Services within 120 days after receipt of the facility's request for a hearing, unless that time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order.

Section 79. Subsections (1), (4), and (5) of section 429.17, Florida Statutes, are amended to read:

429.17 Expiration of license; renewal; conditional license.—

(1) ~~Limited nursing, Extended congregate care, and limited mental health licenses shall expire at the same time as the facility's standard license, regardless of when issued.~~

(4) In addition to the license categories available in s. 408.808, a conditional license may be issued to an applicant for license renewal if the applicant fails to meet all standards and requirements for licensure. A conditional license issued under this subsection shall be limited in duration to a specific period of time not to exceed 6 months, as determined by the agency, ~~and shall be accompanied by an agency approved plan of correction.~~

(5) When an extended *congregate care or limited nursing license* is requested during a facility's biennial license period, the fee shall be prorated in order to permit the additional license to expire at the end of the biennial license period. The fee shall be calculated as of the date the additional license application is received by the agency.

Section 80. Section 429.195, Florida Statutes, is amended to read:

429.195 Rebates prohibited; penalties.—

(1) It is unlawful for any assisted living facility licensed under this part to contract or promise to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any *health care provider or health care facility pursuant to s. 817.505 physician, surgeon, organization, agency, or person, either directly or indirectly, for residents referred to an assisted living facility licensed under this part. A facility may employ or contract with persons to market the facility, provided the employee or contract provider clearly indicates that he or she represents the facility. A person or agency independent of the facility may provide placement or referral services for a fee to individuals seeking assistance in finding a suitable facility; however, any fee paid for placement or referral services must be paid by the individual looking for a facility, not by the facility.*

(2) A violation of this section shall be considered patient brokering and is punishable as provided in s. 817.505.

(3) *This section does not apply to:*

(a) *An individual employed by the facility, or with whom the facility contracts to market the facility, if the employee or contract provider clearly indicates that he or she works with or for the facility.*

(b) *A referral service that provides information, consultation, or referrals to consumers to assist them in finding appropriate care or housing options for seniors or disabled adults, provided that such referred consumers are not Medicaid recipients.*

(c) *Residents of an assisted living facility who refer friends, family members, or other individuals with whom they have a personal relationship to the assisted living facility, and does not prohibit the assisted living facility from providing a monetary reward to the resident for making such a referral.*

Section 81. Subsections (6) through (10) of section 429.23, Florida Statutes, are renumbered as subsections (5) through (9), respectively, and present subsection (5) of that section is amended to read:

429.23 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

~~(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.~~

Section 82. Paragraph (a) of subsection (1) and subsection (2) of section 429.255, Florida Statutes, are amended to read:

429.255 Use of personnel; emergency care.—

(1)(a) Persons under contract to the facility ~~or~~, facility staff, ~~or volunteers~~, who are licensed according to part I of chapter 464, or those persons exempt under s. 464.022(1), and others as defined by rule, may administer medications to residents, take residents' vital signs, manage individual weekly pill organizers for residents who self-administer medication, give prepackaged enemas ordered by a physician, observe residents, document observations on the appropriate resident's record, report observations to the resident's physician, and contract or allow residents or a resident's representative, designee, surrogate, guardian, or attorney in fact to contract with a third party, provided residents meet the criteria for appropriate placement as defined in s. 429.26. *Persons under contract to the facility or facility staff who are licensed according to part I of chapter 464 may provide limited nursing services.* Nursing assistants certified pursuant to part II of chapter 464 may take residents' vital signs as directed by a licensed nurse or physician. *The facility is responsible for maintaining documentation of services provided under this paragraph and as required by rule and for ensuring that staff are adequately trained to monitor residents receiving these services.*

(2) In facilities licensed to provide extended congregate care, persons under contract to the facility ~~or~~, facility staff, ~~or volunteers~~, who are licensed according to part I of chapter 464, or those persons exempt under s. 464.022(1), or those persons certified as nursing assistants pursuant to part II of chapter 464, may also perform all duties within the scope of their license or certification, as approved by the facility administrator and pursuant to this part.

Section 83. Subsections (4), (5), (6), and (7) of section 429.28, Florida Statutes, are renumbered as subsections (3), (4), (5), and (6), respectively, and present subsections (3) and (6) of that section are amended to read:

429.28 Resident bill of rights.—

~~(3)(a) The agency shall conduct a survey to determine general compliance with facility standards and compliance with residents' rights as a prerequisite to initial licensure or licensure renewal.~~

~~(b) In order to determine whether the facility is adequately protecting residents' rights, the biennial survey shall include private informal conversations with a sample of residents and consultation with the ombudsman council in the planning and service area in which the facility is located to discuss residents' experiences within the facility.~~

~~(c) During any calendar year in which no survey is conducted, the agency shall conduct at least one monitoring visit of each facility cited in the previous year for a class I or class II violation, or more than three uncorrected class III violations.~~

~~(d) The agency may conduct periodic followup inspections as necessary to monitor the compliance of facilities with a history of any class I, class II, or class III violations that threaten the health, safety, or security of residents.~~

~~(e) The agency may conduct complaint investigations as warranted to investigate any allegations of noncompliance with requirements required under this part or rules adopted under this part.~~

~~(5)(6) Any facility which terminates the residency of an individual who participated in activities specified in subsection (4)(5) shall show good cause in a court of competent jurisdiction.~~

Section 84. Subsections (4) and (5) of section 429.41, Florida Statutes, are renumbered as subsections (3) and (4), respectively, and paragraphs (i) and (j) of subsection (1) and present subsection (3) of that section are amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(i) Facilities holding ~~an a limited nursing~~, extended congregate care, or limited mental health license.

(j) The establishment of specific criteria to define appropriateness of resident admission and continued residency in a facility holding a standard, ~~limited nursing~~, extended congregate care, and limited mental health license.

~~(3) The department shall submit a copy of proposed rules to the Speaker of the House of Representatives, the President of the Senate, and appropriate committees of substance for review and comment prior to the promulgation thereof. Rules promulgated by the department shall encourage the development of homelike facilities which promote the dignity, individuality, personal strengths, and decisionmaking ability of residents.~~

Section 85. Subsections (1) and (2) of section 429.53, Florida Statutes, are amended to read:

429.53 Consultation by the agency.—

(1) ~~The area offices of licensure and certification of the agency shall provide consultation to the following upon request:~~

(a) A licensee of a facility.

(b) A person interested in obtaining a license to operate a facility under this part.

(2) As used in this section, "consultation" includes:

(a) An explanation of the requirements of this part and rules adopted pursuant thereto;

(b) An explanation of the license application and renewal procedures; *and*

~~(c) The provision of a checklist of general local and state approvals required prior to constructing or developing a facility and a listing of the types of agencies responsible for such approvals;~~

~~(d) An explanation of benefits and financial assistance available to a recipient of supplemental security income residing in a facility;~~

~~(c)(e) Any other information which the agency deems necessary to promote compliance with the requirements of this part; and~~

~~(f) A preconstruction review of a facility to ensure compliance with agency rules and this part.~~

Section 86. Subsections (1) and (2) of section 429.54, Florida Statutes, are renumbered as subsections (2) and (3), respectively, and subsection (1) is added to that section, to read:

429.54 Collection of information; local subsidy.—

(1) *A facility that is licensed under this part must report electronically to the agency semiannually data related to the facility, including, but not limited to, the total number of residents, the number of residents who are receiving limited mental health services, the number of residents who are receiving extended congregate care services, the number of residents who are receiving limited nursing services, and professional staffing employed by or under contract with the licensee to provide resident services. The department, in consultation with the agency, shall adopt rules to administer this subsection.*

Section 87. Subsection (6) of section 429.71, Florida Statutes, is renumbered as subsection (5), and subsection (1) and present subsection (5) of that section are amended to read:

429.71 Classification of *violations* deficiencies; administrative fines.—

(1) In addition to the requirements of part II of chapter 408 and in addition to any other liability or penalty provided by law, the agency may impose an administrative fine on a provider according to the following classification:

(a) Class I violations are defined in s. 408.813 ~~those conditions or practices related to the operation and maintenance of an adult family care home or to the care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice that constitutes a class I violation must be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction.~~ A class I violation deficiency is subject to an administrative fine in an amount not less than \$500 and not exceeding \$1,000 for each violation. ~~A fine may be levied notwithstanding the correction of the deficiency.~~

(b) Class II violations are defined in s. 408.813 ~~those conditions or practices related to the operation and maintenance of an adult family care home or to the care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the residents, other than class I violations.~~ A class II violation is subject to an administrative fine in an amount not less than \$250 and not exceeding \$500 for each violation. ~~A citation for a class II violation must specify the time within which the violation is required to be corrected. If a class II violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) Class III violations are defined in s. 408.813 ~~those conditions or practices related to the operation and maintenance of an adult family care home or to the care of residents which the agency determines directly or potentially threaten the physical or emotional health, safety, or security of residents, other than class I or class II violations.~~ A class III violation is subject to an administrative fine in an amount not less than \$100 and not exceeding \$250 for each violation. ~~A citation for a class III violation shall specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated violation offense.~~

(d) Class IV violations are defined in s. 408.813 ~~those conditions or occurrences related to the operation and maintenance of an adult family care home, or related to the required reports, forms, or documents, which do not have the potential of negatively affecting the residents.~~ A provider that does not correct A class IV violation within the time limit specified by the agency is subject to an administrative fine in an amount not less than \$50 and not exceeding \$100 for each violation. Any class IV violation that is corrected during the time the agency survey is conducted will be identified as an agency finding and not as a violation, *unless it is a repeat violation.*

~~(5) As an alternative to or in conjunction with an administrative action against a provider, the agency may request a plan of corrective action that demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.~~

Section 88. Section 429.915, Florida Statutes, is amended to read:

429.915 Conditional license.—In addition to the license categories available in part II of chapter 408, the agency may issue a conditional license to an applicant for license renewal or change of ownership if the applicant fails to meet all standards and requirements for licensure. A conditional license issued under this subsection must be limited to a specific period not exceeding 6 months, as determined by the agency, ~~and must be accompanied by an approved plan of correction.~~

Section 89. Paragraphs (b) and (g) of subsection (3) of section 430.80, Florida Statutes, are amended to read:

430.80 Implementation of a teaching nursing home pilot project.—

(3) To be designated as a teaching nursing home, a nursing home licensee must, at a minimum:

(b) Participate in a nationally recognized accreditation program and hold a valid accreditation, such as the accreditation awarded by the Joint Commission on Accreditation of Healthcare Organizations, or, at the time of initial designation, possess a Gold Seal Award as conferred by the state on its licensed nursing home;

(g) Maintain insurance coverage pursuant to s. 400.141(1)(g) ~~(h)~~ or proof of financial responsibility in a minimum amount of \$750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining pursuant to chapter 675 an unexpired, irrevocable, nontransferable and nonassignable letter of credit issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized to receive deposits in this state. The letter of credit shall be used to satisfy the obligation of the facility to the claimant upon presentment of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the facility.

Section 90. Paragraph (d) of subsection (9) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(9) DRUG-TESTING STANDARDS FOR LABORATORIES.—

~~(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The report must include information on the methods of analysis conducted, the drugs tested for, the number of positive and negative results for both initial tests and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. A monthly report must not identify specific employees or job applicants.~~

Section 91. Paragraph (a) of subsection (2) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(a) Subject to the limitations specified elsewhere in this chapter, the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery may require, which is in accordance with established practice parameters and protocols of treatment as provided for in this chapter, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically

necessary apparatus. Remedial treatment, care, and attendance, including work-hardening programs or pain-management programs accredited by the Commission on Accreditation of Rehabilitation Facilities or the Joint Commission on the Accreditation of Health Organizations or pain-management programs affiliated with medical schools, shall be considered as covered treatment only when such care is given based on a referral by a physician as defined in this chapter. Medically necessary treatment, care, and attendance does not include chiropractic services in excess of 24 treatments or rendered 12 weeks beyond the date of the initial chiropractic treatment, whichever comes first, unless the carrier authorizes additional treatment or the employee is catastrophically injured.

Failure of the carrier to timely comply with this subsection shall be a violation of this chapter and the carrier shall be subject to penalties as provided for in s. 440.525.

Section 92. Paragraph (h) of subsection (3) of section 456.053, Florida Statutes, is amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(h) “Group practice” means a group of two or more health care providers legally organized as a partnership, professional corporation, or similar association:

1.a. In which each health care provider who is a member of the group provides substantially the full range of services which the health care provider routinely provides, including medical care, consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment, and personnel;

b. For which substantially all of the services of the health care providers who are members of the group are provided through the group and are billed in the name of the group and amounts so received are treated as receipts of the group; and

c. In which the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

2. If the group provides radiation therapy services:

a. The group accepts and treats cancer patients under provider contracts for medical services under s. 409.912 for Medicaid;

b. The group provides the full range of radiation therapy services such that no single type of cancer, either as a primary or secondary diagnosis and as described by the International Statistical Classification of Diseases, shall constitute 40 percent or more of the group’s cases for professional and technical services for radiation therapy services, where a case is defined as an individual patient’s radiation treatment course; and

c. The health care providers other than physicians specializing in the provision of radiation therapy services or medical oncology services shall not own 50 percent or more of the group practice.

Section 93. Subsection (1) of section 483.035, Florida Statutes, is amended to read:

483.035 Clinical laboratories operated by practitioners for exclusive use; licensure and regulation.—

(1) A clinical laboratory operated by one or more practitioners licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, part I of chapter 464, or chapter 466, exclusively in connection with the diagnosis and treatment of their own patients, must be licensed under this part and must comply with the provisions of this part, except that the agency shall adopt rules for staffing, for personnel, including education and training of personnel, for proficiency testing, and for construction standards relating to the licensure and operation of the laboratory based upon and not exceeding the same standards contained in the federal Clinical Laboratory Improvement Amendments of 1988 and the federal regulations adopted thereunder.

Section 94. Subsections (1) and (9) of section 483.051, Florida Statutes, are amended to read:

483.051 Powers and duties of the agency.—The agency shall adopt rules to implement this part, which rules must include, but are not limited to, the following:

(1) LICENSING; QUALIFICATIONS.—The agency shall provide for biennial licensure of all *nonwaived* clinical laboratories meeting the requirements of this part and shall prescribe the qualifications necessary for such licensure, including, but not limited to, application for or proof of a federal Clinical Laboratory Improvement Amendment (CLIA) certificate. For purposes of this section, the term “nonwaived clinical laboratories” means laboratories that perform any test that the Centers for Medicare and Medicaid Services has determined does not qualify for a certificate of waiver under the Clinical Laboratory Improvement Amendments of 1988 and the federal rules adopted thereunder.

(9) ALTERNATE-SITE TESTING.—The agency, in consultation with the Board of Clinical Laboratory Personnel, shall adopt, by rule, the criteria for alternate-site testing to be performed under the supervision of a clinical laboratory director. The elements to be addressed in the rule include, but are not limited to: a hospital internal needs assessment; a protocol of implementation including tests to be performed and who will perform the tests; criteria to be used in selecting the method of testing to be used for alternate-site testing; minimum training and education requirements for those who will perform alternate-site testing, such as documented training, licensure, certification, or other medical professional background not limited to laboratory professionals; documented inservice training as well as initial and ongoing competency validation; an appropriate internal and external quality control protocol; an internal mechanism for identifying and tracking alternate-site testing by the central laboratory; and recordkeeping requirements. ~~Alternate site testing locations must register when the clinical laboratory applies to renew its license.~~ For purposes of this subsection, the term “alternate-site testing” means any laboratory testing done under the administrative control of a hospital, but performed out of the physical or administrative confines of the central laboratory.

Section 95. Section 483.294, Florida Statutes, is amended to read:

483.294 Inspection of centers.—In accordance with s. 408.811, the agency shall ~~biennially, at least once annually,~~ inspect the premises and operations of all centers subject to licensure under this part.

Section 96. Paragraph (a) of subsection (54) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(54) “Wholesale distribution” means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, “common control” means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

d.e. The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

e.f. The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under sub-subparagraph e.

~~f.g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

Section 97. Subsection (1) of section 627.645, Florida Statutes, is amended to read:

627.645 Denial of health insurance claims restricted.—

(1) No claim for payment under a health insurance policy or self-insured program of health benefits for treatment, care, or services in a licensed hospital which is accredited by the Joint Commission ~~on the Accreditation of Hospitals~~, the American Osteopathic Association, or the Commission on the Accreditation of Rehabilitative Facilities shall be denied because such hospital lacks major surgical facilities and is primarily of a rehabilitative nature, if such rehabilitation is specifically for treatment of physical disability.

Section 98. Paragraph (c) of subsection (2) of section 627.668, Florida Statutes, is amended to read:

627.668 Optional coverage for mental and nervous disorders required; exception.—

(2) Under group policies or contracts, inpatient hospital benefits, partial hospitalization benefits, and outpatient benefits consisting of durational limits, dollar amounts, deductibles, and coinsurance factors shall not be less favorable than for physical illness generally, except that:

(c) Partial hospitalization benefits shall be provided under the direction of a licensed physician. For purposes of this part, the term “partial hospitalization services” is defined as those services offered by a

program accredited by the Joint Commission ~~on Accreditation of Hospitals (JCAH)~~ or in compliance with equivalent standards. Alcohol rehabilitation programs accredited by the Joint Commission ~~on Accreditation of Hospitals~~ or approved by the state and licensed drug abuse rehabilitation programs shall also be qualified providers under this section. In any benefit year, if partial hospitalization services or a combination of inpatient and partial hospitalization are utilized, the total benefits paid for all such services shall not exceed the cost of 30 days of inpatient hospitalization for psychiatric services, including physician fees, which prevail in the community in which the partial hospitalization services are rendered. If partial hospitalization services benefits are provided beyond the limits set forth in this paragraph, the durational limits, dollar amounts, and coinsurance factors thereof need not be the same as those applicable to physical illness generally.

Section 99. Subsection (3) of section 627.669, Florida Statutes, is amended to read:

627.669 Optional coverage required for substance abuse impaired persons; exception.—

(3) The benefits provided under this section shall be applicable only if treatment is provided by, or under the supervision of, or is prescribed by, a licensed physician or licensed psychologist and if services are provided in a program accredited by the Joint Commission ~~on Accreditation of Hospitals~~ or approved by the state.

Section 100. Paragraph (a) of subsection (1) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) **REQUIRED BENEFITS.**—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to the provisions of subsection (2) and paragraph (4)(e), to a limit of \$10,000 for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) *Medical benefits.*—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices, and medically necessary ambulance, hospital, and nursing services. However, the medical benefits shall provide reimbursement only for such services and care that are lawfully provided, supervised, ordered, or prescribed by a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, or a chiropractic physician licensed under chapter 460 or that are provided by any of the following persons or entities:

1. A hospital or ambulatory surgical center licensed under chapter 395.

2. A person or entity licensed under ss. 401.2101-401.45 that provides emergency transportation and treatment.

3. An entity wholly owned by one or more physicians licensed under chapter 458 or chapter 459, chiropractic physicians licensed under chapter 460, or dentists licensed under chapter 466 or by such practitioner or practitioners and the spouse, parent, child, or sibling of that practitioner or those practitioners.

4. An entity wholly owned, directly or indirectly, by a hospital or hospitals.

5. A health care clinic licensed under ss. 400.990-400.995 that is:

a. Accredited by the Joint Commission ~~on Accreditation of Health-care Organizations~~, the American Osteopathic Association, the Commission on Accreditation of Rehabilitative Facilities, or the Accreditation Association for Ambulatory Health Care, Inc.; or

b. A health care clinic that:

(I) Has a medical director licensed under chapter 458, chapter 459, or chapter 460;

(II) Has been continuously licensed for more than 3 years or is a publicly traded corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange; and

(III) Provides at least four of the following medical specialties:

- (A) General medicine.
- (B) Radiography.
- (C) Orthopedic medicine.
- (D) Physical medicine.
- (E) Physical therapy.
- (F) Physical rehabilitation.
- (G) Prescribing or dispensing outpatient prescription medication.
- (H) Laboratory services.

The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in subparagraph 3., subparagraph 4., or subparagraph 5. to document that the health care provider meets the criteria of this paragraph, which rule must include a requirement for a sworn statement or affidavit.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and no such insurer shall require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such required benefits. Insurers may not require that property damage liability insurance in an amount greater than \$10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. Any insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice shall be deemed to have violated part IX of chapter 626, and such violation shall constitute an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance; and any such insurer committing such violation shall be subject to the penalties afforded in such part, as well as those which may be afforded elsewhere in the insurance code.

Section 101. Section 633.081, Florida Statutes, is amended to read:

633.081 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule promulgated thereunder, or a minimum firesafety code adopted by a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules promulgated thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located within the premises of any such building or structure. *The State Fire Marshal and her or his agents shall inspect nursing homes licensed under part II of chapter 400 only once every calendar year and upon receiving a complaint forming the basis of a reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule promulgated thereunder, or a minimum firesafety code adopted by a local authority may exist and upon identifying such a violation in the course of conducting orientation or training activities within a nursing home.*

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. 633.082(2), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipi-

palities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

(2) Except as provided in s. 633.082(2), every firesafety inspection conducted pursuant to state or local firesafety requirements shall be by a person certified as having met the inspection training requirements set by the State Fire Marshal. Such person shall:

- (a) Be a high school graduate or the equivalent as determined by the department;
- (b) Not have been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States, or of any state thereof, which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;
- (c) Have her or his fingerprints on file with the department or with an agency designated by the department;
- (d) Have good moral character as determined by the department;
- (e) Be at least 18 years of age;
- (f) Have satisfactorily completed the firesafety inspector certification examination as prescribed by the department; and

(g)1. Have satisfactorily completed, as determined by the department, a firesafety inspector training program of not less than 200 hours established by the department and administered by agencies and institutions approved by the department for the purpose of providing basic certification training for firesafety inspectors; or

2. Have received in another state training which is determined by the department to be at least equivalent to that required by the department for approved firesafety inspector education and training programs in this state.

(3) Each special state firesafety inspection which is required by law and is conducted by or on behalf of an agency of the state must be performed by an individual who has met the provision of subsection (2), except that the duration of the training program shall not exceed 120 hours of specific training for the type of property that such special state firesafety inspectors are assigned to inspect.

(4) A firefighter certified pursuant to s. 633.35 may conduct firesafety inspections, under the supervision of a certified firesafety inspector, while on duty as a member of a fire department company conducting inservice firesafety inspections without being certified as a firesafety inspector, if such firefighter has satisfactorily completed an inservice fire department company inspector training program of at least 24 hours' duration as provided by rule of the department.

(5) Every firesafety inspector or special state firesafety inspector certification is valid for a period of 3 years from the date of issuance. Renewal of certification shall be subject to the affected person's completing proper application for renewal and meeting all of the requirements for renewal as established under this chapter or by rule promulgated thereunder, which shall include completion of at least 40 hours during the preceding 3-year period of continuing education as required by the rule of the department or, in lieu thereof, successful passage of an examination as established by the department.

(6) The State Fire Marshal may deny, refuse to renew, suspend, or revoke the certificate of a firesafety inspector or special state firesafety inspector if it finds that any of the following grounds exist:

- (a) Any cause for which issuance of a certificate could have been refused had it then existed and been known to the State Fire Marshal.
- (b) Violation of this chapter or any rule or order of the State Fire Marshal.
- (c) Falsification of records relating to the certificate.
- (d) Having been found guilty of or having pleaded guilty or nolo contendere to a felony, whether or not a judgment of conviction has been entered.

(e) Failure to meet any of the renewal requirements.

(f) Having been convicted of a crime in any jurisdiction which directly relates to the practice of fire code inspection, plan review, or administration.

(g) Making or filing a report or record that the certificateholder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by state or local law, or knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing.

(h) Failing to properly enforce applicable fire codes or permit requirements within this state which the certificateholder knows are applicable by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.

(i) Accepting labor, services, or materials at no charge or at a non-competitive rate from any person who performs work that is under the enforcement authority of the certificateholder and who is not an immediate family member of the certificateholder. For the purpose of this paragraph, the term "immediate family member" means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person's spouse or any person who resides in the primary residence of the certificateholder.

(7) The Division of State Fire Marshal and the Florida Building Code Administrators and Inspectors Board, established pursuant to s. 468.605, shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. 468.609 and firesafety inspectors certified under subsection (2).

(8) The State Fire Marshal shall develop by rule an advanced training and certification program for firesafety inspectors having fire code management responsibilities. The program must be consistent with the appropriate provisions of NFPA 1037, or similar standards adopted by the division, and establish minimum training, education, and experience levels for firesafety inspectors having fire code management responsibilities.

(9) The department shall provide by rule for the certification of firesafety inspectors.

Section 102. Subsection (12) of section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(12) The provisions of part I of chapter 395 do not apply to a health maintenance organization that, on or before January 1, 1991, provides not more than 10 outpatient holding beds for short-term and hospice-type patients in an ambulatory care facility for its members, provided that such health maintenance organization maintains current accreditation by the Joint Commission on Accreditation of Health Care Organizations, the Accreditation Association for Ambulatory Health Care, or the National Committee for Quality Assurance.

Section 103. Subsection (13) of section 651.118, Florida Statutes, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(13) Residents, as defined in this chapter, are not considered new admissions for the purpose of s. 400.141(1)(n) ~~(e)~~ 1.d.

Section 104. Subsection (2) of section 766.1015, Florida Statutes, is amended to read:

766.1015 Civil immunity for members of or consultants to certain boards, committees, or other entities.—

(2) Such committee, board, group, commission, or other entity must be established in accordance with state law or in accordance with requirements of the Joint Commission on Accreditation of Health Care Organizations, established and duly constituted by one or more public or licensed private hospitals or behavioral health agencies, or established

by a governmental agency. To be protected by this section, the act, decision, omission, or utterance may not be made or done in bad faith or with malicious intent.

Section 105. Subsection (4) of section 766.202, Florida Statutes, is amended to read:

766.202 Definitions; ss. 766.201-766.212.—As used in ss. 766.201-766.212, the term:

(4) "Health care provider" means any hospital, ambulatory surgical center, or mobile surgical facility as defined and licensed under chapter 395; a birth center licensed under chapter 383; any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, part I of chapter 464, chapter 466, chapter 467, *part XIV of chapter 468*, or chapter 486; a clinical lab licensed under chapter 483; a health maintenance organization certificated under part I of chapter 641; a blood bank; a plasma center; an industrial clinic; a renal dialysis facility; or a professional association partnership, corporation, joint venture, or other association for professional activity by health care providers.

Section 106. Paragraph (j) is added to subsection (3) of section 817.505, Florida Statutes, to read:

817.505 Patient brokering prohibited; exceptions; penalties.—

(3) This section shall not apply to:

(j) *Any payments by an assisted living facility, as defined in s. 429.02, or any agreement for or solicitation, offer, or receipt of such payment by a referral service, which is permitted under s. 429.195(3).*

Section 107. *The per-bed standard assisted living facility licensure fees, including the total fee, have been adjusted by the Consumer Price Index annually since 1998 and are not intended to be reset by this act. In addition to the Consumer Price Index adjustment, the per-bed fee is increased by \$9 to neutralize the elimination of the limited nursing services specialty license fee.*

Section 108. Section 381.06014, Florida Statutes, is amended to read:

381.06014 Blood establishments.—

(1) As used in this section, the term:

(a) "Blood establishment" means any person, entity, or organization, operating within the state, which examines an individual for the purpose of blood donation or which collects, processes, stores, tests, or distributes blood or blood components collected from the human body for the purpose of transfusion, for any other medical purpose, or for the production of any biological product. *A person, entity, or organization that uses a mobile unit to conduct such activities within the state is also a blood establishment.*

(b) "Volunteer donor" means a person who does not receive remuneration, other than an incentive, for a blood donation intended for transfusion, and the product container of the donation from the person qualifies for labeling with the statement "volunteer donor" under 21 C.F.R. s. 606.121.

(2) Any blood establishment operating in the state may not conduct any activity defined in *paragraph (1)(a)* ~~subsection (1)~~ unless that blood establishment is operated in a manner consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, ~~Code of Federal Regulations~~.

(3) Any blood establishment determined to be operating in the state in a manner not consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, ~~Code of Federal Regulations~~, and in a manner that constitutes a danger to the health or well-being of donors or recipients as evidenced by the federal Food and Drug Administration's inspection reports and the revocation of the blood establishment's license or registration ~~is shall be~~ in violation of this chapter and ~~must shall~~ immediately cease all operations in the state.

(4) The operation of a blood establishment in a manner not consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, ~~Code of Federal Regulations~~, and in a manner that constitutes a danger

to the health or well-being of blood donors or recipients as evidenced by the federal Food and Drug Administration's inspection process is declared a nuisance and inimical to the public health, welfare, and safety. The Agency for Health Care Administration or any state attorney may bring an action for an injunction to restrain such operations or enjoin the future operation of the blood establishment.

(5) A local government may not restrict the access to or use of any public facility or infrastructure for the collection of blood or blood components from volunteer donors based on whether the blood establishment is operating as a for-profit organization or not-for-profit organization.

(6) In determining the service fee of blood or blood components received from volunteer donors and sold to hospitals or other health care providers, a blood establishment may not base the service fee of the blood or blood component solely on whether the purchasing entity is a for-profit organization or not-for-profit organization.

(7) A blood establishment that collects blood or blood components from volunteer donors must disclose on the Internet the information required under this subsection to educate and inform donors and the public about the blood establishment's activities. A hospital that collects blood or blood components to be used only by that hospital's licensed facilities or by a health care provider that is a part of the hospital's business entity is exempt from the disclosure requirements in this subsection. The information required to be disclosed under this subsection may be cumulative for all blood establishments within a business entity. A blood establishment must disclose on its website all of the following information:

(a) A description of the steps involved in collecting, processing, and distributing volunteer donations.

(b) By March 1 of each year, the number of units of blood components which were:

1. Produced by the blood establishment during the preceding calendar year;

2. Obtained from other sources during the preceding calendar year;

3. Distributed during the preceding calendar year to health care providers located outside this state. However, if the blood establishment collects donations in a county outside this state, distributions to health care providers in that county shall be excluded. Such information shall be reported in the aggregate for health care providers located within the United States and its territories or outside the United States and its territories; and

4. Distributed during the preceding calendar year to entities that are not health care providers. Such information shall be reported in the aggregate for purchasers located within the United States and its territories or outside the United States and its territories.

(c) The blood establishment's conflict-of-interest policy, policy concerning related-party transactions, whistleblower policy, and policy for determining executive compensation. If a change occurs to any of these documents, the revised document must be available on the blood establishment's website by the following March 1.

(d) Except for a hospital that collects blood or blood components from volunteer donors:

1. The most recent 3 years of the Return of Organization Exempt from Income Tax, Internal Revenue Service Form 990, if the business entity for the blood establishment is eligible to file such return. The Form 990 must be available on the blood establishment's website within 60 calendar days after it is filed with the Internal Revenue Service; or

2. If the business entity for the blood establishment is not eligible to file the Form 990 return, a balance sheet, income statement, and statement of changes in cash flow, along with the expression of an opinion thereon by an independent certified public accountant who audited or reviewed such financial statements. Such documents must be available on the blood establishment's website within 120 days after the end of the blood establishment's fiscal year and must remain on the blood establishment's website for at least 36 months.

(8) A blood establishment is liable for a civil penalty for failing to make the disclosures required under subsection (7). The Department of

Legal Affairs may assess the civil penalty against the blood establishment for each day that it fails to make such required disclosures, but the penalty may not exceed \$10,000 per year. If multiple blood establishments operated by a single business entity fail to meet such disclosure requirements, the civil penalty may be assessed against only one of the business entity's blood establishments. The Department of Legal Affairs may terminate an action if the blood establishment agrees to pay a stipulated civil penalty. A civil penalty so collected accrues to the state and shall be deposited as received into the General Revenue Fund unallocated. The Department of Legal Affairs may terminate the action and waive the civil penalty upon a showing of good cause by the blood establishment as to why the required disclosures were not made.

Section 109. Subsection (23) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(23) "Health care entity" means a closed pharmacy or any person, organization, or business entity that provides diagnostic, medical, surgical, or dental treatment or care, or chronic or rehabilitative care, but does not include any wholesale distributor or retail pharmacy licensed under state law to deal in prescription drugs. However, a blood establishment is a health care entity that may engage in the wholesale distribution of prescription drugs under s. 499.01(2)(g)1.c.

Section 110. Subsection (21) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.—It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(21) The wholesale distribution of any prescription drug that was:

(a) Purchased by a public or private hospital or other health care entity; or

(b) Donated or supplied at a reduced price to a charitable organization, unless the wholesale distribution of the prescription drug is authorized in s. 499.01(2)(g)1.c.

Section 111. Paragraphs (a), (g), and (t) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(a) Prescription drug manufacturer permit.—A prescription drug manufacturer permit is required for any person that is a manufacturer of a prescription drug and that manufactures or distributes such prescription drugs in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in wholesale distribution of prescription drugs manufactured at that establishment and must comply with all of the provisions of this part, except s. 499.01212, and the rules adopted under this part, except s. 499.01212, which ~~that~~ apply to a wholesale distributor.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

3. A blood establishment, as defined in s. 381.06014, operating in a manner consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, and manufacturing only the prescription drugs described in s. 499.003(54)(d) is not required to be permitted as a prescription drug manufacturer under this paragraph or to register products under s. 499.015.

(g) Restricted prescription drug distributor permit.—

1. A restricted prescription drug distributor permit is required for:

a. Any person located in this state that engages in the distribution of a prescription drug, which distribution is not considered "wholesale distribution" under s. 499.003(54)(a).

~~b.1. Any A person located in this state who engages in the receipt or distribution of a prescription drug in this state for the purpose of processing its return or its destruction must obtain a permit as a restricted prescription drug distributor if such person is not the person initiating the return, the prescription drug wholesale supplier of the person initiating the return, or the manufacturer of the drug.~~

c. A blood establishment located in this state which collects blood and blood components only from volunteer donors as defined in s. 381.06014 or pursuant to an authorized practitioner's order for medical treatment or therapy and engages in the wholesale distribution of a prescription drug not described in s. 499.003(54)(d) to a health care entity. The health care entity receiving a prescription drug distributed under this sub-subparagraph must be licensed as a closed pharmacy or provide health care services at that establishment. The blood establishment must operate in accordance with s. 381.06014 and may distribute only:

(I) Prescription drugs indicated for a bleeding or clotting disorder or anemia;

(II) Blood-collection containers approved under s. 505 of the federal act;

(III) Drugs that are blood derivatives, or a recombinant or synthetic form of a blood derivative;

(IV) Prescription drugs that are identified in rules adopted by the department and that are essential to services performed or provided by blood establishments and authorized for distribution by blood establishments under federal law; or

(V) To the extent authorized by federal law, drugs necessary to collect blood or blood components from volunteer blood donors; for blood establishment personnel to perform therapeutic procedures under the direction and supervision of a licensed physician; and to diagnose, treat, manage, and prevent any reaction of either a volunteer blood donor or a patient undergoing a therapeutic procedure performed under the direction and supervision of a licensed physician,

as long as all of the health care services provided by the blood establishment are related to its activities as a registered blood establishment or the health care services consist of collecting, processing, storing, or administering human hematopoietic stem cells or progenitor cells or performing diagnostic testing of specimens if such specimens are tested together with specimens undergoing routine donor testing.

2. Storage, handling, and recordkeeping of these distributions by a person required to be permitted as a restricted prescription drug distributor must comply with the requirements for wholesale distributors under s. 499.0121, but not those set forth in s. 499.01212 if the distribution occurs pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b.

3. A person who applies for a permit as a restricted prescription drug distributor, or for the renewal of such a permit, must provide to the department the information required under s. 499.012.

4. The department may adopt rules regarding the distribution of prescription drugs by hospitals, health care entities, charitable organizations, or other persons not involved in wholesale distribution, and blood establishments, which rules are necessary for the protection of the public health, safety, and welfare.

(t) *Health care clinic establishment permit.*—Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location that provides health care or veterinary services, which is owned and operated by a business entity that has been issued a federal employer tax identification number. For the purpose of this paragraph, the term “qualifying practitioner” means a licensed health care practitioner defined in s. 456.001, or a veterinarian licensed under chapter 474, who is authorized under the appropriate practice act to prescribe and administer a prescription drug.

1. An establishment must provide, as part of the application required under s. 499.012, designation of a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. In addition, the designated qualifying practitioner

shall be the practitioner whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment. Upon initial appointment of a qualifying practitioner, the qualifying practitioner and the health care clinic establishment shall notify the department on a form furnished by the department within 10 days after such employment. In addition, the qualifying practitioner and health care clinic establishment shall notify the department within 10 days after any subsequent change.

2. The health care clinic establishment must employ a qualifying practitioner at each establishment.

3. In addition to the remedies and penalties provided in this part, a violation of this chapter by the health care clinic establishment or qualifying practitioner constitutes grounds for discipline of the qualifying practitioner by the appropriate regulatory board.

4. The purchase of prescription drugs by the health care clinic establishment is prohibited during any period of time when the establishment does not comply with this paragraph.

5. A health care clinic establishment permit is not a pharmacy permit or otherwise subject to chapter 465. A health care clinic establishment that meets the criteria of a modified Class II institutional pharmacy under s. 465.019 is not eligible to be permitted under this paragraph.

6. This paragraph does not apply to the purchase of a prescription drug by a licensed practitioner under his or her license. A professional corporation or limited liability company composed of dentists and operating as authorized in s. 466.0285 may pay for prescription drugs obtained by a practitioner licensed under chapter 466, and the licensed practitioner is deemed the purchaser and owner of the prescription drugs.

Section 112. Subsection (6) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

(6) “Limited-service veterinary vaccination clinic ~~medical practice~~” means a veterinary practice at which a veterinarian performs vaccinations or immunizations on multiple animals at a temporary location and operates for a limited time offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.

Section 113. Subsection (7) of section 474.215, Florida Statutes, is amended to read:

474.215 Premises permits.—

(7) The board by rule shall establish minimum standards for the operation of limited service veterinary vaccination clinics ~~medical practices~~. Such rules shall not restrict limited service veterinary medical practices and shall be consistent with the type of limited veterinary vaccination and immunization services ~~medical service~~ provided.

(a) Any person that offers or provides limited service veterinary vaccination clinics ~~medical practice~~ shall obtain a biennial permit from the board the cost of which shall not exceed \$250. The limited service permittee shall register each location where a limited service veterinary vaccination clinic is held and shall pay a fee set by rule not to exceed \$25 to register each such location.

(b) All permits issued under this subsection are subject to the provisions of ss. 474.213 and 474.214.

(c) Notwithstanding any provision of this subsection to the contrary, any temporary rabies vaccination effort operated by a county health department in response to a public health threat, as declared by the State Health Officer in consultation with the State Veterinarian, is not subject to any preregistration, time limitation, or fee requirements, but must adhere to all other requirements for limited service veterinary vaccination clinics ~~medical practice~~ as prescribed by rule. The fee charged to the public for a rabies vaccination administered during such

temporary rabies vaccination effort may not exceed the actual cost of administering the rabies vaccine. Such rabies vaccination efforts may not be used for any purpose other than to address the public health consequences of the rabies outbreak. The board shall be immediately notified in writing of any temporary rabies vaccination effort operated under this paragraph.

Section 114. Section 455.2185, Florida Statutes, is amended to read:

455.2185 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this chapter and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated ~~and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed veterinary facility without the approval of that facility.~~

Section 115. Section 456.023, Florida Statutes, is amended to read:

456.023 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this chapter and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated ~~and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed health care facility or veterinary facility without the approval of that facility.~~

Section 116. Section 456.0635, Florida Statutes, is amended to read:

456.0635 ~~Health care Medicaid~~ fraud; disqualification for license, certificate, or registration.—

(1) ~~Medicaid~~ Fraud in the practice of a health care profession is prohibited.

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue ~~or renew~~ a license, certificate, or registration to any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant; ~~has been:~~

(a) *Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or plea ~~pleas~~ ended: more than 15 years prior to the date of the application;*

1. *For felonies of the first or second degree, more than 15 years before the date of application.*

2. *For felonies of the third degree, more than 10 years before the date of application, except for felonies of the third degree under s. 893.13(6)(a).*

3. *For felonies of the third degree under s. 893.13(6)(a), more than 5 years before the date of application.*

*Notwithstanding s. 120.60, for felonies in which the defendant entered a plea of guilty or nolo contendere in an agreement with the court to enter a pretrial intervention or drug diversion program, the board, or the department if there is no board, may not approve or deny the application for a license, certificate, or registration until the final resolution of the case;*

(b) *Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or plea ended more than 15 years before the date of the application;*

(c) ~~(b)~~ *Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years;*

(d) ~~(c)~~ *Has been terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from any other state Medicaid program or the federal Medicare program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years before ~~prior to~~ the date of the application; or-*

(e) *Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.*

*This subsection does not apply to applicants for initial licensure or certification who were enrolled in an educational or training program on or before July 1, 2010, which was recognized by a board or, if there is no board, recognized by the department, and who applied for licensure after July 1, 2010.*

(3) *The department shall refuse to renew a license, certificate, or registration of any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant:*

(a) *Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under: chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction since July 1, 2010.*

(b) *Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1, 2010.*

(c) *Has been terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years.*

(d) *Has been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of the application.*

(e) *Is currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.*

For felonies in which the defendant entered a plea of guilty or *nolo contendere* in an agreement with the court to enter a pretrial intervention or drug diversion program, the department may not approve or deny the application for a renewal of a license, certificate, or registration until the final resolution of the case.

(4)(3) Licensed health care practitioners shall report allegations of health care Medicaid fraud to the department, regardless of the practice setting in which the alleged Medicaid fraud occurred.

(5)(4) The acceptance by a licensing authority of a candidate's relinquishment of a license which is offered in response to or anticipation of the filing of administrative charges alleging health care Medicaid fraud or similar charges constitutes the permanent revocation of the license.

Section 117. Subsection (6) of section 456.036, Florida Statutes, is amended to read:

456.036 Licenses; active and inactive status; delinquency.—

(6)(a) *Except as provided in paragraph (b), a delinquent licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent licensee to become active or inactive before the expiration of the current licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.*

(b) *A delinquent licensee whose license becomes delinquent before the final resolution of a case under s. 456.0635(3) must affirmatively apply by submitting a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which the case achieves final resolution by order of the court. Failure by a delinquent licensee to become active or inactive before the expiration of that licensure cycle renders the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.*

Section 118. Subsection (9) is added to section 465.014, Florida Statutes, to read:

465.014 Pharmacy technician.—

(9) *This section does not apply to a practitioner authorized to dispense drugs under s. 465.0276 or a medical assistant or licensed health care professional under the direct supervision of such practitioner if the practitioner is treating a patient who provides proof of insurance through a public-payer or private-payer source. The exemption provided by this subsection applies only to medical personnel under the direct supervision of the dispensing practitioner while dispensing in the practitioner's office.*

Section 119. Section 627.6011, Florida Statutes, is created to read:

627.6011 *Mandated coverages.—Mandatory health benefits regulated by this chapter which must be covered by an insurer are intended to apply only to the types of health benefit plans defined in s. 627.6699(3)(k), issued in any market, unless specifically designated. As used in this section, the term "mandatory health benefits" means benefits provided in ss. 627.6401-627.64193 and any cross-references to such sections, or any other mandatory treatments, health coverages, or benefits enacted after the effective date of this act.*

Section 120. Subsection (3) is added to section 766.110, Florida Statutes, to read:

766.110 Liability of health care facilities.—

(3) *To ensure comprehensive risk management for diagnosis of disease, a health care facility, including a hospital or ambulatory surgical center, as defined in chapter 395, may use scientific diagnostic disease methodologies that use information regarding specific diseases in health care facilities and that are adopted by the facility's medical review committee.*

Section 121. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term "rural hospital" to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include additional staff; revising the term "resident care plan"; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensing Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician's order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility

for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident's rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term "remuneration" as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to include organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit

projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers; revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to work with the specialty prepaid plan that provides behavioral health care services for certain Medicaid-eligible children to develop evidence-based alternatives for the statewide inpatient psychiatric program and other similar services; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; requiring that the agency establish a demonstration project in Miami-Dade County of a psychiatric facility; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.075, F.S.; requiring certain facilities that have a limited mental health license to maintain 24-hour security services; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rulemaking; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.54, F.S.; requiring licensed assisted living facilities to electronically report certain data to the agency in accordance with rules adopted by the department; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group

practice” as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, and ch. 463, F.S., the Optometry Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of “health care provider”; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; amending s. 381.06014, F.S.; redefining the term “blood establishment” and defining the term “volunteer donor”; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term “health care entity” to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Health to adopt rules regarding the distribution of prescription drugs by blood establishments; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; amending s. 474.202, F.S.; defining the term “limited service veterinary vaccination clinic”; amending s. 474.215, F.S.; revising terminology; requiring that the Board of Veterinary Medicine establish minimum standards for limited service veterinary vaccination clinics rather than limited service veterinary medical practices; amending ss. 455.2185 and 456.023, F.S.; deleting provisions that limit the practice privileges of out-of-state or foreign health care professionals or veterinarians who are in this state for a specific sporting event; amending s. 456.0635, F.S.; revising the grounds under which the Department of Health or corresponding board is required to refuse to admit a candidate to an examination and to refuse to issue or renew a license, certificate, or registration of a health care practitioner; providing an exception; amending s. 456.036, F.S.; requiring a delinquent licensee whose license becomes delinquent before the final resolution of a case regarding Medicaid fraud to affirmatively apply by submitting a complete application for active or inactive status during the licensure cycle in which the case achieves final resolution by order of the court; providing that failure by a delinquent licensee to become active or inactive before the expiration of that licensure cycle renders the license null; requiring that any subsequent licensure be as a result of applying for and meeting all requirements imposed on an applicant for new licensure; amending s. 465.014, F.S.; providing that state law regarding pharmacy technicians does not apply to a practitioner authorized to dispense drugs or a medical assistant or licensed health care professional under the direct su-

pervision of such practitioner if the practitioner is treating a patient who provides proof of insurance through a public-payer or private-payer source; providing that this exemption applies only to medical personnel under the direct supervision of the dispensing practitioner while dispensing in the practitioner’s office; creating s. 627.6011, F.S.; providing clarification regarding the types of coverage that must be included in mandatory benefits; providing a definition; amending s. 766.110, F.S.; authorizing health care facilities to use scientific diagnostic disease methodologies that use information regarding specific diseases in health care facilities and that are adopted by the facility’s medical review committee; providing an effective date.

Senator Bennett moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (347642) (with title amendment)**—Delete lines 19-23 and insert: subsection (12) is redesignated as paragraph (d), and paragraph (f) of subsection (5), paragraph (c) of subsection (7), present paragraph (e) of subsection (10), present paragraph (d) of subsection (12), and paragraph (e) of subsection (14) of that section are amended to read:

112.0455 Drug-Free Workplace Act.—

(5) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(f) “Job applicant” means a person who has applied for a ~~special risk or safety sensitive~~ position with an employer and has been offered employment conditioned upon successfully passing a drug test.

(7) TYPES OF TESTING.—An employer is authorized, but not required, to conduct the following types of drug tests:

(c) *Routine fitness for duty.*—An employer may require an employee to submit to a drug test if the test is *scheduled routinely for all members of an employment classification or group, or a randomly selected percentage of members of that classification or group, or is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer’s established policy or that is scheduled routinely for all members of an employment classification or group.*

And the title is amended as follows:

Delete line 4664 and insert: Drug-Free Workplace Act; revising a definition; authorizing an employer to require an employee to submit to a drug test if the test is scheduled or conducted in a specified manner; deleting an obsolete

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1B (702410)**—Delete line 368 and insert:

(b) *Effective July 1, 2012*, infection control, housekeeping, sanitary conditions,

Senator Margolis moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1C (545592)**—Between lines 1247 and 1248 insert: *Up to 1.5 hours of certified nursing assistant care per resident per day may be counted in determining the minimum direct care hours required.*

Senator Wise moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1D (392376) (with directory and title amendments)**—Between lines 1871 and 1872 insert:

(t)1. *A pilot project for the construction of a nursing home, including up to 150 beds, which must be:*

a. *Located in planning subdistricts 4-1, 4-2, or 4-3 of the Agency for Health Care Administration;*

b. *Affiliated with an accredited nursing school offering a bachelor of science and a master of science degree program within an accredited private university; and*

c. *Constructed on university property or on property abutting the university.*

2. *The nursing home, once licensed, must maintain an affiliation with the accredited private university and must employ or otherwise make positions available for the education and training of nursing students in long-term care or geriatric nursing. Notwithstanding any moratorium on the construction of nursing homes or the addition of beds, the project may proceed with the construction, licensure, and operation of the nursing home. Construction of the nursing home must begin by May 31, 2012.*

And the directory clause is amended as follows:

Delete lines 1787-1789 and insert:

Section 56. Paragraph (d) of subsection (1) and paragraph (m) of subsection (3) of section 408.036, Florida Statutes, are amended, and paragraph (t) is added to subsection (3) of that section, to read:

And the title is amended as follows:

Delete line 4845 and insert: requests for exemption; exempting a nursing home to be constructed and affiliated with a private university from certificate-of-need requirements; amending s. 408.037, F.S.;

Senator Bogdanoff moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1E (364520) (with title amendment)**—Between lines 2362 and 2363 insert:

Section 72. Section 409.9021, Florida Statutes, is amended to read:

409.9021 *Conditions for Medicaid* ~~Forfeiture of eligibility agreement.~~—

(1) As a condition of Medicaid eligibility, subject to federal approval, a Medicaid applicant shall agree in writing to forfeit all entitlements to any goods or services provided through the Medicaid program if he or she has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years. This provision applies only to the Medicaid recipient found to have committed or participated in the fraud and does not apply to any family member of the recipient who was not involved in the fraud.

(2) *A person who is eligible for Medicaid services and who has access to health care coverage through an employer-sponsored health plan shall use Medicaid financial assistance to pay the cost of premiums for the employer-sponsored health plan for the eligible person and his or her Medicaid-eligible family members.*

(3) *A Medicaid recipient who has access to other insurance or coverage created pursuant to state or federal law may opt out of the Medicaid services provided under s. 409.908, s. 409.912, or s. 409.986 and use Medicaid financial assistance to pay the cost of premiums for the recipient and the recipient's Medicaid-eligible family members.*

(4) *Subsections (2) and (3) shall be administered by the agency in accordance with s. 409.964(1)(j). The maximum amount available for the Medicaid financial assistance shall be calculated based on the Medicaid capitated rate as if the Medicaid recipient and the recipient's eligible family members participated in a qualified plan for Medicaid managed care under this chapter.*

And the title is amended as follows:

Delete line 4889 and insert: the optional state supplementation program; amending s. 409.9021, F.S.; revising provisions relating to conditions for Medicaid eligibility; requiring that a recipient who has access to employer-sponsored health care use Medicaid financial assistance to pay the cost of premiums for the employer-sponsored health plan for the eligible person and his or her Medicaid-eligible family members; requiring the agency to develop a process to allow the Medicaid premium that would have been received to be used to pay employer premiums; requiring that the agency allow opt-out opportunities for certain recipients; amending s.

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1F (107828)**—Delete line 2867 and insert: *drug requiring prior authorization and* may post prior

Senator Diaz de la Portilla moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1G (959610) (with title amendment)**—Delete lines 3144-3161.

And the title is amended as follows:

Delete lines 4924-4927 and insert: monitoring visits; amending s. 429.11, F.S.; revising licensure

Senators Gaetz, Latvala, Gardiner, Thrasher, Negron, Hays, Evers, Flores, Montford, Fasano, Diaz de la Portilla, Sobel, Norman, Dean, Lynn, Storms, Ring, Simmons, Margolis, Wise, and Sachs offered the following amendment to **Amendment 1** which was moved by Senator Gaetz and adopted:

**Amendment 1H (744906) (with title amendment)**—Delete lines 3572-3609.

And the title is amended as follows:

Delete lines 4976-4981 and insert: amending s. 483.035,

Senator Bogdanoff moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1I (307842) (with directory and title amendments)**—Between lines 4238 and 4239 insert:

(43) “Prescription drug” means a prescription, medicinal, or legend drug, ~~including, but not limited to, finished dosage forms or active ingredients~~ subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection (11), subsection (46), or subsection (53). *The term does not mean an active pharmaceutical ingredient.*

And the directory clause is amended as follows:

Delete lines 4226 and 4227 and insert:

Section 109. Subsections (23) and (43) of section 499.003, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 5033 and insert: activities; redefining the term “prescription drug” to exclude active pharmaceutical ingredients; amending s. 499.005, F.S.; clarifying

## THE PRESIDENT PRESIDING

### MOTION

On motion by Senator Garcia, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Garcia moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1J (256010) (with title amendment)**—Between lines 2937 and 2938 insert:

Section 74. Section 409.981, Florida Statutes, is created to read:

409.981 *Eligible long-term care plans.*—

(1) **ELIGIBLE PLANS.**—*Provider service networks must be long-term care provider service networks. Other eligible plans may be long-term care plans or comprehensive long-term care plans.*

(2) **ELIGIBLE PLAN SELECTION.**—*The agency shall select eligible plans through the procurement process described in s. 409.966. The agency shall provide notice of invitations to negotiate by July 1, 2012. The agency shall procure:*

(a) Two plans for Region 1. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(b) Two plans for Region 2. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(c) At least three plans and up to five plans for Region 3. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(d) At least three plans and up to five plans for Region 4. At least one plan must be a provider service network if any provider service network submits a responsive bid.

(e) At least two plans and up to 4 plans for Region 5. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(f) At least four plans and up to seven plans for Region 6. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(g) At least three plans and up to 6 plans for Region 7. At least one plan must be a provider service networks if any provider service networks submit a responsive bid.

(h) At least two plans and up to four plans for Region 8. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(i) At least two plans and up to four plans for Region 9. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(j) At least two plans and up to four plans for Region 10. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

(k) At least five plans and up to ten plans for Region 11. At least one plan must be a provider service network if any provider service networks submit a responsive bid.

If no provider service network submits a responsive bid in a region other than Region 1 or Region 2, the agency shall procure no more than one less than the maximum number of eligible plans permitted in that region. Within 12 months after the initial invitation to negotiate, the agency shall attempt to procure a provider service network. The agency shall notice another invitation to negotiate only with provider service networks in regions where no provider service network has been selected.

(3) **QUALITY SELECTION CRITERIA.**—In addition to the criteria established in s. 409.966, the agency shall consider the following factors in the selection of eligible plans:

(a) Evidence of the employment of executive managers with expertise and experience in serving aged and disabled persons who require long-term care.

(b) Whether a plan has established a network of service providers dispersed throughout the region and in sufficient numbers to meet specific service standards established by the agency for specialty services for persons receiving home and community-based care.

(c) Whether a plan is proposing to establish a comprehensive long-term care plan and whether the eligible plan has a contract to provide managed medical assistance services in the same region.

(d) Whether a plan offers consumer-directed care services to enrollees pursuant to s. 409.221.

(e) Whether a plan is proposing to provide home and community-based services in addition to the minimum benefits required by s. 409.98.

(4) **PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY.**—Participation by the Program of All-Inclusive Care for the Elderly (PACE) shall be pursuant to a contract with the agency and not subject to the procurement requirements or regional plan number limits of this section. PACE plans may continue to provide services to individuals

at such levels and enrollment caps as authorized by the General Appropriations Act.

(5) **MEDICARE PLANS.**—Participation by a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, Medicare Advantage Special Needs Plan, Medicare Advantage health maintenance organizations, or Medicare Advantage coordinated care plans shall be pursuant to a contract with the agency and not subject to the procurement requirements if the plan's Medicaid enrollees consist exclusively of recipients who are deemed dually eligible for Medicaid and Medicare services. Otherwise, Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-Sponsored Organizations, Medicare Advantage Special Needs Plans, Medicare Advantage health maintenance organizations, and Medicare Advantage coordinated care plans are subject to all procurement requirements.

Section 75. Section 409.984, Florida Statutes, is created to read:

409.984 *Enrollment in a long-term care managed care plan.*—

(1) The agency shall automatically enroll into a long-term care managed care plan those Medicaid recipients who do not voluntarily choose a plan pursuant to s. 409.969. The agency shall automatically enroll recipients in plans that meet or exceed the performance or quality standards established pursuant to s. 409.967 and may not automatically enroll recipients in a plan that is deficient in those performance or quality standards. If a recipient is deemed dually eligible for Medicaid and Medicare services and is currently receiving Medicare services from an entity qualified under 42 C.F.R. part 422 as a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, Medicare Advantage Special Needs Plan, Medicare Advantage health maintenance organization, or Medicare Advantage coordinated care plan, the agency shall automatically enroll the recipient in such plan for Medicaid services if the plan is currently participating in the long-term care managed care program. Except as otherwise provided in this part, the agency may not engage in practices that are designed to favor one managed care plan over another.

(1) When automatically enrolling recipients in plans, the agency shall take into account the following criteria:

(a) Whether the plan has sufficient network capacity to meet the needs of the recipients.

(b) Whether the recipient has previously received services from one of the plan's home and community-based service providers.

(c) Whether the home and community-based providers in one plan are more geographically accessible to the recipient's residence than those in other plans.

(3) Notwithstanding s. 409.969(3)(c), if a recipient is referred for hospice services, the recipient has 30 days during which the recipient may select to enroll in another managed care plan to access the hospice provider of the recipient's choice.

(4) If a recipient is referred for placement in a nursing home or assisted living facility, the plan must inform the recipient of any facilities within the plan that have specific cultural or religious affiliations and, if requested by the recipient, make a reasonable effort to place the recipient in the facility of the recipient's choice.

And the title is amended as follows:

Delete line 4902 and insert: psychiatric facility; creating s. 409.981, F.S.; providing criteria for eligible plans; designating regions for plan implementation throughout the state; providing criteria for the selection of plans to participate in the long-term care managed care program; providing that participation by the Program of All-Inclusive Care for the Elderly and certain Medicare plans is pursuant to an agency contract and not subject to procurement; creating s. 409.984, F.S.; providing criteria for automatic assignments of plan enrollees who fail to choose a plan; providing for hospice selection within a specified timeframe; providing for a choice of residential setting under certain circumstances; amending s. 429.07, F.S.;

## MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Latvala moved the following amendment to **Amendment 1**:

**Amendment 1K (511982) (with title amendment)**—Between lines 3609 and 3610 insert:

Section 93. Section 456.44, Florida Statutes, is created to read:

456.44 *Controlled substance prescribing.*—

(1) **DEFINITIONS.**—

(a) “Addiction medicine specialist” means a board-certified physician with a subspecialty certification in addiction medicine or who is eligible for such subspecialty certification in addiction medicine, an addiction medicine physician certified or eligible for certification by the American Society of Addiction Medicine, or an osteopathic physician who holds a certificate of added qualification in Addiction Medicine through the American Osteopathic Association.

(b) “Adverse incident” means any incident set forth in s. 458.351(4)(a)-(e) or s. 459.026(4)(a)-(e).

(c) “Board-certified pain management physician” means a physician who possesses board certification in pain medicine by the American Board of Pain Medicine, board certification by the American Board of Interventional Pain Physicians, or board certification or subcertification in pain management by a specialty board recognized by the American Association of Physician Specialists or an osteopathic physician who holds a certificate in Pain Management by the American Osteopathic Association.

(d) “Chronic nonmalignant pain” means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

(e) “Mental health addiction facility” means a facility licensed under chapter 394 or chapter 397.

(2) **REGISTRATION.**—Effective January 1, 2012, a physician licensed under chapter 458, chapter 459, chapter 461, or chapter 466 who prescribes more than a 30-day supply of any controlled substance, as defined in s. 893.03, over a 6-month period to any one patient for the treatment of chronic nonmalignant pain, must:

(a) Designate himself or herself as a controlled substance prescribing practitioner on the physician’s practitioner profile.

(b) Comply with the requirements of this section and applicable board rules.

(3) **STANDARDS OF PRACTICE.**—The standards of practice in this section do not supersede the level of care, skill, and treatment recognized in general law related to healthcare licensure.

(a) A complete medical history and a physical examination must be conducted before beginning any treatment and must be documented in the medical record. The exact components of the physical examination shall be left to the judgment of the clinician who is expected to perform a physical examination proportionate to the diagnosis that justifies a treatment. The medical record must, at a minimum, document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, a review of previous medical records, previous diagnostic studies, and history of alcohol and substance abuse. The medical record shall also document the presence of one or more recognized medical indications for the use of a controlled substance. Each registrant must develop a written plan for assessing each patient’s risk of aberrant drug-related behavior, which may include patient drug testing. Registrants must assess each patient’s risk for aberrant drug-related behavior and monitor that risk on an ongoing basis in accordance with the plan.

(b) Each registrant must develop a written individualized treatment plan for each patient. The treatment plan shall state objectives that will be

used to determine treatment success, such as pain relief and improved physical and psychosocial function, and shall indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician shall adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including a rehabilitation program, shall be considered depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment. The interdisciplinary nature of the treatment plan shall be documented.

(c) The physician shall discuss the risks and benefits of the use of controlled substances, including the risks of abuse and addiction, as well as physical dependence and its consequences, with the patient, persons designated by the patient, or the patient’s surrogate or guardian if the patient is incompetent. The physician shall use a written controlled substance agreement between the physician and the patient outlining the patient’s responsibilities, including, but not limited to:

1. Number and frequency of controlled substance prescriptions and refills.

2. Patient compliance and reasons for which drug therapy may be discontinued, such as a violation of the agreement.

3. An agreement that controlled substances for the treatment of chronic nonmalignant pain shall be prescribed by a single treating physician unless otherwise authorized by the treating physician and documented in the medical record.

(d) The patient shall be seen by the physician at regular intervals, not to exceed 3 months, to assess the efficacy of treatment, ensure that controlled substance therapy remains indicated, evaluate the patient’s progress toward treatment objectives, consider adverse drug effects, and review the etiology of the pain. Continuation or modification of therapy shall depend on the physician’s evaluation of the patient’s progress. If treatment goals are not being achieved, despite medication adjustments, the physician shall reevaluate the appropriateness of continued treatment. The physician shall monitor patient compliance in medication usage, related treatment plans, controlled substance agreements, and indications of substance abuse or diversion at a minimum of 3-month intervals.

(e) The physician shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention shall be given to those patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation and requires consultation with or referral to an addictionologist or psychiatrist.

(f) A physician registered under this section must maintain accurate, current, and complete records that are accessible and readily available for review and comply with the requirements of this section, the applicable practice act, and applicable board rules. The medical records must include, but are not limited to:

1. The complete medical history and a physical examination, including history of drug abuse or dependence.

2. Diagnostic, therapeutic, and laboratory results.

3. Evaluations and consultations.

4. Treatment objectives.

5. Discussion of risks and benefits.

6. Treatments.

7. Medications, including date, type, dosage, and quantity prescribed.

8. Instructions and agreements.

9. Periodic reviews.

10. Results of any drug testing.

- 11. A photocopy of the patient's government-issued photo identification.
- 12. If a written prescription for a controlled substance is given to the patient, a duplicate of the prescription.
- 13. The physician's full name presented in a legible manner.

(g) Patients with signs or symptoms of substance abuse shall be immediately referred to a board-certified pain management physician, an addiction medicine specialist, or a mental health addiction facility as it pertains to drug abuse or addiction unless the physician is board-certified or board-eligible in pain management. Throughout the period of time before receiving the consultant's report, a prescribing physician shall clearly and completely document medical justification for continued treatment with controlled substances and those steps taken to ensure medically appropriate use of controlled substances by the patient. Upon receipt of the consultant's written report, the prescribing physician shall incorporate the consultant's recommendations for continuing, modifying, or discontinuing controlled substance therapy. The resulting changes in treatment shall be specifically documented in the patient's medical record. Evidence or behavioral indications of diversion shall be followed by discontinuation of controlled substance therapy and the patient shall be discharged and all results of testing and actions taken by the physician shall be documented in the patient's medical record.

This subsection does not apply to a board-certified anesthesiologist, psychiatrist, or neurologist, or to a board-certified physician who has surgical privileges at a hospital or ambulatory surgery center and primarily provides surgical services. This subsection does not apply to a board-certified medical specialist who has also completed a fellowship in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who is also board certified in pain medicine by a board approved by the American Board of Medical Specialties or the American Osteopathic Association and performs interventional pain procedures of the type routinely billed using surgical codes. This subsection does not apply to any physician licensed under chapter 458 or chapter 459 who writes fewer than 50 prescriptions for a controlled substance for all of his or her patients combined in any 1 calendar year.

And the title is amended as follows:

Delete line 4981 and insert: under certain circumstances; creating s. 456.44, F.S.; providing definitions; requiring certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles; providing an effective date; requiring registered physicians to meet certain standards of practice; requiring a physical examination; requiring a written protocol; requiring an assessment of risk for aberrant behavior; requiring a treatment plan; requiring specified informed consent; requiring consultation and referral in certain circumstances; requiring medical records meeting certain criteria; providing an exemption for physicians meeting certain criteria; providing for nonapplication; amending s. 483.035,

On motion by Senator Latvala, further consideration of **CS for CS for HB 119** with pending **Amendment 1 (258560)** and **Amendment 1K (511982)** was deferred.

**MOTIONS**

On motion by Senator Thrasher, by two-thirds vote **CS for CS for SB 1916** was placed on the Special Order Calendar.

**RECESS**

On motion by Senator Thrasher, the Senate recessed at 7:08 p.m. to reconvene at 7:45 p.m.

**EVENING SESSION**

The Senate was called to order by President Haridopolos at 7:53 p.m. A quorum present—35:

Mr. President	Benacquisto	Bogdanoff
Altman	Bennett	Braynon

Dean	Hays	Rich
Detert	Hill	Richter
Diaz de la Portilla	Joyner	Ring
Dockery	Latvala	Simmons
Evers	Lynn	Siplin
Fasano	Margolis	Smith
Flores	Montford	Sobel
Gaetz	Negron	Thrasher
Garcia	Norman	Wise
Gardiner	Oelrich	

**SPECIAL ORDER CALENDAR**

On motion by Senator Latvala, by unanimous consent—

**SB 404**—A bill to be entitled An act relating to transition-to-adulthood services; amending s. 985.03, F.S.; defining the term “transition-to-adulthood services”; creating s. 985.461, F.S.; providing legislative intent concerning transition-to-adulthood services for youth in the custody of the Department of Juvenile Justice; providing for eligibility for services for youth served by the department who are legally in the custody of the Department of Children and Family Services; providing that an adjudication of delinquency does not disqualify a youth in foster care from certain services from the Department of Children and Family Services; providing powers and duties of the Department of Juvenile Justice for transition services; providing for assessments; requiring that services be part of a plan leading to independence; amending s. 985.0301, F.S.; providing for retention of court jurisdiction over a child for a specified period following the child's 19th birthday if the child is participating in transition-to-adulthood services; providing that certain services require voluntary participation by affected youth and do not create an involuntary court-sanctioned residential commitment; providing an effective date.

—was taken up out of order and read the second time by title.

**POINT OF ORDER**

Senator Lynn raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Budget.

The President referred the point of order to Senator Thrasher, Chair of the Committee on Rules.

On motion by Senator Wise, further consideration of **SB 404** with pending point of order was deferred.

On motion by Senator Latvala, by unanimous consent—

**CS for CS for SB 1916**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending ss. 14.26, 20.14, 213.053, 320.275, and 366.85, F.S.; renaming the Division of Consumer Services within the department as the “Division of Consumer Protection”; amending s. 320.90, F.S.; deleting a reference to the Department of Agriculture and Consumer Services; amending s. 493.6105, F.S.; revising the information that a person must supply in an application for licensure as a private investigator, private security service, or repossession service; deleting a requirement that certain applicants supply photographs along with an application; revising the certificates that a person applying for a class “K” firearms instructor's license must supply along with an application for the license; making technical and grammatical changes; amending s. 493.6106, F.S.; providing that applicants for certain licenses as a private investigator, private security service or repossession service must meet certain citizenship or immigration requirements and not be prohibited by law from purchasing a firearm; making grammatical and technical changes; amending s. 493.6107, F.S.; authorizing a Class “M,” Class “G,” and Class “K” licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6108, F.S.; requiring the department to investigate the mental fitness of an applicant of a Class “K” firearms instructor license; amending s. 493.6111, F.S.; providing that Class “K” firearms instructor licenses are valid for 3 years; requiring an applicant for a recovery school or security officer school to receive approval from the department before operating under a fictitious name; making technical and grammatical

changes; amending s. 493.6113, F.S.; deleting a requirement that Class "A" private investigative agency licensees and Class "R" recovery agency licensees provide evidence of certain insurance coverage with an application to renew a license; requiring a Class "K" firearms instructor licensee to submit proof of certification to provide firearms instruction; amending s. 493.6115, F.S.; conforming cross-references to changes made by the act; making technical and grammatical changes; amending s. 493.6118, F.S.; authorizing the department to take disciplinary action against a Class "G" statewide firearms licensee or applicant or a Class "K" firearms instructor licensee or applicant if the person is prohibited from purchasing a firearm by law; amending s. 493.6121, F.S.; deleting a provision authorizing the department to have access to certain criminal history information of a purchaser of a firearm; amending s. 493.6202, F.S.; authorizing a Class "A," Class "AA," Class "MA," Class "C," or Class "CC" licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6203, F.S.; providing that experience as a bodyguard does not qualify as experience or training for purposes of a Class "MA" or Class "C" license; requiring an initial applicant for a Class "CC" license to complete specified training courses; making technical and grammatical changes and conforming a cross-reference; amending s. 493.6302, F.S.; authorizing a Class "B," Class "BB," Class "MB," Class "D," Class "DS," or Class "DI" licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6303, F.S.; requiring an applicant for an initial Class "D" license to complete specified training courses; making technical and grammatical changes; amending s. 493.6304, F.S.; requiring an application for a security officer school or training facility to be verified under oath; amending ss. 493.6401 and 493.6402, F.S.; renaming repossessors as "recovery agents"; authorizing a Class "R," Class "RR," Class "MR," Class "E," Class "EE," Class "RS," or Class "RI" licensee or applicant to pay examination fees and license fees by personal check or, if authorized by the department, by electronic funds transfer; amending s. 493.6406, F.S.; requiring recovery agent schools or instructors to be licensed by the department to offer training to Class "E" licensees and applicants; amending ss. 496.404, 496.411, and 496.412, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; amending s. 496.419, F.S.; clarifying the powers of the department to enter an order; amending s. 501.015, F.S.; correcting a reference to a local business tax receipt; amending s. 501.017, F.S.; specifying the minimum type size for requiring certain disclosures in contracts between a consumer and a health studio; amending s. 501.145, F.S.; deleting a reference to the department as an enforcing authority in the Bedding Label Act; amending s. 501.160, F.S.; deleting authorization for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; authorizing regional comparison with respect to market trends; amending s. 501.605, F.S.; deleting a requirement that a person supply his or her social security number on an application as a commercial telephone seller and adding a requirement for another valid form of identification; amending s. 501.607, F.S.; deleting a requirement that a person supply his or her social security number on an application as a salesperson; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 526.06, F.S.; revising prohibited acts related to certain mixing, blending, compounding, or adulterating of liquid fuels; deleting certain provisions authorizing the sale of ethanol-blended fuels for use in motor vehicles; amending s. 539.001, F.S.; correcting a reference to a local business tax receipt; amending s. 559.805, F.S.; deleting a requirement that a seller of a business opportunity provide the social security numbers of the seller's agents to the department; amending s. 559.904, F.S.; correcting a reference to a local business tax receipt; amending s. 559.928, F.S.; correcting a reference to a local business tax receipt; amending s. 559.935, F.S.; correcting a reference to local business tax receipts; amending s. 570.29, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; amending s. 570.544, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; amending s. 681.102, F.S.; deleting a reference to the division in the Motor Vehicle Warranty Enforcement Act; amending ss. 681.103, 681.108, and 681.109, F.S.; transferring certain responsibilities under the Lemon Law to the department from the Division of Consumer Services; amending s. 681.1095, F.S.; transferring certain responsibilities relating to the New Motor Vehicle Arbitration Board to the department from the Division of Consumer Services; authorizing the board to send its decisions by any method providing a delivery confirmation; authorizing the department to adopt rules; amending s. 681.1096, F.S.; conforming a cross-reference; amending s. 681.112, F.S.; transferring certain responsibilities relating

to the Lemon Law to the department from the Division of Consumer Services; amending s. 681.117, F.S.; deleting a provision requiring the Department of Legal Affairs to contract with the Division of Consumer Services for services relating to dispute settlement procedures and the New Motor Vehicle Arbitration Board; amending s. 849.0915, F.S.; renaming the Division of Consumer Services as the "Division of Consumer Protection"; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for SB 1916**, on motion by Senator Latvala, by two-thirds vote **CS for HB 7209** was withdrawn from the Committees on Commerce and Tourism; Budget Subcommittee on General Government Appropriations; Budget; and Rules.

On motion by Senator Latvala, the rules were waived and by two-thirds vote—

**CS for HB 7209**—A bill to be entitled An act relating to the consumer services functions of the Department of Agriculture and Consumer Services; amending s. 320.90, F.S.; transferring responsibility for distribution of a motor vehicle consumer's rights pamphlet from the department to the Department of Highway Safety and Motor Vehicles; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigator, private security, or repossession service; deleting a requirement that certain applicants submit photographs with their applications; revising the certifications that a person applying for a Class "K" firearms instructor license must possess; amending s. 493.6106, F.S.; revising the citizenship or immigration requirements for licenses issued by the department; prohibiting the licensure of applicants for a Class "G" statewide firearm license or Class "K" firearms instructor license who are prohibited by law from purchasing or possessing firearms; requiring that private investigative, private security, and recovery agencies notify the department of changes to their branch office locations; making grammatical and technical changes; amending s. 493.6107, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6108, F.S.; requiring the department to investigate the mental history and current mental and emotional fitness of applicants for a Class "K" firearms instructor license; amending s. 493.6111, F.S.; revising the validity period for Class "K" firearms instructor licenses; requiring a security officer school or recovery agent school to obtain written authorization from the department before operating under a fictitious name; specifying that a licensee may not operate under more than one fictitious name; amending s. 493.6113, F.S.; deleting a requirement that Class "A" private investigative agency licensees and Class "R" recovery agency licensees provide evidence of certain insurance coverage to renew a license; requiring a Class "K" firearms instructor licensee to submit proof of certification to provide firearms instruction; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing the department to take disciplinary action against a Class "G" statewide firearms licensee or applicant or a Class "K" firearms instructor licensee or applicant if the person is prohibited by law from purchasing or possessing a firearm; amending s. 493.6121, F.S.; deleting a provision authorizing the department to have access to certain criminal history information of the purchaser of a firearm; amending s. 493.6202, F.S.; revising requirements for the method of payment of examination and license fees for certain licensees; amending s. 493.6203, F.S.; providing that experience as a bodyguard does not qualify as experience or training for purposes of a Class "MA" or Class "C" license; requiring an initial applicant for a Class "CC" license to complete specified training courses; conforming a cross-reference; amending s. 493.6302, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6303, F.S.; requiring an applicant for an initial Class "D" security officer license to complete specified training courses; amending s. 493.6304, F.S.; requiring an application for a security officer school or training facility to be verified under oath; amending ss. 493.6401 and 493.6402, F.S.; renaming repossessors as "recovery agents"; revising requirements for the method of payment of the license fees for certain licensees; amending s. 493.6406, F.S.; requiring recovery agent schools or instructors to be licensed by the department to offer training to Class "E" licensees and applicants; revising application requirements for recovery agent school and instructor licenses; amending s. 500.03, F.S.; providing and revising definitions for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; providing penalties for food safety violations committed by cottage food operations; creating s. 500.80, F.S.; exempting cottage food operations from food permitting requirements; limiting the annual gross sales of

cottage food operations and the methods by which cottage food products may be sold or offered for sale; requiring certain packaging and labeling of cottage food products; limiting the sale of cottage food products to certain locations; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation; amending s. 501.145, F.S.; deleting authority for the department to bring actions for injunctive relief under the Bedding Label Act; deleting the definitions of certain terms to conform; amending s. 501.160, F.S.; deleting authorization for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 526.06, F.S.; revising prohibited acts related to certain mixing, blending, compounding, or adulterating of liquid fuels; deleting certain provisions authorizing the sale of ethanol-blended fuels for use in motor vehicles; amending s. 539.001, F.S.; correcting a reference to a local business tax receipt; amending ss. 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.112, and 681.117, F.S.; transferring the duties of the Division of Consumer Services of the Department of Agriculture and Consumer Services for enforcement of the Motor Vehicle Warranty Enforcement Act and related to the Florida New Motor Vehicle Arbitration Board to the Department of Legal Affairs; conforming provisions; revising procedures and notice requirements for arbitration disputes; authorizing the Department of Legal Affairs to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1916** and by two-thirds vote read the second time by title.

On motion by Senator Latvala, by two-thirds vote **CS for HB 7209** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Rich
Bennett	Gardiner	Richtert
Bogdanoff	Hays	Ring
Braynon	Hill	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

The Senate resumed consideration of—

**CS for CS for HB 119**—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requir-

ing certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term “rural hospital” to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term “geriatric outpatient clinic” to include additional staff; revising the term “resident care plan”; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensing Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents’ rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician’s order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident’s rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid “Up-or-Out” Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term “remuneration” as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to in-

clude organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers; revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing

limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rule-making; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group practice" as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising frequency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of "health care provider"; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 1 (258560)** by Senator Latvala as amended and **Amendment 1K (511982)** by Senator Latvala. **Amendment 1K (511982)** was adopted.

#### MOTION

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1L (780636) (with title amendment)**—Between lines 3666 and 3667 insert:

Section 95. Subsection (1) of section 483.245, Florida Statutes, is amended to read:

483.245 Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any dialysis facility, physician, surgeon, organization, agency, or person, either directly or indirectly, for patients referred to a clinical laboratory licensed under this part. *A clinical laboratory licensed under this part is prohibited from placing, directly or indirectly, through an independent staffing company, lease arrangement, or otherwise, a specimen collector or other personnel in any physician's office, unless the clinical lab and the physician's office are owned and operated by the same entity.*

And the title is amended as follows:

Delete line 4989 and insert: laboratory licensure; amending s. 483.245, F.S.; prohibiting certain clinical laboratories from placing a specimen collector or other personnel in a physician's office, unless the clinical lab and the physician's office are owned and operated by the same entity; amending s. 483.294, F.S.;

**MOTION**

On motion by Senator Bennett, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Bennett moved the following amendment to **Amendment 1** which failed:

**Amendment 1M (875524) (with directory and title amendments)**—Between lines 4252 and 4253 insert:

(30) *The sale, purchase, manufacture, delivery, importation, administration, or distribution of any human vaccine used for children younger than age 7 or pregnant women which contains any organic or inorganic mercury compound in excess of 0.3 micrograms per milliliter.*

And the directory clause is amended as follows:

Delete lines 4239-4240 and insert:

Section 110. Subsection (21) of section 499.005, Florida Statutes, is amended, and subsection(30) is added to that section, to read:

And the title is amended as follows:

Delete line 5038 and insert: organization, to conform to changes made by the act; prohibiting the sale, purchase, manufacture, delivery, importation, administration, and distribution of certain vaccines containing organic or inorganic mercury compounds in excess of a specified amount;

**MOTION**

On motion by Senator Rich, by the required two-thirds vote, consideration of the following amendment was allowed:

Senators Rich and Lynn offered the following amendment to **Amendment 1** which was moved by Senator Rich and failed:

**Amendment 1N (840234) (with title amendment)**—Between lines 4652 and 4653 insert:

Section 121. *Notwithstanding any provisions of law which modify s. 409.905(5)(c), Florida Statutes, and are enacted subsequently or prior to this act becoming law, the provisions of s. 409.905(5)(c), Florida Statutes, in effect on January 1, 2011, shall remain in effect until July 1, 2012.*

And the title is amended as follows:

Delete line 5100 and insert: committee; providing that s. 409.905(5)(c), F.S., in effect on January 1, 2011, shall remain in effect until a specified date notwithstanding other provisions of law; providing an effective date.

**MOTION**

On motion by Senator Latvala, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Latvala moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1O (408504)**—Delete lines 2656-2660 and insert: 3. *For a prescribed drug billed as a 340B prescribed medication rendered to all Medicaid-eligible individuals, including claims for cost sharing for which the agency is responsible, the claim must meet the requirements of the Deficit Reduction Act of 2005 and the federal 340B program and contain a national drug code.*

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 1F (107828)** was adopted. **Amendment 1F** was withdrawn.

**Amendment 1** as amended was adopted.

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 119** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Altman	Gaetz	Norman
Benaquisto	Garcia	Oelrich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Dean	Jones	Simmons
Detert	Joyner	Siplin
Diaz de la Portilla	Latvala	Smith
Dockery	Lynn	Sobel
Evers	Margolis	Storms
Fasano	Montford	Thrasher
Flores	Negron	Wise

Nays—1

Rich

**SPECIAL RECOGNITION**

Senator Latvala recognized Josh Stephens of the Sergeant's Office who will be retiring after 30 years of service in November. Josh served in the first Iraq war, Desert Storm, and, prior to his Senate service, was with FDLE.

The Senate resumed consideration of—

**SB 404**—A bill to be entitled An act relating to transition-to-adulthood services; amending s. 985.03, F.S.; defining the term "transition-to-adulthood services"; creating s. 985.461, F.S.; providing legislative intent concerning transition-to-adulthood services for youth in the custody of the Department of Juvenile Justice; providing for eligibility for services for youth served by the department who are legally in the custody of the Department of Children and Family Services; providing that an adjudication of delinquency does not disqualify a youth in foster care from certain services from the Department of Children and Family Services; providing powers and duties of the Department of Juvenile Justice for transition services; providing for assessments; requiring that services be part of a plan leading to independence; amending s. 985.0301, F.S.; providing for retention of court jurisdiction over a child for a specified period following the child's 19th birthday if the child is participating in

transition-to-adulthood services; providing that certain services require voluntary participation by affected youth and do not create an involuntary court-sanctioned residential commitment; providing an effective date.

—which was previously considered this day with pending point of order by Senator Lynn.

### POINT OF ORDER DISPOSITION

The point of order by Senator Lynn was withdrawn.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Wise:

**Amendment 1 (585488) (with title amendment)**—Between lines 159 and 160 insert:

Section 4. *College-Preparatory Boarding Academy Pilot Program for at-risk students.*—

(1) **PROGRAM CREATION.**—*The College-Preparatory Boarding Academy Pilot Program is created for the purpose of providing unique educational opportunities to dependent or at-risk children who are academic underperformers but who have the potential to progress from at-risk to college-bound. The State Board of Education shall implement this program.*

(2) **DEFINITIONS.**—*As used in this section, the term:*

(a) “Board” means the board of trustees of a college-preparatory boarding academy for at-risk students.

(b) “Eligible student” means a student who is a resident of the state and entitled to attend school in a participating school district, is at risk of academic failure, is currently enrolled in grade 5 or 6, is from a family whose income is below 200 percent of the federal poverty guidelines, and who meets at least two of the following additional risk factors:

1. The student has a record of suspensions, office referrals, or chronic truancy.

2. The student has been referred for academic intervention or has not attained at least a proficient score on the state achievement assessment in English and language arts, reading, or mathematics.

3. The student’s parent is a single parent.

4. The student does not live with the student’s custodial parent.

5. The student resides in a household that receives a housing voucher or has been determined as eligible for public housing assistance.

6. A member of the student’s immediate family has been incarcerated.

7. The student has been declared an adjudicated dependent by a court of competent jurisdiction.

8. The student has received a referral from a school, teacher, counselor, dependency circuit court judge, or community-based care organization.

9. The student meets any additional criteria prescribed by an agreement between the State Board of Education and the operator of a college-preparatory boarding academy.

(c) “Operator” means a private, nonprofit corporation that is selected by the state under subsection (3) to operate the program.

(d) “Program” means a college-preparatory boarding academy for at-risk students which includes:

1. A remedial curriculum for middle school grades;

2. The college-preparatory curriculum for high school grades;

3. Extracurricular activities, including athletics and cultural events;

4. College admissions counseling;

5. Health and mental health services;

6. Tutoring;

7. Community service and service learning opportunities;

8. A residential student life program;

9. Extended school days and supplemental programs; and

10. Professional services focused on the language arts and reading standards, mathematics standards, science standards, technology standards, and developmental or life skill standards using innovative and best practices for all students.

(e) “Sponsor” means a public school district that acts as sponsor pursuant to s. 1002.33, Florida Statutes.

(3) **PROPOSALS.**—

(a) The State Board of Education shall select a private, nonprofit corporation to operate the program which must meet all of the following qualifications:

1. The nonprofit corporation has, or will receive as a condition of the contract, a public charter school authorized under s. 1002.33, Florida Statutes, to offer grades 6 through 12, or has a partnership with a sponsor to operate a school.

2. The nonprofit corporation has experience operating a school or program similar to the program authorized under this section.

3. The nonprofit corporation has demonstrated success with a school or program similar to the program authorized under this section.

4. The nonprofit corporation has the capacity to finance and secure private funds for the development of a campus for the program.

(b) Within 60 days after July 1, 2011, the State Board of Education shall issue a request for proposals from private, nonprofit corporations interested in operating the program. The state board shall select operators from among the qualified responders within 120 days after the issuance of the requests for proposal.

(c) Each proposal must contain the following information:

1. The proposed location of the college-preparatory boarding academy;

2. A plan for offering grade 6 in the program’s initial year of operation and a plan for expanding the grade levels offered by the school in subsequent years; and

3. Any other information about the proposed educational program, facilities, or operations of the school as determined necessary by the state board.

(4) **CONTRACT.**—The State Board of Education shall contract with the operator of a college-preparatory boarding academy. The contract must stipulate that:

(a) The academy may operate only if, and to the extent that, it holds a valid charter authorized under s. 1002.33, Florida Statutes, or is authorized by a local school district defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

(b) The operator shall finance and oversee the acquisition of a facility for the academy.

(c) The operator shall operate the academy in accordance with the terms of the proposal accepted by the state board.

(d) The operator shall comply with this section.

(e) The operator shall comply with any other provisions of law specified in the contract, the charter granted by the local school district or the operating agreement with the sponsor, and the rules adopted by the state board for schools operating in this state.

(f) The operator shall comply with the bylaws that it adopts.

(g) The operator shall comply with standards for admission of students to the academy and standards for dismissal of students from the academy which are included in the contract and may be reevaluated and revised by mutual agreement between the operator and the state board.

(h) The operator shall meet the academic goals and other performance standards established by the contract.

(i) The state board or the operator may terminate the contract in accordance with the procedures specified in the contract, which must at least require that the party seeking termination give prior written notice of the intent to terminate the contract and that the party receiving the termination notice be granted an opportunity to redress any grievances cited therein.

(j) If the school closes for any reason, the academy's board of trustees shall execute the closing in a manner specified in the contract.

(5) **OPERATOR BYLAWS.**—The operator of the program shall adopt bylaws for the oversight and operation of the academy which are in accordance with this section, state law, and the contract between the operator and the State Board of Education. The bylaws must include procedures for the appointment of board members to the academy's board of trustees, which may not exceed 25 members, 5 members of whom shall be appointed by the Governor with the advice and consent of the Senate. The bylaws are subject to approval of the state board.

(6) **OUTREACH.**—The program operator shall adopt an outreach program with the local education agency or school district and community. The outreach program must give special attention to the recruitment of children in the state's foster care program as a dependent child or as a child in a program to prevent dependency who are academic underperformers who, if given the unique educational opportunity found in the program, have the potential to progress from at-risk children to college-bound children.

(7) **FUNDING.**—The college-preparatory boarding academy must be a public school and part of the state's program of education. If the program receives state funding from noneducation sources, the State Board of Education shall coordinate, streamline, and simplify any requirements to eliminate duplicate, redundant, or conflicting requirements and oversight by various governmental programs or agencies. The applicable regulating entities shall, to the maximum extent possible, use independent reports and financial audits provided by the program and coordinated by the state board to eliminate or reduce contract and administrative reviews. Additional items may be suggested, if reasonable, to the state board to be included in independent reports and financial audits for the purpose of implementing this section. Reporting paperwork that is prepared for the state and local education agency shall also be shared with and accepted by other state and local regulatory entities, to the maximum extent possible.

(8) **PROGRAM CAPACITY.**—Beginning August 2012, the program shall admit 80 students. In each subsequent fiscal year, the program shall grow by an additional number of students, as specified in the contract, until the program reaches a capacity of 400 students.

(9) **STUDENT SERVICES.**—Students enrolled in the program who have been adjudicated dependent must remain under the case management services and supervision of the lead agency and its respective providers. The operator may contract with its own providers as necessary to provide services to children in the program and to ensure continuity of the full range of services required by children in foster care who attend the academy.

(10) **MEDICAID BILLING.**—This section does not prohibit an operator from appropriately billing Medicaid for services rendered to eligible students through the program or from earning federal or local funding for services provided.

(11) **ADMISSION.**—An eligible student may apply for admission to the program. If more eligible students apply for admission than the number of students permitted by the capacity established by the board of trustees, admission shall be determined by lottery.

(12) **STUDENT HOUSING.**—Notwithstanding ss. 409.1677(3)(d) and 409.176, Florida Statutes, or any other provision of law, an operator may house and educate dependent, at-risk youth in its residential school for

the purpose of facilitating the mission of the program and encouraging innovative practices.

(13) **ANNUAL REPORT.**—

(a) The State Board of Education shall issue an annual report for each college-preparatory boarding academy which includes all information applicable to schools.

(b) Each college-preparatory boarding academy shall report to the Department of Education, in the form and manner prescribed in the contract, the following information:

1. The total number of students enrolled in the academy;

2. The number of students enrolled in the academy who are receiving special education services pursuant to an individual education plan; and

3. Any additional information specified in the contract.

(c) The operator shall comply with s. 1002.33, Florida Statutes, and shall annually assess reading and mathematics skills. The operator shall provide the student's legal guardians with sufficient information on whether the student is reading at grade level and whether the student gains at least a year's worth of learning for every year spent in the program.

(14) **RULES.**—The State Board of Education shall adopt rules to administer this section. These rules must identify any existing rules that are applicable to the program and preempt any other rules that are not specified for the purpose of clarifying the rules that may be conflicting, redundant, or that result in an unnecessary burden on the program or the operator.

And the title is amended as follows:

Delete line 25 and insert: creating the College-Preparatory Boarding Academy Pilot Program for dependent or at-risk students; providing a purpose for the program; requiring that the State Board of Education implement the program; providing definitions; requiring the state board to select a private nonprofit corporation to operate the program if certain qualifications are met; requiring that the state board request proposals from private nonprofit corporations; providing requirements for such proposals; requiring that the state board enter into a contract with the operator of the academy; requiring that the contract contain specified requirements; requiring that the operator adopt bylaws, subject to approval by the state board; requiring that the operator adopt an outreach program with the local education agency or school district and community; providing that the academy is a public school and part of the state's education program; providing program funding guidelines; limiting the capacity of eligible students attending the academy; requiring that enrolled students remain under case management services and the supervision of the lead agency; authorizing the operator to appropriately bill Medicaid for services rendered to eligible students or earn federal or local funding for services provided; providing for eligible students to be admitted by lottery if the number of applicants exceeds the allowed capacity; authorizing the operator to board dependent, at-risk students; requiring that the state board issue an annual report and adopt rules; providing an effective date.

Senator Lynn moved the following amendment to **Amendment 1** which failed:

**Amendment 1A (213546) (with title amendment)**—Delete lines 3-218.

And the title is amended as follows:

Delete lines 221-254.

Senator Wise moved the following substitute amendment which was adopted:

**Amendment 2 (462252) (with title amendment)**—Between lines 159 and 160 insert:

Section 4. *College-Preparatory Boarding Academy Pilot Program for at-risk students.*—

(1) **PROGRAM CREATION.**—*The College-Preparatory Boarding Academy Pilot Program is created for the purpose of providing unique educational opportunities to dependent or at-risk children who are academic underperformers but who have the potential to progress from at-risk to college-bound. The State Board of Education shall implement this program.*

(2) **DEFINITIONS.**—*As used in this section, the term:*

(a) “Board” means the board of trustees of a college-preparatory boarding academy for at-risk students.

(b) “Eligible student” means a student who is a resident of the state and entitled to attend school in a participating school district, is at risk of academic failure, is currently enrolled in grade 5 or 6, is from a family whose income is below 200 percent of the federal poverty guidelines, and who meets at least one of the following additional risk factors:

1. The child is in foster care or has been declared an adjudicated dependent by a court.

2. The student’s head of household is not the student’s custodial parent.

3. The student resides in a household that receives a housing voucher or has been determined eligible for public housing assistance.

4. A member of the student’s immediate family has been incarcerated.

(c) “Operator” means a private, nonprofit corporation that is selected by the state under subsection (3) to operate the program.

(d) “Program” means a college-preparatory boarding academy for at-risk students which includes:

1. A remedial curriculum for middle school grades;
2. The college-preparatory curriculum for high school grades;
3. Extracurricular activities, including athletics and cultural events;
4. College admissions counseling;
5. Health and mental health services;
6. Tutoring;
7. Community service and service learning opportunities;
8. A residential student life program;
9. Extended school days and supplemental programs; and

10. Professional services focused on the language arts and reading standards, mathematics standards, science standards, technology standards, and developmental or life skill standards using innovative and best practices for all students.

(e) “Sponsor” means a public school district that acts as a sponsor pursuant to s. 1002.33, Florida Statutes.

(3) **PROPOSALS.**—

(a) The State Board of Education shall select a private, nonprofit corporation to operate the program which must meet all of the following qualifications:

1. The nonprofit corporation has, or will receive as a condition of the contract, a public charter school authorized under s. 1002.33, Florida Statutes, to offer grades 6 through 12, or has a partnership with a sponsor to operate a school.

2. The nonprofit corporation has experience operating a school or program similar to the program authorized under this section.

3. The nonprofit corporation has demonstrated success with a school or program similar to the program authorized under this section.

4. The nonprofit corporation has the capacity to finance and secure private funds for the development of a campus for the program.

(b) Within 60 days after July 1, 2011, the State Board of Education shall issue a request for proposals from private, nonprofit corporations interested in operating the program. The state board shall select operators from among the qualified responders within 120 days after the issuance of the requests for proposal.

(c) Each proposal must contain the following information:

1. The proposed location of the college-preparatory boarding academy;

2. A plan for offering grade 6 in the program’s initial year of operation and a plan for expanding the grade levels offered by the school in subsequent years; and

3. Any other information about the proposed educational program, facilities, or operations of the school determined necessary by the state board.

(4) **CONTRACT.**—*The State Board of Education shall contract with the operator of a college-preparatory boarding academy. The contract must stipulate that:*

(a) The academy operates only if, and to the extent that, it holds a valid charter authorized under s. 1002.33, Florida Statutes, or is authorized by a local school district defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

(b) The operator finances and oversees the acquisition of a facility for the academy.

(c) The operator operates the academy in accordance with the terms of the proposal accepted by the state board.

(d) The operator complies with this section.

(e) The operator complies with any other provisions of law specified in the contract, the charter granted by the local school district or the operating agreement with the sponsor, and the rules adopted by the state board for schools operating in this state.

(f) The operator complies with the bylaws adopted pursuant to subsection (5).

(g) The operator complies with the standards for admission of students to the academy and for dismissal of students from the academy which are included in the contract and may be reevaluated and revised by mutual agreement between the operator and the state board.

(h) The operator meets the academic goals and other performance standards established by the contract.

(i) The state board or the operator may terminate the contract in accordance with the procedures specified in the contract, which must at least require that the party seeking termination give prior written notice of the intent to terminate and that the party receiving the termination notice is granted an opportunity to redress any grievances cited therein.

(j) If the school closes for any reason, the academy’s board of trustees execute the closing in a manner specified in the contract.

(5) **OPERATOR BYLAWS.**—*The operator of the program shall adopt bylaws for the oversight and operation of the academy which are in accordance with this section, state law, and the contract between the operator and the State Board of Education. The bylaws must include procedures for the appointment of board members to the academy’s board of trustees, which may not exceed 25 members, 5 members of whom shall be appointed by the Governor with the advice and consent of the Senate. The bylaws are subject to approval of the state board.*

(6) **OUTREACH.**—*The program operator shall adopt an outreach program with the local education agency or school district and community. The outreach program must give special attention to the recruitment of eligible children in the state who are academic underperformers and who, if given the unique educational opportunity provided in the program, have the potential to progress from at-risk children to college-bound children.*

(7) **FUNDING.**—*The college-preparatory boarding academy must be a public school and part of the state’s program of education. If the program receives state funding from noneducation sources, the State Board of Education shall coordinate, streamline, and simplify any requirements to eliminate duplicate, redundant, or conflicting requirements and oversight by various governmental programs or agencies. Funding for the operation of the boarding academy is contingent on the development of a plan by the Department of Education, the Department of Juvenile Justice and the Department of Children and Family Services which details how educational and noneducational funds that would otherwise be committed to the students in the school and their families can be repurposed to provide for the operation of the school and related services. Such plans must be based on federal and state funding streams for children and families meeting the eligibility criteria for eligible students as specified in paragraph (2)(b) and include recommendations for modifications to the criteria for eligible students which furthers the program’s goals or improves the feasibility of using existing funding sources. The plan shall be submitted, together with relevant budget requests, through the legislative budget request process under s. 216.023, Florida Statutes, or through requests for budget amendments to the Legislative Budget Commission in accordance with s. 216.181, Florida Statutes.*

(8) **STUDENT SERVICES.**—*Students enrolled in the program who have been adjudicated dependent must remain under the case management services and supervision of the lead agency and its respective providers. The operator may contract with its own providers as necessary to provide services to children in the program and to ensure continuity of the full range of services required by children in foster care who attend the academy. The decision of a foster parent to withdraw a child from the program who is in foster care and has been admitted to the program is subject to the review and approval of the state agency.*

(9) **MEDICAID BILLING.**—*This section does not prohibit an operator from appropriately billing Medicaid for services rendered to eligible students through the program or from earning federal or local funding for services provided.*

(10) **ADMISSION.**—*An eligible student may apply for admission to the program. If more eligible students apply for admission than the number of students permitted by the capacity established by the board of trustees, admission shall be determined by lottery.*

(11) **STUDENT HOUSING.**—*Notwithstanding ss. 409.1677(3)(d) and 409.176, Florida Statutes, or any other provision of law, an operator may house and educate dependent, at-risk youth in its residential school for the purpose of facilitating the mission of the program and encouraging innovative practices.*

(12) **ANNUAL REPORT.**—

(a) *The State Board of Education shall issue an annual report for each college-preparatory boarding academy which includes all information applicable to schools.*

(b) *The college-preparatory boarding academy shall report to the Department of Education, in the form and manner prescribed in the contract, all information applicable to public schools and any additional information as specified by the contract.*

(c) *The operator shall comply with all provisions applicable to public schools. The operator shall provide the student’s legal guardians with sufficient information on whether the student is reading at grade level and whether the student gains at least a year’s worth of learning for every year spent in the program.*

And the title is amended as follows:

Delete line 25 and insert: creating the College-Preparatory Boarding Academy Pilot Program for dependent or at-risk students; providing a program purpose; requiring that the State Board of Education implement the program; providing definitions; requiring the state board to select a private nonprofit corporation that meets certain qualifications to operate the program; requiring the state board to issue a request for proposals; providing requirements for the proposals; requiring that the state board enter into a contract with the operator of the selected academy; requiring that the contract contain specified requirements; requiring that the operator of the academy adopt bylaws, subject to approval by the state board; requiring that the operator adopt an out-

reach program with the local education agency or school district and community; providing program funding requirements; requiring the school to be a public school; requiring the State Board of Education and certain state agencies to develop a plan relating to funding for the academy; requiring that enrolled students remain under case management services and the supervision of the lead agency; authorizing the operator to appropriately bill Medicaid for services rendered to eligible students or earn federal or local funding for services provided; providing for eligible students to be admitted by lottery if the number of applicants exceeds the allowed capacity; authorizing the operator to board dependent, at-risk students; requiring that the state board issue an annual report; providing an effective date.

On motion by Senator Wise, by two-thirds vote **SB 404** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

Nays—1

Lynn

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2112**

The Honorable Mike Haridopolos  
President of the Senate May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2112, same being:

An act relating to juvenile detention facilities.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i>	<i>s/ Joe Negron</i>
Chair	Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. “Mike” Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. “Charlie” Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>

s/ Alan Hays  
s/ Dennis L. Jones, D.C.  
Jack Latvala  
s/ Gwen Margolis  
s/ Jim Norman  
s/ Nan H. Rich, At Large  
s/ Jeremy Ring  
s/ David Simmons  
s/ Christopher L. "Chris" Smith  
s/ Ronda Storms  
s/ Stephen R. Wise

s/ Anthony C. "Tony" Hill, Sr.  
s/ Arthenia L. Joyner  
s/ Evelyn J. Lynn  
s/ Bill Montford  
s/ Steve Oelrich  
s/ Garrett Richter  
s/ Maria Lorts Sachs  
s/ Gary Siplin, At Large  
s/ Eleanor Sobel  
s/ John Thrasher, At Large

Managers on the part of the Senate

s/ Denise Grimsley  
Committee Chair  
Gary Aubuchon, At Large  
Charles S. "Chuck" Chestnut IV,  
At Large  
s/ Dorothy L. Hukill, At Large  
s/ John Legg, At Large  
s/ Charles McBurney  
s/ Larry Metz  
s/ W. Keith Perry  
s/ William L. "Bill" Proctor,  
At Large  
Ron Saunders, At Large  
Irving "Irv" Slosberg  
Darren Soto

s/ Richard "Rich" Glorioso  
Chair  
s/ Dennis K. Baxley  
James W. "J.W." Grant  
s/ Doug Holder  
s/ Paige Kreegel, At Large  
s/ Carlos Lopez-Cantera, At Large  
s/ Seth McKeel, At Large  
s/ Peter Nehr  
s/ Ray Pilon  
s/ Darryl Ervin Rouson  
Franklin Sands, At Large  
Robert C. "Rob" Schenck, At Large  
s/ William D. Snyder, At Large  
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2112, relating to juvenile detention facilities, provides for the following:

This bill amends the following sections 985.686 and 985.688, F. S., allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from the provisions of these sections of Florida Statutes if they are in compliance with specific provisions. They consist of the following:

- 1) Counties must fund the entire cost for pre-adjudication detention for juveniles;
- 2) Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility;
- 3) County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association;
- 4) Detention facilities must be inspected annually and meet the Florida Model Jail Standards;
- 5) Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section;
- 6) County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates;
- 7) If counties or county sheriffs comply with the provisions of this new subsection, they will not be subject to any additional training, procedures, or inspections required in Chapter 985, Florida Statutes.

**Conference Committee Amendment (543710)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Present subsection (10) of section 985.686, Florida Statutes, is renumbered as subsection (11), and a new subsection (10) is added to that section, to read:

985.686 Shared county and state responsibility for juvenile detention.—

(10) This section does not apply to any county that provides detention care for preadjudicated juveniles or that contracts with another county to provide detention care for preadjudicated juveniles.

Section 2. Subsection (11) is added to section 985.688, Florida Statutes, to read:

985.688 Administering county and municipal delinquency programs and facilities.—

(11)(a) Notwithstanding the provisions of this section, a county is in compliance with this section if:

1. The county provides the full cost for preadjudication detention for juveniles;
  2. The county authorizes the county sheriff, any other county jail operator, or a contracted provider located inside or outside the county to provide preadjudication detention care for juveniles;
  3. The county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission or American Correctional Association; and
  4. The facility is inspected annually and meets the Florida Model Jail Standards.
- (b) A county or county sheriff may form regional detention facilities through an interlocal agreement in order to meet the requirements of this section.
- (c) Each county sheriff or other county jail operator must follow the federal regulations that require sight and sound separation of juvenile inmates from adult inmates.
- (d) A county or county sheriff that complies with this subsection is not subject to any additional training, procedures, or inspections required by this chapter.

Section 3. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile detention facilities; amending s. 985.686, F.S.; exempting a county that provides detention care for pre-adjudicated juveniles, or that contracts with another county to provide such care, from certain requirements for sharing the costs for juvenile detention; amending s. 985.688, F.S.; providing that a county or county sheriff that meets certain prerequisites with respect to the operation of its juvenile detention facility is exempt from certain requirements of law governing the administration of such facilities; authorizing a county or county sheriff to form regional detention facilities through an interlocal agreement; requiring that the facility comply with federal requirements to separate juvenile inmates from adult inmates; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **SB 2112** was adopted. **SB 2112** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—38

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

Nays—None

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2116**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2116, same being:

An act relating to the state judicial system.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Committee Chair  
Gary Aubuchon, At Large  
Charles S. "Chuck" Chestnut IV,  
At Large  
*s/ Dorothy L. Hukill, At Large*  
*s/ John Legg, At Large*  
*s/ Charles McBurney*  
*s/ Larry Metz*  
*s/ W. Keith Perry*  
*s/ William L. "Bill" Proctor,*  
At Large  
Ron Saunders, At Large  
Irving "Irv" Slosberg  
Darren Soto

*s/ Richard "Rich" Glorioso*  
Chair  
*s/ Dennis K. Baxley*  
James W. "J.W." Grant  
*s/ Doug Holder*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ Seth McKeel, At Large*  
*s/ Peter Nehr*  
*s/ Ray Pilon*  
*s/ Darryl Ervin Rouson*  
Franklin Sands, At Large  
Robert C. "Rob" Schenck, At Large  
*s/ William D. Snyder, At Large*  
Will W. Weatherford, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2116, relating to the state judicial system, provides for the following:

- Authorizes the regional conflict counsels to establish a Direct Support Organization to benefit the offices and further their mission.

- Makes property title and vehicle searches for indigency determination optional by the clerk of court.
- Requires that payments for attorney fees in criminal conflict cases ordered by the court to be first paid from funds appropriated to the Justice Administrative Commission. After those funds are exhausted, additional payments ordered by the court shall come from funds appropriated to the state court system.
- Requires an agreement between counties and the Statewide Guardian Ad Litem Office when counties provide staff to local Guardian Ad Litem programs.
- Requires the Clerks of Court Operations Corporation to collect and summarize reports to the Legislature on a local surcharge on traffic tickets used to fund court facilities.

**Conference Committee Amendment (746456)(with title amendment)—Delete everything after the enacting clause and insert:**

Section 1. Subsection (10) is added to section 27.511, Florida Statutes, to read:

27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.—

(10) *Each office of criminal conflict and civil regional counsel may create a direct-support organization.*

(a) *The direct-support organization must be registered in this state as a nonprofit corporation under chapter 617. The direct-support organization shall be exempt from the filing fees under s. 617.0122.*

(b) *The direct-support organization shall be organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the office of criminal conflict and civil regional counsel.*

(c) *The direct-support organization shall operate under a written contract with the regional counsel. The written contract must, at a minimum, provide for:*

1. *Approval of the articles of incorporation and bylaws of the organization by the regional counsel.*
2. *Submission of an annual budget for the approval by the regional counsel.*
3. *The reversion without penalty to the office of criminal conflict and civil regional counsel, or to the state if the office ceases to exist, of all moneys and property held in trust by the organization for the office if the organization ceases to exist or if the contract is terminated.*
4. *The fiscal year of the organization, which must begin July 1 of each year and end June 30 of the following year.*
5. *The disclosure of material provisions of the contract and the distinction between the regional counsel and the organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.*

(d) *If the regional counsel determines that the direct-support organization is operating in a manner that is inconsistent with the goals and purposes of the office of criminal conflict and civil regional counsel or is not acting in the best interest of the state, the regional counsel may terminate the contract, and thereafter the organization may not use the name of the office.*

(e) *The regional counsel shall appoint a board of directors for the direct-support organization. The regional counsel may designate employees of the office of criminal conflict and civil regional counsel to serve on the board of directors. Members of the board shall serve at the pleasure of the regional counsel.*

(f) *The regional counsel:*

(e) *The regional counsel shall appoint a board of directors for the direct-support organization. The regional counsel may designate employees of the office of criminal conflict and civil regional counsel to serve on the board of directors. Members of the board shall serve at the pleasure of the regional counsel.*

(f) *The regional counsel:*

1. *May authorize the use of facilities and property other than money which are owned by the office of criminal conflict and civil regional counsel to be used by the direct-support organization.*

2. *May authorize the use of personnel services provided by employees of the office.*

3. *May prescribe the conditions by which the direct-support organization may use property, facilities, or personnel services of the office.*

4. *May not authorize the use of property, facilities, or personnel services of the direct-support organization if the organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.*

*For the purposes of this paragraph, the term "personnel services" includes full-time personnel and part-time personnel as well as payroll processing.*

(g) *Moneys of the direct-support organization may be held in a depository account in the name of the organization which is separate from the accounts of the office, but which is subject to the provisions of the contract with the regional counsel.*

(h) *The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.*

(i) *The direct-support organization may not exercise any power under s. 617.0302(12) or (16). A state employee may not receive compensation from the organization for service on the board of directors or for services rendered to the organization.*

Section 2. Paragraph (a) of subsection (2) of section 27.52, Florida Statutes, is amended to read:

27.52 Determination of indigent status.—

(2) DETERMINATION BY THE CLERK.—The clerk of the court shall determine whether an applicant seeking appointment of a public defender is indigent based upon the information provided in the application and the criteria prescribed in this subsection.

(a) ~~1.~~ An applicant, including an applicant who is a minor or an adult tax-dependent person, is indigent if the applicant's income is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services or if the person is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans' benefits, or Supplemental Security Income (SSI).

~~1.2.a.~~ There is a presumption that the applicant is not indigent if the applicant owns, or has equity in, any intangible or tangible personal property or real property or the expectancy of an interest in any such property having a net equity value of \$2,500 or more, excluding the value of the person's homestead and one vehicle having a net value not exceeding \$5,000.

~~2.b.~~ Notwithstanding the information that the applicant provides, the clerk ~~may shall~~ conduct a review of the property records for the county in which the applicant resides and the motor vehicle title records of the state to identify any property interests of the applicant under this ~~paragraph subparagraph~~. The clerk ~~may shall~~ evaluate and consider the results of the review in making a determination under this subsection. *If the review is conducted*, the clerk shall maintain the results of the review in a file with the application and provide the file to the court if the applicant seeks review under subsection (4) of the clerk's determination of indigent status.

Section 3. Subsection (12) of section 27.5304, Florida Statutes, is amended to read:

27.5304 Private court-appointed counsel; compensation.—

(12) The Legislature recognizes that on rare occasions an attorney may receive a case that requires extraordinary and unusual effort.

(a) If counsel seeks compensation that exceeds the limits prescribed by law ~~under this section and the General Appropriations Act~~, he or she must file a motion with the chief judge for an order approving payment of attorney's fees in excess of these limits.

1. ~~Before~~ ~~Prior to~~ filing the motion, the counsel shall deliver a copy of the intended billing, together with supporting affidavits and all other necessary documentation, to the Justice Administrative Commission.

2. The Justice Administrative Commission shall review the billings, affidavit, and documentation for completeness and compliance with contractual and statutory requirements. If the Justice Administrative Commission objects to any portion of the proposed billing, the objection and reasons therefor shall be communicated in writing to the private court-appointed counsel. The counsel may thereafter file his or her motion, which must specify whether the commission objects to any portion of the billing or the sufficiency of documentation, and ~~shall~~ attach the commission's letter stating its objection.

(b) Following receipt of the motion to exceed the fee limits, the chief judge or a *single* designee for all such cases, shall hold an evidentiary hearing.

1. At the hearing, the attorney seeking compensation must prove by competent and substantial evidence that the case required extraordinary and unusual efforts. The chief judge or designee shall consider criteria such as the number of witnesses, the complexity of the factual and legal issues, and the length of trial. The fact that a trial was conducted in a case does not, by itself, constitute competent substantial evidence of an extraordinary and unusual effort. In a criminal case, relief under this section may not be granted if the number of work hours does not exceed 75 or the number of the state's witnesses deposed does not exceed 20.

2. The chief judge or designee shall enter a written order detailing his or her findings and identifying the extraordinary nature of the time and efforts of the attorney in the case which warrant exceeding the flat fee established by this section and the General Appropriations Act.

(c) A copy of the motion and attachments shall be served on the Justice Administrative Commission at least 5 business days ~~before~~ ~~prior~~ to the date of a hearing. The Justice Administrative Commission shall have standing to appear before the court, including at the hearing under paragraph (b), to contest any motion for an order approving payment of attorney's fees, costs, or related expenses and may participate in a hearing on the motion by use of telephonic or other communication equipment ~~unless ordered otherwise~~. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before the court for the purpose of contesting any motion for an order approving payment of attorney's fees, costs, or related expenses. The fact that the Justice Administrative Commission has not objected to any portion of the billing or to the sufficiency of the documentation is not binding on the court.

(d) If the chief judge or a *single* designee finds that counsel has proved by competent and substantial evidence that the case required extraordinary and unusual efforts, the chief judge or designee shall order the compensation to be paid to the attorney at a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage ~~must shall~~ be only the rate necessary to ensure that the fees paid are not confiscatory under common law. The percentage may not exceed 200 percent of the established flat fee, absent a specific finding that 200 percent of the flat fee in the case would be confiscatory. If the chief judge or designee determines that 200 percent of the flat fee would be confiscatory, he or she shall order the amount of compensation using an hourly rate not to exceed \$75 per hour for a noncapital case and \$100 per hour for a capital case. However, the compensation calculated by using the hourly rate shall be only that amount necessary to ensure that the total fees paid are not confiscatory.

(e) Any order granting relief under this subsection must be attached to the final request for a payment submitted to the Justice Administrative Commission.

(f) *For criminal cases only, the payment of fees when the court orders payment in excess of the flat fee established by law, shall be paid as follows:*

1. *The flat fee shall be paid from funds appropriated to the Justice Administrative Commission in the General Appropriations Act.*

2. The amount ordered by the court in excess of the flat fee shall be paid by the Justice Administrative Commission in a special category designated for that purpose in the General Appropriations Act.

3. If, during the fiscal year, all funds designated for payment of the amount ordered by the court in excess of the flat fee are spent, the amount of payments in excess of the flat fee shall be made from the due process funds, or other funds as necessary, appropriated to the state court system in the General Appropriations Act. Funds from the state court system must be used in a manner approved by the Chief Justice and administered by the Trial Court Budget Commission.

(g) The Justice Administrative Commission shall provide to the Office of the State Courts Administrator data concerning the number of cases approved for compensation in excess of the limitation and the amount of these awards by circuit and by judge. The office of the State Courts Administrator shall report the data quarterly in an electronic format to the chairs President of the Senate and the Speaker of the House of Representatives appropriations committees, the Chief Justice of the Supreme Court, and the chief judge of each circuit.

Section 4. Section 39.8297, Florida Statutes, is created to read:

39.8297 County funding for guardian ad litem personnel.—

(1) A county and the executive director of the Statewide Guardian Ad Litem Office may enter into an agreement under which the county agrees to fund personnel positions to assist in the operation of the guardian ad litem program.

(2) The agreement, at a minimum, must provide that:

(a) Funding for the positions is provided on at least a fiscal-year basis.

(b) The personnel whose employment is funded under the agreement are hired, supervised, managed, and fired by personnel of the Statewide Guardian Ad Litem Office. The office shall supervise the personnel whose employment is funded under the agreement; be responsible for compliance with all requirements of federal and state employment laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act, 42 U.S.C. s. 1983, the Family Medical Leave Act, the Fair Labor Standards Act, chapters 447 and 760, and ss. 112.3187, 440.105, and 440.205; and fully indemnify the county from any liability under such laws, as authorized by s. 768.28(19), to the extent such liability is the result of the acts or omissions of the guardian ad litem program or its agents or employees.

(c) The county is the employer for the purposes of s. 440.10 and chapter 443.

(d) Employees funded by the county under this section and other county employees may be aggregated for purposes of a flexible benefits plan pursuant to s. 125 of the Internal Revenue Code of 1986.

(e) The positions terminate upon the expiration of, or substantial breach of, the agreement or upon the expiration of county funding for the positions.

(3) Positions funded under this section do not count against any formula or similar process used by the Statewide Guardian Ad Litem Office to determine personnel needs or levels of a judicial circuit's guardian ad litem program.

(4) This section does not obligate the state to fund any personnel positions.

Section 5. Paragraph (b) of subsection (13) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(13)

(b) A county may impose a surcharge under subparagraph (a)1., subparagraph(a)2., or subparagraph(a)3., but may not impose more than one surcharge under this subsection. A county may elect to impose a

different authorized surcharge but may not impose more than one surcharge at a time. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in an electronic format developed by the Florida Clerks of Court Operations Corporation Office of State Courts Administrator, to the chief judge of the circuit and the Florida Clerks of Court Operations Corporation. The corporation shall submit the report in an electronic format to; the Governor, the President of the Senate, the Speaker of the House of Representatives, and the board of county commissioners.

Section 6. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the state judicial system; amending s. 27.511, F.S.; authorizing each office of criminal conflict and civil regional counsel to create a direct-support organization; prescribing requirements related to the creation and operation of the direct-support organization; amending s. 27.52, F.S.; providing the clerk with the discretion to conduct a review of the county's property records to confirm indigency; amending s. 27.5304, F.S.; providing for the payment of attorney's fees that exceed the limits prescribed by law; creating s. 39.8297, F.S.; providing for county funding of additional guardian ad litem personnel; requiring an agreement between the county and the Statewide Guardian Ad Litem Office; specifying responsibility for such positions; amending s. 318.18, F.S.; requiring the clerk of court and the Florida Clerks of Court Operations Corporation to submit reports on local traffic assessments in an electronic format; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on SB 2116 was adopted. SB 2116 passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—36

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Sachs
Braynon	Hill	Simmons
Dean	Jones	Siplin
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise

Nays—3

Joyner	Rich	Smith
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By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2118

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2118, same being:

An act relating to criminal justice.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

## Managers on the part of the Senate

*s/ Denise Grimsley*  
Committee Chair  
Gary Aubuchon, At Large  
Charles S. "Chuck" Chestnut IV,  
At Large  
*s/ Dorothy L. Hukill, At Large*  
*s/ John Legg, At Large*  
*s/ Charles McBurney*  
*s/ Larry Metz*  
*s/ W. Keith Perry*  
*s/ William L. "Bill" Proctor,*  
At Large  
Ron Saunders, At Large  
Irving "Irv" Slosberg  
Darren Soto

*s/ Richard "Rich" Glorioso*  
Chair  
*s/ Dennis K. Baxley*  
James W. "J.W." Grant  
*s/ Doug Holder*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ Seth McKeel, At Large*  
*s/ Peter Nehr*  
*s/ Ray Pilon*  
*s/ Darryl Ervin Rouson*  
Franklin Sands, At Large  
Robert C. "Rob" Schenck, At Large  
*s/ William D. Snyder, At Large*  
Will W. Weatherford, At Large

## Managers on the part of the House

The Conference Committee Amendment for SB 2118, relating to criminal justice, provides for the following:

- Removes permissive language making it a requirement for a judge to assess the defendant convicted of a crime the current \$100 crime lab services fee if state or county crime lab services were performed in the investigation of the crime.
- Eliminates the Department of Correction's authority to operate the Basic Training Program for youthful offenders ("boot camps").
- Transfers all powers, duties and responsibilities relating to the operation of private correctional facilities (Private Prison Monitoring Bureau) from the Department of Management Services to the Department of Corrections.
- This amendment has an effective date of July 1, 2011.

**Conference Committee Amendment (580086)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 938.25, Florida Statutes, is transferred, re-numbered as section 938.055, Florida Statutes, and amended to read:

938.055 ~~938.25~~ Operating Trust Fund of the Department of Law Enforcement.—Notwithstanding any provision to the contrary of the laws of this state, the court ~~shall~~ *may* assess any defendant who pleads guilty or nolo contendere to, or is convicted of, a violation of any provision of *chapters 775-896 s. 893.13*, without regard to whether adjudication was withheld, in addition to any fine and other penalty provided or

authorized by law, an amount of \$100, to be paid to the clerk of the court, who shall forward it to the Department of Revenue for deposit in the Operating Trust Fund of the Department of Law Enforcement to be used by the statewide criminal analysis laboratory system for the purposes specified in s. 943.361. *This amount shall be assessed when the services of any criminal analysis laboratory, as designated in s. 943.32, is used in connection with the investigation or prosecution of a violation of any provision of chapters 775-896. The court may not waive this assessment is authorized to order a defendant to pay an additional assessment if it finds that the defendant has the ability to pay the fine and the additional assessment and will not be prevented thereby from being rehabilitated or from making restitution.*

Section 2. Paragraph (l) of subsection (1) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that will best serve the needs of society, punish criminal offenders, and provide the opportunity for rehabilitation. If the offender does not receive a state prison sentence, the court may:

(l)1. Require the offender who violates any criminal provision of chapter 893 to pay an additional assessment in an amount up to the amount of any fine imposed, pursuant to ss. 938.21 and 938.23.

2. Require the offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of \$100, pursuant to ss. ~~938.055~~ *938.25* and 943.361.

Section 3. Section 943.361, Florida Statutes, is amended to read:

943.361 Statewide criminal analysis laboratory system; funding through fine surcharges.—

(1) Funds deposited pursuant to ss. 938.07 and ~~938.055~~ *938.25* for the statewide criminal analysis laboratory system shall be used for state reimbursements to local county-operated crime laboratories enumerated in s. 943.35(1), and for the equipment, health, safety, and training of member crime laboratories of the statewide criminal analysis laboratory system.

(2) Moneys deposited pursuant to ss. 938.07 and ~~938.055~~ *938.25* for the statewide criminal analysis laboratory system shall be appropriated by the Legislature in accordance with the provisions of chapter 216 and with the purposes stated in subsection (1).

Section 4. Paragraph (c) of subsection (1) of section 945.0311, Florida Statutes, is amended to read:

945.0311 Employment of relatives.—

(1) For the purposes of this section, the term:

(c) "Organizational unit" includes:

1. A unit of a state correctional institution such as security, medical, dental, classification, maintenance, personnel, or business. A work camp, ~~boot camp~~, or other annex of a state correctional institution is considered part of the institution and not a separate unit.

2. An area of a regional office such as personnel, medical, administrative services, probation and parole, or community facilities.

3. A correctional work center, road prison, or work release center.

4. A probation and parole circuit office or a suboffice within a circuit.

5. A bureau of the Office of the Secretary or of any of the assistant secretaries.

Section 5. Subsection (1) of section 951.231, Florida Statutes, is amended to read:

951.231 County residential probation program.—

(1) Any prisoner who has been sentenced under s. 921.18 to serve a sentence in a county residential probation center as described in s. 951.23 shall:

(a) Reside at the center at all times other than during employment hours and reasonable travel time to and from his or her place of employment, except that supervisory personnel at a county residential probation center may extend the limits of confinement to include, but not be limited to, probation, community control, or other appropriate supervisory techniques.

(b) Seek and obtain employment on an 8-hours-a-day basis and retain employment throughout the period of time he or she is housed at the center.

~~(c) Participate in and complete the program required by s. 958.045, if required by the supervisor of the center.~~

~~(c)(d)~~ Participate in the education program provided at the center, if required by the supervisor of the center.

~~(d)(e)~~ Participate in the drug treatment program provided at the center, if required by the supervisor of the center.

Section 6. Subsections (4) and (5) of section 958.04, Florida Statutes, are amended to read:

958.04 Judicial disposition of youthful offenders.—

~~(4) Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation.~~

~~(5) The department shall provide a special training program for staff selected for the basic training program.~~

Section 7. *Section 958.045, Florida Statutes, is repealed.*

Section 8. Subsection (4) of section 944.02, Florida Statutes, is amended to read:

944.02 Definitions.—The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(4) “Elderly offender” means a prisoner age 50 or older in a state correctional institution or a private correctional facility ~~operated by the Department of Corrections or the Department of Management Services.~~

Section 9. Paragraph (b) of subsection (2) of section 944.115, Florida Statutes, is amended to read:

944.115 Smoking prohibited inside state correctional facilities.—

(2) As used in this section, the term:

(b) “Employee” means an employee of the department or a private vendor in a contractual relationship with *the department* ~~either the Department of Corrections or the Department of Management Services,~~ and includes persons such as contractors, volunteers, or law enforcement officers who are within a state correctional facility to perform a professional service.

Section 10. Subsection (1) of section 944.72, Florida Statutes, is amended to read:

944.72 Privately Operated Institutions Inmate Welfare Trust Fund.—

(1) There is hereby created in the Department of Corrections the Privately Operated Institutions Inmate Welfare Trust Fund. The purpose of the trust fund shall be the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the department pursuant to this chapter or ~~the Department of Management Services pursuant to chapter 957.~~ Moneys shall be deposited in the trust fund and expenditures made from the trust fund as provided in s. 945.215.

Section 11. Section 944.8041, Florida Statutes, is amended to read:

944.8041 Elderly offenders; annual review.—For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the department and the Correctional Medical Authority shall each submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the department’s geriatric facilities and dorms. In order to adequately prepare the reports, the department ~~and the Department of Management Services~~ shall grant access to the Correctional Medical Authority that includes access to the facilities, offenders, and any information the agencies require to complete their reports. The review shall also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. The reports, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

Section 12. Paragraphs (a) and (c) of subsection (2) of section 945.215, Florida Statutes, are amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.—

(a) For purposes of this subsection, privately operated institutions or private correctional facilities are those correctional facilities under contract with the department pursuant to chapter 944 or ~~the Department of Management Services pursuant to chapter 957.~~

(c) The department ~~of Management Services~~ shall annually compile a report that documents Privately Operated Institutions Inmate Welfare Trust Fund receipts and expenditures at each private correctional facility. This report must specifically identify receipt sources and expenditures. The department ~~of Management Services~~ shall compile this report for the prior fiscal year and shall submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.

Section 13. *Effective July 1, 2011, the statutory powers, duties, and functions, and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds related to the requirements of chapter 957, Florida Statutes, which are currently under the Department of Management Services are transferred to the Department of Corrections by a type two transfer, pursuant to s. 20.06, Florida Statutes. The Secretary of Corrections is authorized to establish units or subunits and to assign administrative authority for the responsibilities and functions transferred pursuant to this section.*

Section 14. Paragraphs (a), (b), (e), and (g) of subsection (1), paragraph (c) of subsection (2), and subsections (5), (6), and (7) of section 957.04, Florida Statutes, are amended to read:

957.04 Contract requirements.—

(1) A contract entered into under this chapter for the operation of private correctional facilities shall maximize the cost savings of such facilities and shall:

(a) Be negotiated with the firm found most qualified. However, a contract for private correctional services may not be entered into by the department ~~of Management Services~~ unless the department ~~of Management Services~~ determines that the contractor has demonstrated that it has:

1. The qualifications, experience, and management personnel necessary to carry out the terms of the contract.

2. The ability to expedite the siting, design, and construction of correctional facilities.

3. The ability to comply with applicable laws, court orders, and national correctional standards.

(b) Indemnify the state and the department, including their officials and agents, against any and all liability, including, but not limited to, civil rights liability. Proof of satisfactory insurance is required in an amount to be determined by the department ~~of Management Services~~.

(e) Establish operations standards for correctional facilities subject to the contract. However, if the department and the contractor disagree with an operations standard, the contractor may propose to waive any rule, policy, or procedure of the department related to the operations standards of correctional facilities which is inconsistent with the mission of the contractor to establish cost-effective, privately operated correctional facilities. The department of Management Services shall be responsible for considering all proposals from the contractor to waive any rule, policy, or procedure and shall render a final decision granting or denying such request.

(g) Require the selection and appointment of a full-time contract monitor. The contract monitor shall be appointed and supervised by the department of Management Services. The contractor is required to reimburse the department of Management Services for the salary and expenses of the contract monitor. It is the obligation of the contractor to provide suitable office space for the contract monitor at the correctional facility. The contract monitor shall have unlimited access to the correctional facility.

(2) Each contract entered into for the design and construction of a private correctional facility or juvenile commitment facility must include:

(c) A specific provision requiring the contractor, and not the department of Management Services, to obtain the financing required to design and construct the private correctional facility or juvenile commitment facility built under this chapter.

(5) Each contract entered into by the department of Management Services must include substantial minority participation unless demonstrated by evidence, after a good faith effort, as impractical and must also include any other requirements the department of Management Services considers necessary and appropriate for carrying out the purposes of this chapter.

(6) Notwithstanding s. 253.025(7), the Board of Trustees of the Internal Improvement Trust Fund need not approve a lease-purchase agreement negotiated by the department of Management Services if the department of Management Services finds that there is a need to expedite the lease-purchase.

(7)(a) Notwithstanding s. 253.025 or s. 287.057, whenever the department of Management Services finds it to be in the best interest of timely site acquisition, it may contract without the need for competitive selection with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands of the Department of Environmental Protection in accordance with s. 253.025(6)(b). In those instances when the department of Management Services directly contracts for appraisal services, it shall also contract with an approved appraiser who is not employed by the same appraisal firm for review services.

(b) Notwithstanding s. 253.025(6), the department of Management Services may negotiate and enter into lease-purchase agreements before an appraisal is obtained. Any such agreement must state that the final purchase price cannot exceed the maximum value allowed by law.

Section 15. Subsection (2) of section 957.06, Florida Statutes, is amended to read:

957.06 Powers and duties not delegable to contractor.—A contract entered into under this chapter does not authorize, allow, or imply a delegation of authority to the contractor to:

(2) Choose the facility to which an inmate is initially assigned or subsequently transferred. The contractor may request, in writing, that an inmate be transferred to a facility operated by the department. The Department of Management Services, the contractor, and the department shall develop and implement a cooperative agreement for transferring inmates between a correctional facility operated by the department and a private correctional facility. The department, the Department of Management Services, and the contractor must comply with the cooperative agreement.

Section 16. Subsections (1) and (4) and paragraph (d) of subsection (5) of section 957.07, Florida Statutes, are amended to read:

957.07 Cost-saving requirements.—

(1) The department of Management Services may not enter into a contract or series of contracts unless the department determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Such cost savings as determined by the department of Management Services must be based upon the actual costs associated with the construction and operation of similar facilities or services as determined by the department of Corrections and certified by the Auditor General. The department of Corrections shall calculate all of the cost components that determine the inmate per diem in correctional facilities of a substantially similar size, type, and location that are operated by the department of Corrections, including administrative costs associated with central administration. Services that are provided to the department of Corrections by other governmental agencies at no direct cost to the department shall be assigned an equivalent cost and included in the per diem.

(4) The department of Corrections shall provide a report detailing the state cost to design, finance, acquire, lease, construct, and operate a facility similar to the private correctional facility on a per diem basis. This report shall be provided to the Auditor General in sufficient time that it may be certified to the Department of Management Services to be included in the request for proposals.

(5)

(d) If a private vendor chooses not to renew the contract at the appropriated level, the department of Management Services shall terminate the contract as provided in s. 957.14.

Section 17. Section 957.08, Florida Statutes, is amended to read:

957.08 Capacity requirements.—The department of Corrections shall transfer and assign prisoners to each private correctional facility opened pursuant to this chapter in an amount not less than 90 percent or more than 100 percent of the capacity of the facility pursuant to the contract with the department of Management Services. The prisoners transferred by the department of Corrections shall represent a cross-section of the general inmate population, based on the grade of custody or the offense of conviction, at the most comparable facility operated by the department.

Section 18. Section 957.14, Florida Statutes, is amended to read:

957.14 Contract termination and control of a correctional facility by the department.—A detailed plan shall be provided by a private vendor under which the department shall assume temporary control of a private correctional facility upon termination of the contract. The department of Management Services may terminate the contract with cause after written notice of material deficiencies and after 60 workdays in order to correct the material deficiencies. If any event occurs that involves the noncompliance with or violation of contract terms and that presents a serious threat to the safety, health, or security of the inmates, employees, or the public, the department may temporarily assume control of the private correctional facility, with the approval of the Department of Management Services. A plan shall also be provided by a private vendor for the purchase and temporary assumption of operations of a correctional facility by the department in the event of bankruptcy or the financial insolvency of the private vendor. The private vendor shall provide an emergency plan to address inmate disturbances, employee work stoppages, strikes, or other serious events in accordance with standards of the American Correctional Association.

Section 19. Section 957.15, Florida Statutes, is amended to read:

957.15 Funding of contracts for operation, maintenance, and lease-purchase of private correctional facilities.—The request for appropriation of funds to make payments pursuant to contracts entered into by the department of Management Services for the operation, maintenance, and lease-purchase of the private correctional facilities authorized by this chapter shall be made by the Department of Management Services in a request to the department. The department shall include such request in its budget request to the Legislature as a separately identified item and shall forward the request of the Department of Management Services without change. After an appropriation has been made by the Legislature to the department for the private correctional facilities, the department shall have no authority over such funds other than to pay

~~from such appropriation to the appropriate private vendor such amounts as are certified for payment by the Department of Management Services.~~

By direction of the President the following Conference Committee Report was read:

Section 20. Section 957.16, Florida Statutes, is amended to read:

**CONFERENCE COMMITTEE REPORT ON SB 2120**

957.16 Expanding capacity.—~~The department of Management Services~~ is authorized to modify and execute agreements with contractors to expand up to the total capacity of contracted correctional facilities. Total capacity means the design capacity of all contracted correctional facilities increased by one-half as described under s. 944.023(1)(b). Any additional beds authorized under this section must comply with the cost-saving requirements set forth in s. 957.07. Any additional beds authorized as a result of expanded capacity under this section are contingent upon specified appropriations.

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2120, same being:

An act relating to K - 12 education funding.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

Section 21. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; transferring, renumbering, and amending s. 938.25, F.S.; requiring a court to assess an additional amount against a defendant who pleads guilty or nolo contendere to, or who is convicted of, violating certain specified offenses, and the services of a criminal analysis laboratory are used in the investigation of the offense; providing for the proceeds of the assessment to be deposited into the Operating Trust Fund of the Department of Law Enforcement and used by the statewide criminal analysis laboratory system; prohibiting the court from waiving the assessment; amending ss. 921.187 and 943.361, F.S.; conforming cross-references; amending s. 945.0311, F.S.; deleting a reference to the youthful offender basic training program; amending s. 951.231, F.S.; removing a reference to the youthful offender basic training program; amending s. 958.04, F.S.; deleting references to the youthful offender basic training program; repealing s. 958.045, F.S., relating to the youthful offender basic training program; amending s. 944.02, F.S.; redefining the term "elderly offender" to remove a reference to the Department of Management Services; amending s. 944.115, F.S.; removing a reference to the Department of Management Services in the definition of the term "employee"; amending ss. 944.72, 944.8041, and 945.215, F.S.; conforming provisions to changes made by the act; providing for a transfer of specified duties, functions, property, and funds from the Department of Management Services to the Department of Corrections; amending ss. 957.04, 957.06, 957.07, 957.08, 957.14, 957.15, and 957.16, F.S.; conforming provisions to changes made by the act; providing an effective date.

- |  |                                       |
|--|---------------------------------------|
| <i>s/ JD Alexander</i>                   | <i>s/ Joe Negron</i>                  |
| <i>Chair</i>                             | <i>Vice Chair</i>                     |
| <i>s/ Thad Altman</i>                    | <i>s/ Lizbeth Benacquisto</i>         |
| <i>s/ Michael S. "Mike" Bennett</i>      | <i>s/ Ellyn Setnor Bogdanoff</i>      |
| <i>s/ Oscar Braynon II</i>               | <i>Larcenia J. Bullard</i>            |
| <i>s/ Charles S. "Charlie" Dean, Sr.</i> | <i>s/ Nancy C. Detert</i>             |
| <i>s/ Miguel Diaz de la Portilla</i>     | <i>Paula Dockery</i>                  |
| <i>s/ Greg Evers</i>                     | <i>s/ Mike Fasano</i>                 |
| <i>s/ Anitere Flores</i>                 | <i>s/ Don Gaetz, At Large</i>         |
| <i>s/ Rene Garcia</i>                    | <i>s/ Andy Gardiner, At Large</i>     |
| <i>s/ Alan Hays</i>                      | <i>s/ Anthony C. "Tony" Hill, Sr.</i> |
| <i>s/ Dennis L. Jones, D.C.</i>          | <i>s/ Arthenia L. Joyner</i>          |
| <i>Jack Latvala</i>                      | <i>s/ Evelyn J. Lynn</i>              |
| <i>s/ Gwen Margolis</i>                  | <i>s/ Bill Montford</i>               |
| <i>s/ Jim Norman</i>                     | <i>s/ Steve Oelrich</i>               |
| <i>s/ Nan H. Rich, At Large</i>          | <i>s/ Garrett Richter</i>             |
| <i>s/ Jeremy Ring</i>                    | <i>s/ Maria Lorts Sachs</i>           |
| <i>s/ David Simmons</i>                  | <i>s/ Gary Siplin, At Large</i>       |
| <i>s/ Christopher L. "Chris" Smith</i>   | <i>s/ Eleanor Sobel</i>               |
| <i>s/ Ronda Storms</i>                   | <i>s/ John Thrasher, At Large</i>     |
| <i>s/ Stephen R. Wise</i>                |                                       |

On motion by Senator Fasano, the Conference Committee Report on **SB 2118** was adopted. **SB 2118** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Managers on the part of the Senate

Yeas—38

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Rich
Altman	Gardiner	Richter
Benacquisto	Hays	Ring
Bennett	Hill	Sachs
Bogdanoff	Jones	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise
Flores	Norman	

- |  |   |
|--|---|
| <i>s/ Denise Grimsley</i>                | <i>s/ Marti Coley</i>                   |
| <i>Committee Chair</i>                   | <i>Chair</i>                            |
| <i>s/ Janet H. Adkins</i>                | <i>Gary Aubuchon, At Large</i>          |
| <i>Michael Bileca</i>                    | <i>Charles S. "Chuck" Chestnut IV,</i>  |
| <i>Erik Fresen</i>                       | <i>At Large</i>                         |
| <i>s/ Dorothy L. Hukill, At Large</i>    | <i>Martin David "Marty" Kiar</i>        |
| <i>s/ Paige Kreegel, At Large</i>        | <i>s/ John Legg, At Large</i>           |
| <i>s/ Carlos Lopez-Cantera, At Large</i> | <i>s/ Seth McKeel, At Large</i>         |
| <i>Scott Plakon</i>                      | <i>s/ William L. "Bill" Proctor,</i>    |
| <i>s/ Darryl Ervin Rouson, At Large</i>  | <i>At Large</i>                         |
| <i>Franklin Sands, At Large</i>          | <i>Ron Saunders, At Large</i>           |
| <i>s/ Robert C. "Rob" Schenck,</i>       | <i>s/ Jimmie T. Smith</i>               |
| <i>At Large</i>                          | <i>s/ William D. Snyder, At Large</i>   |
| <i>Kelli Stargel</i>                     | <i>s/ Will W. Weatherford, At Large</i> |

Managers on the part of the House

Nays—1

Dockery

Vote after roll call:

Yea to Nay—Joyner

The Conference Committee Amendment for SB 2120, 1st Eng., relating to K-12 education funding, provides for the following:

- Authorizes DOR to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by the gross receipts tax, the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.

- Expands the class size reduction lottery bond program to include other educational facilities.
  - Authorizes a regional educational consortium service organization to generate revenue to support its activities. A consortium may establish ownership of patents, copyrights, trademarks and licenses. Revenues generated must be used to support each organization's marketing and research and development activities in order to increase services to its member school districts.
  - Provides that the allocation of state funds for a regional education consortium shall be determined based on funds provided in the General Appropriations Act.
  - Adjusts the charter school enrollment process such that students living in a development that provides the facility and related property with an appraised value of at least \$10 million for a charter school in the development shall be entitled to 50 percent of the enrollment in the charter school.
  - Provides that charter school systems may be designated as local education agencies for the purpose of receiving federal funds.
  - Limits the administrative fee that school districts withhold from high performing charter schools, as defined by SB 1546, to 2 percent for up to 250 students and to 2 percent for up to 500 students for high performing charter school systems as defined in s. 1002.33(20)(a)3.
  - Clarifies prior legislation and authorizes the expenditure of PECO funds by a charter-school-in-the-workplace prior to July 1, 2010.
  - Increases the number of students assigned to an instructor in the school year prekindergarten program from 11 to 12, and from 18 to 20 for an instructor plus an assistant. Reduces the administrative allowance for early learning coalitions from 4.5 to 4.0 percent.
  - Redefines the term "core curricula courses" for the purpose of designating classes subject to the maximum class size requirements and requires the Department of Education (DOE) to maintain a list of such courses.
  - Provides flexibility for school districts to implement class size requirements when additional students enroll in a school after the October survey and for grades 4 to 8 students who take high school courses. Clarifies the use of class size reduction funds.
  - Authorizes school districts to establish pilot digital instructional materials schools. Participating districts will be required to have a local instructional improvement system and rely heavily on electronic instructional materials. Pilot schools will not have to purchase the required instructional materials adoption within the first two years and will not have to purchase materials from the depository. Districts will provide a plan and report on the outcomes.
  - Revises statutes related to instructional materials for public schools, including revising naming conventions, using "instructional materials" as the generic rather than "textbooks"; modifying and expanding the description and requirements for local instructional improvement systems; revising the instructional materials review process by replacing committees with three national expert reviewers; clarifying and expanding bid advertisement specifications for electronic and digital content; revising the term for instructional materials adoption from 6 to 5 years; requiring that by 2015-2016, all adopted instructional materials for K-12 students are to be in electronic or digital format and districts are to use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials on the state adopted list.
  - Provides recurring flexibility, after March 1 of each year, for instructional materials funds to be used to purchase hardware for student instruction after required instructional materials purchases have been made.
  - Revises the definition of adult education and provisions relating to the enrollment of high school students in adult education courses.
  - Adjusts industry certified bonus weights based on rigor and the employment value of the certification with revised weights remaining within existing funding levels, and provides for middle school student eligibility for industry certification and bonus weights;
  - Requires school districts to provide to the DOE by October 1, copies of contracts and amounts paid to providers of virtual instruction. Also requires districts to spend the difference between funds received for the virtual instruction program and amounts paid to providers of virtual instruction on local instructional improvement systems and electronic and digital instructional materials.
  - Removes the additional FTE provision for the Florida Virtual School.
  - Creates a virtual education contribution categorical in the FEFP.
  - Authorizes an interdistrict transfer of FEFP funds when students in Department of Juvenile Justice facilities are transferred between student membership surveys.
  - Allows 16 districts that passed a referendum in the 2010 general election to levy 0.25 mills for the authorized two years and eligible districts to receive state compression adjustment funds for two more years. Provides for the expiration of the authorization for school boards to levy by supermajority vote, following referendum, an additional 0.25 mills for critical operations or capital outlay on June 30, 2011.
  - Defines casualty insurance for educational and ancillary facilities for purposes of school district expenditure of capital improvement millage revenues.
  - Waives the equal dollar reduction penalty in the FEFP for school district audit findings for property and casualty insurance expenditures for the 2009-2010 fiscal year and the 2010-2011 fiscal year prior to January 1, 2011.
  - Provides that state funding for the Merit Award Program will be discontinued after 2011-2012 payment of the 2010-2011 awards.
  - Provides the DOE with flexibility to provide Florida Knowledge Network materials and other educational services online or by other electronic media, instead of primarily through television broadcast.
  - Updates and clarifies DOE responsibilities for the Florida Information Resource Network.
  - Extends an exemption from state educational facilities requirements for the demolition and replacement of school buildings for certain school districts.
  - Adopts by reference, the alternative compliance calculation amounts to the class size reduction operating categorical allocation for the 2010-2011 fiscal year.
- This bill substantially amends sections 213.053, 215.61, 1001.10, 1001.25, 1001.271, 1001.28, 1001.451, 1002.33, 1002.34, 1002.45, 1002.55, 1002.63, 1002.71, 1003.01, 1003.03, 1004.02, 1006.28, 1006.281, 1006.29, 1006.30, 1006.31, 1006.32, 1006.33, 1006.34, 1006.35, 1006.36, 1006.38, 1006.39, 1006.40, 1006.43, 1011.62, 1011.685, 1011.71, 1012.225, 1013.737, creates sections 1003.4935, 1006.282, and 1011.621, and repeals section 1006.43 of the Florida Statutes.
- Conference Committee Amendment (451960)(with title amendment)**—Delete everything after the enacting clause and insert:
- Section 1. Paragraph (dd) is added to subsection (8) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, to read:
- 213.053 Confidentiality and information sharing.—
- (8) Notwithstanding any other provision of this section, the department may provide:

(dd) Information relative to s. 215.61(6) to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 2. Subsection (6) is added to section 215.61, Florida Statutes, to read:

215.61 State system of public education capital outlay bonds.—

(6) In making the determination as required by subsection (3) of the amount that can be serviced by the gross receipts tax, the State Board of Education shall disregard the effects on the reported gross receipts tax revenues collected during a tax period of any refund paid by the Department of Revenue as a direct result of a refund request made pursuant to the settlement reached in *In re: AT&T Mobility Wireless Data Services Sales Litigation*, 270 F.R.D. 330, (Aug. 11, 2010). The Department of Revenue shall provide to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any such refund and the tax period in which the refund is included.

Section 3. Paragraph (o) of subsection (6) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following general powers and duties:

(o) To develop criteria for use by state instructional materials reviewers ~~committees~~ in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

Section 4. Paragraph (b) of subsection (2) of section 1001.25, Florida Statutes, is amended to read:

1001.25 Educational television.—

(2) POWERS OF DEPARTMENT.—

(b) The department shall provide through educational television ~~or~~ and other electronic media a means of extending educational services to all the state system of public education, except the state universities, which provision by the department is limited by paragraph (c) and by s. 1001.26(1). The department shall recommend to the State Board of Education rules necessary to provide such services.

Section 5. Section 1001.271, Florida Statutes, is amended to read:

1001.271 Florida Information Resource Network.—~~The Commissioner of Education shall facilitate and coordinate the use of the Florida Information Resource Network by school districts, educational institutions in the Florida College System, universities, and other eligible users. Upon requisition by school districts, community colleges, universities, or other eligible users of the Florida Information Resource Network, the Commissioner of Education shall purchase the nondiscounted portion of Internet access services, including, but not limited to, circuits, encryption, content filtering, support, and any other services needed for the effective and efficient operation of the network. For the 2009-2010 fiscal year, each school district, the Florida School for the Deaf and the Blind, and the regional educational consortia eligible for the e-rate must submit a requisition to the Commissioner of Education for at least the same level of Internet access services used through the Florida Information Resource Network contract in the 2008-2009 fiscal year. Each user shall identify in its requisition the source of funds from which the commissioner is to make payments.~~

Section 6. Subsection (2) of section 1001.28, Florida Statutes, is amended to read:

1001.28 Distance learning duties.—The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

(2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders, the Florida Information Resource Network (FIRN), ~~the Florida Knowledge Network~~, and distance learning initiatives.

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, university board of trustees, the Board of Governors, or the State Board of Education.

Section 7. Paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, *subject to the funds provided in the General Appropriations Act*, an incentive grant of \$50,000 per school district and eligible member to be used for the delivery of services within the participating school districts. The determination of services and use of such funds shall be established by the board of directors of the regional consortium service organization. The funds shall be distributed to each regional consortium service organization no later than 30 days following the release of the funds to the department.

(5) *The board of directors of a regional consortium service organization may use various means to generate revenue in support of its activities. The board of directors may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of directors having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be considered internal funds as provided in s. 1011.07. Such funds shall be used to support the organization's marketing and research and development activities in order to improve and increase services to its member districts.*

Section 8. Paragraph (e) of subsection (10), subsection (19), and paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, are amended, present subsections (25) and (26) of that section are redesignated as subsections (26) and (27), respectively, and a new subsection (25) is added to that section, to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. *Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$10 million to be used as a charter school for the development. Students living in the development shall be entitled to 50 percent of the student stations in the charter school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations shall be filled in accordance with subparagraph 4.*

(19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible for capital outlay funds pursuant to s. 1013.62. Capital outlay funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 which ~~that~~ have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

2. A total administrative fee for the provision of such services shall be calculated based upon up to 5 percent of the available funds defined in paragraph (17)(b) for all students. However, a sponsor may only withhold up to a 5-percent administrative fee for enrollment for up to and including 250 students. For charter schools with a population of 251 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2).

3. *For high performing charter schools, as defined in Senate Bill 1546, a sponsor may withhold a total administrative fee of up to 2 percent for enrollment up to and including 250 students per school.*

4. ~~3.~~ In addition, a sponsor may withhold only up to a 5-percent administrative fee for enrollment for up to and including 500 students within a system of charter schools which meets all of the following:

- a. Includes both conversion charter schools and nonconversion charter schools;
- b. Has all schools located in the same county;
- c. Has a total enrollment exceeding the total enrollment of at least one school district in the state;
- d. Has the same governing board; and

e. Does not contract with a for-profit service provider for management of school operations.

5.4- The difference between the total administrative fee calculation and the amount of the administrative fee withheld pursuant to subparagraph 4. ~~3.~~ may be used for instructional and administrative purposes as well as for capital outlay purposes specified in s. 1013.62(2).

6. *For a high performing charter school system that also meets the requirements in subparagraph 4., a sponsor may withhold a 2 percent administrative fee for enrollments up to and including 500 students per system.*

7. ~~5.~~ Each charter school shall receive 100 percent of the funds awarded to that school pursuant to s. 1012.225. Sponsors shall not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum 5-percent administrative fee withheld pursuant to this paragraph.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—A charter school system shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

- (a) Includes both conversion charter schools and nonconversion charter schools;
- (b) Has all schools located in the same county;
- (c) Has a total enrollment exceeding the total enrollment of at least one school district in the state;
- (d) Has the same governing board; and
- (e) Does not contract with a for-profit service provider for management of school operations.

Such designation does not apply to other provisions unless specifically provided in law.

Section 9. Subsection (13) of section 1002.34, Florida Statutes, is amended to read:

1002.34 Charter technical career centers.—

(13) BOARD OF DIRECTORS AUTHORITY.—The board of directors of a center may decide matters relating to the operation of the school, including budgeting, curriculum, and operating procedures, subject to the center's charter. The board of directors is responsible for performing the duties provided in s. 1002.345, including monitoring the corrective action plan. The board of directors must comply with s. 1002.33(26) ~~s. 1002.33(25)~~.

Section 10. Paragraph (e) is added to subsection (1) of section 1002.45, Florida Statutes, to read:

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

(e)1. *Each school district shall provide to the department by October 1, 2011, and by each October 1 thereafter, a copy of each contract and the amounts paid per unweighted full-time equivalent student for services procured pursuant to paragraph (c).*

2. *Each school district shall expend the difference in funds provided for a student participating in the school district virtual instruction program pursuant to subsection (7) and the price paid for contracted services procured pursuant to paragraph (c) for the district's local instructional improvement system pursuant to s. 1006.281 or other technological tools that are required to access electronic and digital instructional materials.*

Section 11. Paragraphs (c) and (f) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(c) The private prekindergarten provider must have, for each prekindergarten class of *11 children or fewer*, at least one prekindergarten instructor who meets each of the following requirements:

1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:

a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or

b. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Family Services may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.

2. The prekindergarten instructor must successfully complete an emergent literacy training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. This subparagraph does not apply to a prekindergarten instructor who successfully completes approved training in early literacy and language development under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the establishment of one or more emergent literacy training courses under s. 1002.59 or April 1, 2005, whichever occurs later.

(f) Each of the private prekindergarten provider's prekindergarten classes must be composed of at least 4 students but may not exceed 20 ~~18~~ students. In order to protect the health and safety of students, each private prekindergarten provider must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 12 ~~11~~ or more students, must have, in addition to a prekindergarten instructor who meets the requirements of paragraph (c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of paragraph (d). This paragraph does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

Section 12. Subsection (7) of section 1002.63, Florida Statutes, is amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(7) Each prekindergarten class in a public school delivering the school-year prekindergarten program must be composed of at least 4 students but may not exceed 20 ~~18~~ students. In order to protect the health and safety of students, each school must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 12 ~~11~~ or more students, must have, in addition to a prekindergarten instructor who meets the requirements of s. 1002.55(3)(c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of subsection (5).

Section 13. Subsection (7) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(7) The Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other du-

plivative activities. Beginning with the 2011-2012 ~~2010-2011~~ fiscal year, each early learning coalition may retain and expend no more than 4.0 ~~4.5~~ percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 14. Subsections (14) and (15) of section 1003.01, Florida Statutes, are amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) "Core-curricula courses" means:

(a) *Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding any extra-curricular courses pursuant to subsection (15);*

(b) *Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding any extracurricular courses pursuant to subsection (15);*

(c) *Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding any extracurricular courses pursuant to subsection (15);*

(d) *Exceptional student education courses; and*

(e) *English for Speakers of Other Languages courses. ~~courses defined by the Department of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms.~~*

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.37, 1002.415, and 1002.45.

(15) "Extracurricular courses" means all courses that are not defined as "core-curricula courses," which may include, but are not limited to, physical education, fine arts, performing fine arts, ~~and~~ career education, and courses that may result in college credit. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

Section 15. Subsections (1) and (2) of section 1003.03, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1003.03 Maximum class size.—

(1) ~~CONSTITUTIONAL CLASS SIZE MAXIMUMS.—~~*Each year, on or before the October student membership survey, the following class size maximums shall be satisfied Pursuant to s. 1, Art. IX of the State Constitution, beginning in the 2010-2011 school year:*

(a) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students.

(b) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students. *The maximum number of students assigned to a core-curricula high school course in which a student in grades 4 through 8 is enrolled shall be governed by the requirements in paragraph (c).*

(c) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students.

*These maximums shall be maintained after the October student membership survey, except as provided in paragraph (2)(b) or due to an extreme emergency beyond the control of the district school board.*

## (2) IMPLEMENTATION.—

(a) The Department of Education shall annually calculate class size measures described in subsection (1) based upon the October student membership survey.

(b) A student who enrolls in a school after the October student membership survey may be assigned to an existing class that temporarily exceeds the maximum number of students in subsection (1) if the district school board determines it to be impractical, educationally unsound, or disruptive to student learning to not assign the student to the class. If the district school board makes this determination:

1. Up to three students may be assigned to a teacher in kindergarten through grade 3 above the maximum as provided in paragraph (1)(a);

2. Up to five students may be assigned to a teacher in grades 4 through 12 above the maximum as provided in paragraphs (1)(b) and (c), respectively; and

3. The district school board shall develop a plan that provides that the school will be in full compliance with the maximum class size in subsection (1) by the next October student membership survey.

~~(b) Prior to the adoption of the district school budget for 2010-2011, each district school board shall hold public hearings and provide information to parents on the district's website, and through any other means by which the district provides information to parents and the public, on the district's strategies to meet the requirements in subsection (1).~~

(6) COURSES FOR COMPLIANCE.—Consistent with the provisions in ss. 1003.01(14) and 1003.428, the Department of Education shall identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement in this section. The department may adopt rules to implement this subsection, if necessary.

Section 16. Section 1003.4935, Florida Statutes, is created to read:

1003.4935 Middle school career and professional academy courses.—

(1) Beginning with the 2011-2012 school year, each district school board, in collaboration with regional workforce boards, economic development agencies, and state-approved postsecondary institutions, shall include plans to implement a career and professional academy in at least one middle school in the district as part of the strategic 5-year plan pursuant to s. 1003.491(2). The middle school career and professional academy component of the strategic plan must ensure the transition of middle school career and professional academy students to a high school career and professional academy currently operating within the school district. Students who complete a middle school career and professional academy must have the opportunity to earn an industry certificate and high school credit and participate in career planning, job shadowing, and business leadership development activities.

(2) Each middle school career and professional academy must be aligned with at least one high school career and professional academy offered in the district and maintain partnerships with local business and industry and economic development boards. Middle school career and professional academies must:

(a) Provide instruction in courses leading to careers in occupations designated as high growth, high demand, and high pay in the Industry Certification Funding List approved under rules adopted by the State Board of Education;

(b) Offer career and professional academy courses that integrate content from core subject areas;

(c) Offer courses that integrate career and professional academy content with intensive reading and mathematics pursuant to s. 1003.428;

(d) Coordinate with high schools to maximize opportunities for middle school career and professional academy students to earn high school credit;

(e) Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time in-

struction to middle school students. The virtual instruction courses must be aligned to state curriculum standards for middle school career and professional academy students, with priority given to students who have required course deficits;

(f) Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;

(g) Offer externships; and

(h) Provide personalized student advisement that includes a parent-participation component.

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for academy students.

Section 17. Subsection (6) of section 1004.02, Florida Statutes, is amended to read:

1004.02 Definitions.—As used in this chapter:

(6) “Adult student” is a student who is beyond the compulsory school age and who has legally left elementary or secondary school, or a high school student who is taking an adult course required for high school graduation.

Section 18. Subsection (1), paragraph (a) of subsection (2), and paragraphs (b) and (e) of subsection (3) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term “adequate instructional materials” means a sufficient number of student or site licenses textbooks or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

(a) Courses of study; adoption.—Adopt courses of study for use in the schools of the district.

(b) Instructional materials Textbooks.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as may be needed. The district school board shall ensure assure that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

(c) Other instructional materials.—Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) School library media services; establishment and maintenance.—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

(2) DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for *instructional materials textbooks* and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent must keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (3), as a component of the educational service delivery scope in a school district best financial management practices review under s. 1008.35.

(3) SCHOOL PRINCIPAL.—The school principal has the following duties for the management and care of instructional materials at the school:

(b) *Money collected for lost or damaged instructional materials books; enforcement.*—The school principal shall collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money collected to the district school superintendent. The failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to policies adopted by district school board rule.

(e) *Accounting for instructional materials textbooks.*—Principals shall see that all *instructional materials books* are fully and properly accounted for as prescribed by adopted rules of the district school board.

Section 19. Section 1006.281, Florida Statutes, is amended to read:

1006.281 Learning management systems.—

(1) *The term "local instructional improvement system" means a system that uses electronic and digital tools that provide teachers, administrators, students, and parents with data and resources to systematically manage continuous instructional improvement. The system supports relevant activities such as instructional planning, information gathering and analysis, rapid-time reporting, decisionmaking on appropriate instructional sequence, and evaluating the effectiveness of instruction. The system shall integrate instructional information with student-level data to provide predictions of future student achievement.*

(2)(1) *Each school district shall provide teachers, administrators, students, and parents To ensure that all school districts have equitable access to a local instructional improvement system. The system must provide access to electronic and digital digitally rich instructional materials, districts are encouraged to provide access to an electronic learning management system that allows teachers, students, and parents to access, organize, and use electronically available instructional materials and teaching and learning tools and resources, including the ability for and that enables teachers and administrators to manage, assess, and track student learning.*

(3)(2) *By June 30, 2014, a school district's local instructional improvement system shall comply with minimum standards published by the Department of Education. The system must To the extent fiscally and technologically feasible, a school district's electronic learning management system should allow for a single, authenticated sign-on and include the following functionality:*

(a) Vertically searches for, gathers, and organizes specific standards-based instructional materials.

(b) Enables teachers to prepare lessons, individualize student instruction, and use best practices in providing instruction, *including the ability to connect student assessment data with electronic and digital instructional materials.*

(c) Provides communication, including access to up-to-date student performance data, in order to help teachers and parents better serve the needs of students.

(d) Provides access for administrators to ensure quality of instruction within every classroom.

(e) *Enables district staff to plan, create, and manage professional development and to connect professional development with staff information and student performance data.*

(f)(e) *Provides access to multiple content providers and provides the ability to seamlessly connect the local instructional improvement system to electronic and digital content.*

(4)(3) The Department of Education shall provide *advisory* assistance as requested by school districts in their deployment of a *local instructional improvement district electronic learning management* system.

(5) *The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules that establish minimum standards for a local instructional improvement system.*

Section 20. Section 1006.282, Florida Statutes, is created to read:

1006.282 *Pilot program for the transition to electronic and digital instructional materials.—*

(1) *A district school board may designate pilot program schools to implement the transition to instructional materials that are in an electronic or a digital format as defined in s. 1006.29(3).*

(2) *A district school board may designate pilot program schools if the school district:*

(a) *Implements a local instructional improvement system pursuant to s. 1006.281 which enables district staff to plan, create, and manage professional development and to connect professional development with staff information and student performance, provides the ability to seamlessly connect the system to electronic and digital instructional materials and the instructional materials to student assessment data, and includes the minimum standards published by the Department of Education.*

(b) *Requests only the electronic or digital format of the sample copies of instructional materials submitted pursuant to s. 1006.33.*

(c) *Uses at least 50 percent of the pilot program school's annual allocation from the district for the purchase of electronic or digital instructional materials included on the state-adopted list.*

(3) *A school designated as a pilot program school by the school board is exempt from:*

(a) *Section 1006.40(2)(a), if the school provides comprehensive electronic or digital instructional materials to all students; and*

(b) *Section 1006.37.*

(4) *By August 1 of each year, beginning in 2011, the school board must report to the Department of Education the school or schools in its district which have been designated as pilot program schools. The department shall publish the list of pilot program schools on the department's Internet website. The report must include:*

(a) *The name of the pilot program school, the contact person and contact person information, and the grade or grades and associated course or courses included in the pilot program school.*

(b) *A description of the type of technological tool or tools that will be used to access the electronic or digital instructional materials included in the pilot program school, whether district-owned or student-owned.*

(c) *The projected costs and funding sources, which must include cost savings or cost avoidances, associated with the pilot program.*

(5) By September 1 of each year, beginning in 2012, each school board that has a designated pilot program school shall provide to the Department of Education, the Executive Office of the Governor, and the chairs of the appropriations committees of the Senate and the House of Representatives a review of the pilot program schools which must include, but need not be limited to:

- (a) Successful practices;
- (b) The average amount of online Internet time needed by a student to access and use the school's electronic or digital instructional materials;
- (c) Lessons learned;
- (d) The level of investment and cost-effectiveness; and
- (e) Impacts on student performance.

Section 21. Section 1006.29, Florida Statutes, is amended to read:

1006.29 State instructional materials reviewers committees.—

(1) Each school year, not later than April 15, the commissioner shall appoint state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and representing the major fields and levels in which instructional materials are used in the public schools and, in addition, lay citizens not professionally connected with education. Committee members shall receive training pursuant to subsection (5) in competencies related to the evaluation and selection of instructional materials.

(a) There shall be 10 or more members on each committee. At least 50 percent of the members shall be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption, 2 shall be laypersons, 1 shall be a district school board member, and 2 shall be supervisors of teachers. The committee must have the capacity or expertise to address the broad racial, ethnic, socioeconomic, and cultural diversity of the state's student population. Personnel selected as teachers of the year at the school, district, regional, or state level are encouraged to serve on instructional materials committees.

(b) The membership of each committee must reflect the broad racial, ethnic, socioeconomic, and cultural diversity of the state, including a balanced representation from the state's geographic regions.

(1)(a)(e) The commissioner shall determine annually the areas in which instructional materials shall be submitted for adoption, taking into consideration the desires of the district school boards. The commissioner shall also determine the number of titles to be adopted in each area.

(b) By April 15 of each school year, the commissioner shall appoint three state or national experts in the content areas submitted for adoption to review the instructional materials and evaluate the content for alignment with the applicable Next Generation Sunshine State Standards. These reviewers shall be designated as state instructional materials reviewers and shall review the materials for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials shall be made electronically available to the reviewers. The initial review of the materials shall be made by only two of the three reviewers. If the two reviewers reach different results, the third reviewer shall break the tie. The reviewers shall independently make recommendations to the commissioner regarding materials that should be placed on the list of adopted materials through an electronic feedback review system.

(c) The commissioner shall request each district school superintendent to nominate one classroom teacher or district-level content supervisor to review two or three of the submissions recommended by the state instructional materials reviewers. School districts shall ensure that these district reviewers are provided with the support and time necessary to accomplish a thorough review of the instructional materials. District reviewers shall independently rate the recommended submissions on the instructional usability of the resources.

(2)(a) All appointments shall be as prescribed in this section. No member shall serve more than two consecutive terms on any committee.

All appointments shall be for 18-month terms. All vacancies shall be filled in the manner of the original appointment for only the time remaining in the unexpired term. At no time may a district school board have more than one representative on a committee. The commissioner and a member of the department whom he or she shall designate shall be additional and ex officio members of each committee.

(b) The names and mailing addresses of the members of the state instructional materials committees shall be made public when appointments are made.

(c) The district school board shall be reimbursed for the actual cost of substitute teachers for each workday that a member of its instructional staff is absent from his or her assigned duties for the purpose of rendering service to the state instructional materials committee. In addition, committee members shall be reimbursed for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings of committees called by the commissioner. Payment of such travel expenses shall be made from the appropriation for the administration of the instructional materials program, on warrants to be drawn by the Chief Financial Officer upon requisition approved by the commissioner.

(d) Any member of a committee may be removed by the commissioner for cause.

(3) All references in the law to the state instructional materials committee shall apply to each committee created by this section.

(2)(4) For purposes of state adoption, the term "instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. A publisher may also offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers.

(3) Beginning in the 2015-2016 academic year, all adopted ~~any~~ instructional materials adopted after 2012-2013 for students in kindergarten grades 9 through grade 12 must ~~shall also~~ be provided in an electronic or digital format. For purposes of this section, the term:

(a) "Electronic format" means text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists.

(b) "Digital format" means text-based or image-based content in a form that provides the student with various interactive functions; that can be searched, tagged, distributed, and used for individualized and group learning; that includes multimedia content such as video clips, animations, and virtual reality; and that has the ability to be accessed at any time and anywhere.

The terms do ~~term does~~ not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

(4)(5) The department shall develop a training program for persons selected as state instructional materials reviewers and school district reviewers to serve on state instructional materials committees. The program shall be structured to assist reviewers ~~committee members~~ in developing the skills necessary to make valid, culturally sensitive, and objective decisions regarding the content and rigor of instructional materials. All persons serving as ~~on~~ instructional materials reviewers ~~committees~~ must complete the training program prior to beginning the review and selection process.

Section 22. Section 1006.30, Florida Statutes, is amended to read:

1006.30 Affidavit of state instructional materials reviewers ~~commit~~tee members.—Before transacting any business, each state instructional materials reviewer ~~member of a state committee~~ shall make an affidavit, to be filed with the department ~~commissioner~~, that:

(1) The ~~reviewer member~~ will faithfully discharge the duties imposed upon him or her ~~as a member of the committee.~~

(2) The ~~reviewer member~~ has no interest, ~~and while a member of the committee he or she will assume no interest,~~ in any publishing or manufacturing organization ~~that which~~ produces or sells instructional materials.

(3) The ~~reviewer member~~ is in no way connected, ~~and while a member of the committee he or she will assume no connection,~~ with the distribution of the instructional materials.

(4) The ~~reviewer does not have any direct or indirect pecuniary interest member is not pecuniarily interested, and while a member of the committee he or she will assume no pecuniary interest, directly or indirectly,~~ in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.

(5) The ~~reviewer member~~ will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his or her agent or anyone interested in, or intending to bias his or her judgment in any way in, the selection of any materials to be adopted.

(6) ~~The reviewer understands that it is unlawful for any member of a state instructional materials committee to discuss matters relating to instructional materials submitted for adoption with any agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the publisher or manufacturer is providing a presentation for the reviewer during his or her review of the committee has been called into session for the purpose of evaluating instructional materials submitted for adoption. Such discussions shall be limited to official meetings of the committee and in accordance with procedures prescribed by the commissioner for that purpose.~~

Section 23. Section 1006.31, Florida Statutes, is amended to read:

1006.31 Duties of each state instructional materials ~~reviewer committee.~~—The duties of each state instructional materials ~~reviewer committee~~ are:

(1) ~~PLACE AND TIME OF MEETING.~~—To meet at the call of the commissioner, at a place in the state designated by him or her, for the purpose of evaluating and recommending instructional materials for adoption by the state. All meetings of state instructional materials committees shall be announced publicly in the Florida Administrative Weekly at least 2 weeks prior to the date of convening. All meetings of the committees shall be open to the public.

(2) ~~ORGANIZATION.~~—To elect a chair and vice chair for each adoption. An employee of the department shall serve as secretary to the committee and keep an accurate record of its proceedings. All records of committee motions and votes, and summaries of committee debate shall be incorporated into a publishable document and shall be available for public inspection and duplication.

(3) ~~PROCEDURES.~~—To adhere to procedures prescribed by the ~~department commissioner~~ for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

(4) ~~EVALUATION OF INSTRUCTIONAL MATERIALS.~~—To evaluate carefully all instructional materials submitted, in order to ascertain which instructional materials, if any, submitted for consideration ~~best~~ implement the selection criteria developed by the ~~department commissioner~~ and those curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

(a) When recommending instructional materials for use in the schools, each ~~reviewer committee~~ shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each ~~reviewer committee~~ shall include only materials ~~that which~~ accurately portray, whenever appropriate, humankind's place in eco-

logical systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each ~~reviewer committee~~ shall require such materials as ~~he or she~~ ~~it~~ deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each ~~reviewer committee~~ shall require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. ~~A reviewer may not recommend any~~ ~~No~~ instructional materials ~~shall be recommended by any committee~~ for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) ~~Any All~~ instructional material ~~materials~~ recommended by each ~~reviewer committee~~ for use in the schools shall be, to the satisfaction of each ~~reviewer committee~~, accurate, objective, and current and suited to the needs and comprehension of students at their respective grade levels. ~~Reviewers Instructional materials committees~~ shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(3)(5) REPORT OF REVIEWERS COMMITTEE.—Each ~~committee,~~ After a thorough study of all data submitted on each instructional material, to submit an electronic ~~and after each member has carefully evaluated each instructional material, shall present a written report to the department commissioner. The~~ Such report shall be made public, and ~~must~~ shall include responses to each section of the report format prescribed by the department.:

(a) ~~A description of the procedures used in determining the instructional materials to be recommended to the commissioner.~~

(b) ~~Recommendations of instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are to be made. If deemed advisable, the committee may include such other information, expression of opinion, or recommendation as would be helpful to the commissioner. If there is a difference of opinion among the members of the committee as to the merits of any instructional materials, any member may file an expression of his or her individual opinion.~~

The findings of the committees, including the evaluation of instructional materials, shall be in sessions open to the public. All decisions leading to determinations of the committees shall be by roll call vote, and at no time will a secret ballot be permitted.

Section 24. Section 1006.32, Florida Statutes, is amended to read:

1006.32 Prohibited acts.—

(1) A ~~No~~ publisher or manufacturer of instructional material, or any representative thereof, ~~may not~~ shall offer to give any emolument, money, or other valuable thing, or any inducement, to any district school board official or ~~state member of a state level~~ instructional materials ~~reviewer committee~~ to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials.

(2) A ~~No~~ district school board official or ~~member of~~ a state instructional materials ~~reviewer may not committee shall~~ solicit or accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

(3) A ~~No~~ district school board or publisher may ~~not~~ participate in a pilot program of materials being considered for adoption during the 18-month period before the official adoption of the materials by the commissioner. Any pilot program during the first 2 years of the adoption period must have the prior approval of the commissioner.

(4) Any publisher or manufacturer of instructional materials or representative thereof or any district school board official or state in-

structional materials reviewer ~~committee member~~, who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any representative of a publisher or manufacturer who violates any provision of this section, in addition to any other penalty, shall be banned from practicing business in the state for a period of 1 calendar year. ~~Any district school board official or state instructional materials committee member who violates any provision of this section, in addition to any other penalty, shall be removed from his or her official position.~~

(5) ~~This section does not prohibit~~ ~~Nothing in this section shall be construed to prevent~~ any publisher, manufacturer, or agent from supplying, for purposes of examination, necessary sample copies of instructional materials to any district school board official or ~~state instructional materials reviewer committee member~~.

(6) ~~This section does not prohibit~~ ~~Nothing in this section shall be construed to prevent~~ a district school board official or ~~state instructional materials reviewer committee member~~ from receiving sample copies of instructional materials.

(7) ~~This section does not~~ ~~Nothing contained in this section shall be construed to prohibit or restrict~~ a district school board official from receiving royalties or other compensation, other than compensation paid to him or her as commission for negotiating sales to district school boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such district school board official, and adopted by the commissioner or purchased by any district school board. No district school board official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his or her district school board.

(8) ~~A~~ ~~No~~ district school superintendent, district school board member, teacher, or other person officially connected with the government or direction of public schools ~~may not shall~~ receive during the months actually engaged in performing duties under his or her contract any private fee, gratuity, donation, or compensation, in any manner whatsoever, for promoting the sale or exchange of any ~~instructional material school book~~, map, or chart in any public school, or be an agent for the sale or the publisher of any ~~instructional material school textbook~~ or reference work, or ~~have a direct or indirect pecuniary interest be directly or indirectly pecuniarily interested~~ in the introduction of any such ~~instructional material textbook~~, and any such agency or interest shall disqualify any person so acting or interested from holding any district school board employment whatsoever, and the person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; ~~however, provided that this subsection does shall not prevent be construed as preventing~~ the adoption of any ~~instructional material book~~ written in whole or in part by a Florida author.

Section 25. Paragraphs (b) and (e) of subsection (1) and subsections (2) and (4) of section 1006.33, Florida Statutes, are amended to read:

1006.33 Bids or proposals; advertisement and its contents.—

(1)

(b) The advertisement shall state that, beginning in 2010-2011, each bidder shall furnish electronic ~~sample specimen~~ copies of all instructional materials submitted, at a time designated by the department, which ~~specimen~~ copies shall be identical with the copies approved and accepted by ~~the members of the state instructional materials reviewers committee~~, as prescribed in this section, and with the copies furnished to the department and district school superintendents, as provided in this part. ~~A school district may not request~~ ~~Any district school superintendent who requires samples in addition to the electronic sample copies format must request those samples through the department.~~

(e) The advertisement shall give information ~~regarding digital as to how specifications that which~~ have been adopted by the department, ~~including minimum format requirements that will enable electronic and digital content to be accessed through the district's local instructional improvement system and a variety of mobile, electronic, and digital devices. Beginning with specifications released in 2014, the digital specifications shall include requiring the capability for searching by state standards and site and student-level licensing. Such digital format specifications shall be appropriate for the interoperability of the content. The department may not adopt specifications that require the instructional~~

~~materials to include specific references to FCAT and Next Generation Sunshine State Standards and benchmarks at the point of student use in regard to paper, binding, cover boards, and mechanical makeup can be secured. In adopting specifications, the department shall make an exception for instructional materials that are college level texts and that do not meet department physical specifications for secondary materials, if the publisher guarantees replacement during the term of the contract.~~

(2) The bids submitted shall be for furnishing the designated materials in accordance with specifications of the department. The bid shall state the lowest wholesale price at which the materials will be furnished, at the time the adoption period provided in the contract begins, ~~delivered f.o.b. to the Florida depository of the publisher, manufacturer, or bidder.~~

(4) ~~Sample Specimen~~ copies of all instructional materials that have been made the bases of contracts under this part shall, upon request for the purpose of public inspection, be made available by the publisher to the department and the district school superintendent of each district school board that adopts the instructional materials from the state list upon request for the purpose of public inspection. ~~All contracts and bonds executed under this part shall be signed in triplicate. One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved with the department for at least 3 years after termination of the contract.~~

Section 26. Subsections (1), (2), (3), and (7) of section 1006.34, Florida Statutes, are amended to read:

1006.34 Powers and duties of the commissioner and the department in selecting and adopting instructional materials.—

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—~~The State Board of Education shall adopt rules prescribing commissioner shall prescribe~~ the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each adoption. Included in these procedures shall be provisions ~~affording which afford~~ each publisher or manufacturer or his or her representative an opportunity to ~~provide a virtual presentation to present to members of the state instructional materials reviewers on committees~~ the merits of each instructional material submitted in each adoption.

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

(a) The department shall notify all publishers and manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open the bids submitted and deposited with it. At the time and place designated, the bids shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids have been carefully considered, the commissioner shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials ~~reviewers committee~~, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement. The adoption shall continue for the period specified in the advertisement, beginning on the ensuing April 1. The adoption shall not prevent the extension of a contract as provided in subsection (3). The commissioner shall always reserve the right to reject any and all bids. The commissioner may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials ~~reviewers committee~~ as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by this part. In all cases, bids shall be accompanied by a cash deposit or certified check of from \$500 to \$2,500, as the ~~department commissioner~~ may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials ~~reviewers committee~~. When the commissioner has finished with the report of the state instructional materials ~~reviewers committee~~, the report shall be filed and preserved with the department and shall be available at all times for public inspection.

(b) In the selection of instructional materials, library *media books*, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

1. The age of the students who normally could be expected to have access to the material.

2. The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district school board performance standards provided for in s. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.

3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.

4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.

~~Any instructional No book or other material containing hard-core pornography or otherwise prohibited by s. 847.012 may not shall be used or made available within any public school district.~~

(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As soon as practicable after the commissioner has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified thereof by registered letter, the department of Legal Affairs shall prepare a contract in proper form with every bidder awarded the adoption of any instructional materials. Each contract shall be executed by the ~~commissioner~~ Governor and Secretary of State under the seal of the state, one copy to be kept by the contractor, ~~one copy to be filed with the Department of State,~~ and one copy to be filed with the department. After giving due consideration to comments by the district school boards, the commissioner, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as in the original contract. Any publisher or manufacturer to whom any contract is let under this part must give bond in such amount as the ~~department commissioner~~ requires, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond must be a guaranty or surety company lawfully authorized to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under this part shall be prepared and approved by the department of Legal Affairs. At the discretion of the ~~department commissioner~~, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or manufacturer of instructional materials fails or refuses to furnish a ~~book, or books, or other~~ instructional materials as provided in the contract, ~~the publisher's or manufacturer's his or her~~ bond is forfeited and the ~~commissioner must~~ department shall make another contract ~~on such terms as it may find desirable, after giving due consideration to the recommendations of the commissioner.~~

Section 27. Subsection (2) of section 1006.35, Florida Statutes, is amended to read:

1006.35 Accuracy of instructional materials.—

(2) When errors in state-adopted materials are confirmed, the publisher of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the ~~department commissioner.~~

Section 28. Section 1006.36, Florida Statutes, is amended to read:

1006.36 Term of adoption for instructional materials.—

(1) The term of adoption of any instructional materials must be a 5-year ~~6-year~~ period beginning on April 1 following the adoption, except that the commissioner may approve terms of adoption of less than 5 ~~6~~ years for materials in content areas which require more frequent revision. Any contract for instructional materials may be extended as prescribed in s. 1006.34(3).

(2) The department shall publish annually an official schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, and 5, ~~and 6~~. If extenuating circumstances warrant, the commissioner may ~~order the department to~~ add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas and make them available to publishers as soon as practicable before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 29. Subsections (2), (3), (5), and (14) through (17) of section 1006.38, Florida Statutes, are amended to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(2) ~~Electronically deliver fully developed sample specimen copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education each member of a state instructional materials committee. At the conclusion of the review process, manufacturers submitting samples of instructional materials are entitled to the return thereof, at the expense of the manufacturers; or, in the alternative, the manufacturers are entitled to reimbursement by the individual committee members for the retail value of the samples.~~

(3) Submit, at a time designated in s. 1006.33, the following information:

(a) Detailed specifications of the physical characteristics of the instructional materials, *including any software or technological tools required for use by the district, school, teachers, or students.* The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.

(b) ~~Evidence~~ ~~Written proof~~ that the publisher has provided *materials that address the written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 1001.03(1) and that can be accessed through the district's local instructional improvement system and a variety of electronic, digital, and mobile devices.*

(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of ~~electronic transmission transportation to their depositories,~~ may ~~shall~~ not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.

~~(14) For all other subject areas, maintain in the depository an inventory of instructional materials sufficient to receive and fill orders.~~

~~(14)(15)~~ Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (16) ~~(17)~~, the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

~~(15)(16)~~ Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the reproduction of *instructional materials textbooks and supplementary materials in braille, or large print, or other appropriate format in the form of sound recordings,* for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

~~(16)(17)~~ Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of *three* ~~3~~ times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of *three* ~~3~~ times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

Section 30. Subsection (5) of section 1006.39, Florida Statutes, is amended to read:

1006.39 Production and dissemination of educational materials and products by department.—

(5) The department shall not enter into the business of producing or publishing *instructional materials* ~~textbooks, or the contents therein,~~ for general use in classrooms.

Section 31. Subsection (2), paragraph (a) of subsection (3), and subsection (4) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

~~(2)(a)~~ Each district school board must purchase current instructional materials to provide each student with a ~~textbook or other instructional materials~~ as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 2 years after the effective date of the adoption cycle; ~~however, this requirement is waived for the adoption cycle occurring in the 2008-2009 academic year for schools within the district which are identified in the top four categories of schools pursuant to s. 1008.33, as amended by chapter 2009-144, Laws of Florida. The Commissioner of Education may provide a waiver of this requirement for the adoption cycle occurring in the 2008-2009 academic year if the district demonstrates that it has intervention and support strategies to address the particular needs of schools in the lowest two categories. Unless specifically provided for in the General Appropriations Act, the cost of instructional materials purchases required by this paragraph shall not exceed the amount of the district's allocation for instructional materials, pursuant to s. 1011.67, for the previous 2 years.~~

~~(b)~~ The requirement in paragraph (a) does not apply to contracts in existence before April 1, 2000, or to a purchase related to growth of student membership in the district or for instructional materials maintenance needs.

(3)(a) *By the 2015-2016 fiscal year*, each district school board shall use at least 50 percent of the annual allocation for the purchase of *digital or electronic* instructional materials included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). ~~No less than 50 percent of the annual allocation shall be used to purchase items which will be used to provide instruction to students at the level or levels for which the materials are designed.~~

(4) The funds described in subsection (3) which district school boards may use to purchase materials not on the state-adopted list shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule. ~~The funds available to district school boards for the purchase of materials not on the state-adopted list may not be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media unless the district school board has complied with the requirements in s. 1011.62(6)(b)5., nor may such funds be used to purchase equipment or supplies. However, when authorized to do so in the General Appropriations Act, a school or district school board may use a portion of the funds available to it for the purchase of materials not on the state-adopted list to purchase science laboratory materials and supplies.~~

Section 32. *Section 1006.43, Florida Statutes, is repealed.*

Section 33. Paragraphs (j) through (u) of subsection (1), paragraph (a) of subsection (4), paragraph (b) of subsection (6), and subsection (11) of section 1011.62, Florida Statutes, are amended, present subsections (11) through (13) of that section are redesignated as subsections (12) through (14), respectively, and a new subsection (11) is added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

~~(j) *Cocrollment.*—If a high school student wishes to earn high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed for the costs incurred because of the high school student's cocrollment as provided in the General Appropriations Act.~~

~~(j)(k)~~ *Instruction in exploratory career education.*—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

~~(k)(4)~~ *Study hall.*—A student who is enrolled in study hall may not be included in the calculation of full-time equivalent student membership for funding under this section.

~~(l)(m)~~ *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

1. A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each International Baccalaureate course who receives a score of 4 or higher on the International Baccalaureate examination.

2. An additional bonus of \$500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

~~(m)~~ *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of \$25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of \$500 to each Advanced International Certificate of Education teacher in a school designated with a grade of “D” or “F” who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of \$250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of “D” or “F” which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed \$500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

~~(n)~~ *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of “D” or “F” who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

~~(o)~~ *Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492, and 1003.493 and 1003.4935 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.*—A value of 0.1, 0.2, or 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under ss. 1003.491, 1003.492, and 1003.493 and 1003.4935 and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. *The maximum full-time equivalent student membership value for any student is 0.3. The Department of Education shall assign the appropriate full-time equivalent value for each certification, 50 percent of which is based on rigor and the remaining 50 percent on employment value. The State Board of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state board. Rigor shall be based on the number of instructional hours, including work experience hours, required to earn the certification, with a bonus for industry certifications that have a statewide articulation agreement for college credit approved by the State Board of Education. Employment value shall be based on the entry wage, growth rate in employment for each occupational category, and average annual openings for the primary occupation linked to the industry certification.* Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in accordance with this paragraph, to the program that generated the funds. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

~~(q)~~ *Calculation of additional full-time equivalent membership for the Florida Virtual School.* ~~The reported full-time equivalent student membership for the Florida Virtual School for students who are also enrolled in a school district shall be multiplied by 0.114, and such value shall be added to the total full-time equivalent student membership.~~

~~(p)~~ *Year-round-school programs.*—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

~~(q)~~ *Extended-school-year program.*—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program.

~~(r)~~ *Determination of the basic amount for current operation.*—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by
2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by
3. The base student allocation.

~~(s)~~ *Computation for funding through the Florida Education Finance Program.*—The State Board of Education may adopt rules establishing programs and courses for which the student may earn credit toward high school graduation.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (13)(b) ~~(12)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.
4. Funds for research-based reading instruction.
5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1, 2011. Funds available after March 1 may be used to purchase hardware for student instruction.

(11) VIRTUAL EDUCATION CONTRIBUTION.—*The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School, which may be calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in s. 1002.455(3)(a),(b), and (d) and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.*

(12)(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (13) ~~(12)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (13) ~~(12)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

Section 34. Section 1011.621, Florida Statutes, is created to read:

*1011.621 Adjustments for interdistrict transfers of students in Department of Juvenile Justice detention facilities within a survey period.—The Department of Education, upon request by a school district and verification by the Department of Juvenile Justice, shall direct a school district that receives Florida Education Finance Program funds attributed to a membership survey for children in secure detention care pursuant to chapter 985 to transfer a pro rata share of the funds to another district that served the same students during the same survey period but were unable to report the students for funding. The amount of the funds transfer shall be based on the percentage of the survey period in which the students were served by each district.*

Section 35. Subsection (2) of section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(2) Class size reduction operating categorical funds shall be used by school districts to reduce class size as required in s. 1003.03. A school district that meets the maximum class size requirement may use the funds, ~~or the funds may be used~~ for any lawful operating expenditure; however, priority shall be given to increasing salaries of classroom teachers.

Section 36. Subsection (1), paragraph (b) of subsection (3), and subsection (5) of section 1011.71, Florida Statutes, are amended, and paragraphs (c) and (d) are added to subsection (3) of that section, to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(13) ~~1011.62(12)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required

local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

(3)

(b) In addition to the millage authorized in this section, each district school board may, by a super majority vote, levy an additional 0.25 mills for critical capital outlay needs or for critical operating needs. If levied for capital outlay, expenditures shall be subject to the requirements of this section. If levied for operations, expenditures shall be consistent with the requirements for operating funds received pursuant to s. 1011.62. If the district levies this additional 0.25 mills for operations, the compression adjustment pursuant to s. 1011.62(5) shall be calculated and added to the district's FEFP allocation. Millage levied pursuant to this paragraph is subject to the provisions of s. 200.065. In order to be continued after the 2010-2011 fiscal year, millage levied pursuant to this paragraph must be approved by the voters of the district at the 2010 general election or at a subsequent-election held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held. *The provisions of this paragraph expire June 30, 2011.*

(c) *Local funds generated by the additional 0.25 mills authorized in paragraph (b) and state funds provided pursuant to s. 1011.62(5) may not be included in the calculation of the Florida Education Finance Program in 2011-2012 or any subsequent year and may not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program in any year, except as provided in paragraph (d).*

(d) *For the 2011-2012 and 2012-2013 fiscal years, the 0.25 mills authorized in paragraph (b) may be levied by the districts in which it was authorized by the voters in the 2010 general election. If a district levies this voter-approved 0.25 mills for operations, a compression adjustment pursuant to s. 1011.62(5) may be calculated and added to the district's Florida Education Finance Program allocation, subject to determination in the General Appropriations Act.*

(5) Effective July 1, 2008, a school district may expend, subject to the provisions of s. 200.065, up to \$100 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums, *as defined in s. 627.403*, for property and casualty insurance necessary to insure school district educational and ancillary plants. *As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m).* Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 37. *If the Commissioner of Education determines that a school district acted in good faith, he or she may waive the equal-dollar reduction required in s. 1011.71, Florida Statutes, for audit findings for the 2009-2010 fiscal year, and for expenditures made prior to January 1, 2011, in the 2010-2011 fiscal year for payment of premiums for property insurance and casualty insurance.*

Section 38. *Notwithstanding the repeal of s. 1012.225, Florida Statutes, in section 11 of Committee Substitute for House Bill 7087, state funding for the Merit Award Program in the Conference Report on Senate Bill 2000 is provided for payment of awards for 2010-2011 fiscal year teacher performance pursuant to s. 1012.225, Florida Statutes 2010.*

Section 39. Section 1013.737, Florida Statutes, is amended to read:

1013.737 The Class Size Reduction *and Educational Facilities* Lottery Revenue Bond Program.—There is established the Class Size Reduction *and Educational Facilities* Lottery Revenue Bond Program.

(1) The issuance of revenue bonds is authorized to finance or re-finance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The bonds are payable from, and secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs; video gaming; banking card games, including baccarat, chemin de fer, or blackjack; electronic or electromechanical facsimiles of any game of chance; casino games; slot machines; or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding refunding bonds, issued pursuant to this section shall not exceed amounts specifically authorized in the General Appropriations Act.

(5) Proceeds available from the sale of the bonds shall be deposited in the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education.

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(7) Any complaint for validation of such bonds is required to be filed only in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06 is required to be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

(8) The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing issuance of class size reduction lottery bonds *or educational facilities bonds* pursuant to s. 11(d), Art. VII of the State Constitution, this section, and other applicable law.

Section 40. *Notwithstanding the repeal of s. 1003.62, Florida Statutes 2009, educational facility exemptions for the demolition and replacement of school buildings identified in accordance with Charter School District Addendum Number 2 and approved by the district school board prior to June 30, 2010, are extended to June 30, 2012.*

Section 41. *Notwithstanding the required review by the Legislative Budget Commission pursuant to s. 1003.03(4)(c), Florida Statutes, the Legislature hereby adopts by reference the alternate compliance calculation amounts to the class size operating categorical as set forth in Budget Amendment EOG #O2011-0074, as submitted by the Governor on March 2, 2011, on behalf of the Department of Education for approval by the Legislative Budget Commission. The Commissioner of Education shall modify payments to school districts for the 2010-2011 fiscal year con-*

*sistent with the amendment and s. 1003.03, Florida Statutes. This section shall take effect upon this act becoming a law.*

Section 42. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to K-12 education funding; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research; amending s. 215.61, F.S.; requiring that, for purposes of servicing public education capital outlay bonds, the State Board of Education disregard the effects on the gross receipts tax revenues collected during a tax period of a refund resulting from a specified settlement agreement; amending s. 1001.10, F.S., relating to duties of the Commissioner of Education; conforming provisions to changes made by the act; amending s. 1001.25, F.S.; requiring that the Department of Education provide a means of extending educational services through educational television or other electronic media; amending s. 1001.271, F.S.; requiring that the Commissioner of Education facilitate and coordinate the use of the Florida Information Resource Network by school districts, educational institutions in the Florida College System, state universities, and other eligible users; amending s. 1001.28, F.S.; deleting a reference to the Florida Knowledge Network as it relates to the department's distance learning duties; amending s. 1001.451, F.S.; revising provisions relating to incentive grants for regional consortium service organizations; authorizing regional consortium service organizations to use various means to generate revenue for future activities; amending s. 1002.33, F.S.; revising provisions relating to charter schools; providing for an additional student population to be included for enrollment in a charter school; authorizing a sponsor to withhold up to a specified percentage of the total administrative fee for services in higher performing charter schools; providing that a charter school system may be designated as a local educational agency for funding purposes if certain requirements are met; amending s. 1002.34, F.S.; conforming a cross-reference; amending s. 1002.45, F.S., relating to school district virtual instruction programs; requiring school districts to expend certain funds for the district's local instructional improvement system or other technological tools; amending s. 1002.55, F.S.; revising class size requirements for school-year private prekindergarten program providers; amending s. 1002.63, F.S.; revising class size requirements for school-year prekindergarten programs delivered by public schools; amending s. 1002.71, F.S.; revising provisions relating to the amount of funds retained by an early learning coalition for the administration of prekindergarten education programs; amending s. 1003.01, F.S.; redefining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; deleting a reference to the State Constitution regarding class size maximums; requiring that class size maximums be satisfied on or before the October student membership survey each year; requiring that the class size maximums be maintained after the October student membership survey unless certain conditions occur; providing that a student who enrolls in a school after the October student membership survey may be assigned to classes that temporarily exceed class size maximums if the school board determines that not assigning the student would be impractical, educationally unsound, or disruptive to student learning; providing for a specified number of students to be assigned above the maximum if the district school board makes this determination; requiring that the district school board develop a plan providing that the school will be in full compliance with the maximum class size requirements by the next October student membership survey; requiring that the Department of Education identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement; authorizing the department to adopt rules; creating s. 1003.4935, F.S.; requiring each district school board to include, as part of its 5-year plan, a middle school career and professional academy in at least one middle school in the district; requiring that the middle school career and professional academy be aligned with at least one high school career and professional academy in the district; providing requirements for middle school career and professional academies; requiring that the Department of Education collect and report student achievement data for academy students; amending s. 1004.02, F.S.; revising the definition of the term "adult student"; amending s. 1006.28, F.S., relating to K-12 instructional materials; conforming terminology to changes made by the act; amending s.

1006.281, F.S.; defining the term "local instructional improvement system"; requiring each school district to provide teachers, administrators, students, and parents with access to a local instructional improvement system; providing requirements for the system; requiring the State Board of Education to adopt rules that include minimum standards for local instructional improvement systems; creating s. 1006.282, F.S.; authorizing each district school board to designate schools to implement a pilot program for the transition to instructional materials in an electronic or digital format; providing requirements for the designation of pilot program schools; providing certain exemptions for such schools; requiring that the district school board report certain information regarding the pilot program to the department by a specified date each year; requiring that each district school board submit a review of the pilot program to the department, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by a specified date each year; amending s. 1006.29, F.S.; deleting provisions requiring the appointment of instructional materials committees; providing for the Commissioner of Education to appoint experts to review instructional materials; providing for school districts to nominate teachers and supervisors to review recommendations by the state instructional materials reviewers; requiring that by a specified date all adopted instructional materials for students in kindergarten through grade 12 be provided in an electronic or digital format; defining the terms "electronic format" and "digital format"; requiring that the department develop a training program for persons selected as instructional materials reviewers at the state and district levels; amending s. 1006.30, F.S.; revising the requirements for the affidavit to be filed with the department by each state instructional materials reviewer; amending s. 1006.31, F.S.; specifying duties of the state instructional materials reviewers; requiring that reviewers submit reports electronically; amending s. 1006.32, F.S., relating to prohibited acts with respect to the review and selection of instructional materials; conforming provisions to changes made by the act; amending s. 1006.33, F.S.; revising the requirements for bids and proposals for instructional materials; requiring that the department adopt specifications for electronic and digital content; amending s. 1006.34, F.S.; requiring that the State Board of Education adopt rules for the evaluation of instructional materials; conforming provisions and terminology; amending s. 1006.35, F.S.; requiring that the department rather than the Commissioner of Education approve certain materials; amending s. 1006.36, F.S.; reducing the length of the term of adoption for instructional materials; amending s. 1006.38, F.S.; revising requirements for publishers and manufacturers of instructional materials; requiring that certain samples be delivered electronically to the department; amending s. 1006.39, F.S.; prohibiting the department from producing or publishing instructional materials; amending s. 1006.40, F.S.; deleting obsolete provisions; requiring each district school board, by a certain date, to use a specified percentage of its annual allocation for the purchase of digital or electronic instructional materials; repealing s. 1006.43, F.S., relating to the department's annual legislative budget request; amending s. 1011.62, F.S.; revising provisions relating to district funding for the operation of schools; deleting provisions relating to the coenrollment of high school students; providing the maximum full-time equivalent membership value for students completing an industry-certified career and professional academy program; requiring that the Department of Education assign the appropriate full-time equivalent value for each certification based on rigor and employment value; requiring that the State Board of Education include the assigned values in the Industry Certification Funding List under rules adopted by the state board; deleting provisions providing for calculating an additional full-time equivalent membership for the Florida Virtual School; conforming a cross-reference; providing for certain amendments to the district's operating budget; authorizing the Legislature to provide a virtual education contribution as a separate allocation in the Florida Education Finance Program; specifying a formula for calculating the virtual education contribution; creating s. 1011.621, F.S.; requiring that the Department of Education, upon request by a school district and verification by the Department of Juvenile Justice, direct a school district receiving funds through the Florida Education Finance Program to transfer a pro rata share of the funds to another district that served the same students during the same survey period but were unable to report the students for funding purposes; requiring that the amount of the transfer be based on the percentage of the survey period in which the students were served by each district; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operational categorical funds; authorizing a school district that meets the maximum class size requirement to use the funds for any lawful operating expenditure; amending s. 1011.71, F.S.; revising provisions relating to the district

school tax; conforming a cross-reference; providing for future expiration of provisions relating to additional millage levied by district school boards; authorizing district school boards to levy additional millage if approved by the voters; providing that the local funds generated by the additional millage not be included in the calculation of funding through the Florida Education Finance Program; clarifying the types of insurance premiums that may be paid from revenue generated by the levy; authorizing the Commissioner of Education to waive the equal-dollar reduction requirement for certain expenditures relating to the purchase of premiums for property and casualty insurance; providing for payment of awards for the 2010-2011 fiscal year under the Merit Award Program for Instructional Personnel and School-Based Administrators, notwithstanding the discontinuation of the program; amending s. 1013.737, F.S.; changing the name of the Class Size Reduction Lottery Revenue Bond Program to the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program; authorizing the issuance of educational facilities bonds; extending an exemption for educational facilities in a district designated as a Charter School District for purposes of the demolition and replacement of certain school buildings; adopting by reference the alternate compliance calculation amounts to the class size operating categorical, as submitted by the Governor on behalf of the Department of Education for approval by the Legislative Budget Commission; requiring that the Commissioner of Education modify payments to school districts for the 2010-2011 fiscal year consistent with the amendment; providing effective dates.

On motion by Senator Simmons, the Conference Committee Report on **SB 2120** was adopted. **SB 2120** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—30

Mr. President	Gaetz	Norman
Altman	Garcia	Oelrich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Jones	Sachs
Dean	Latvala	Simmons
Diaz de la Portilla	Lynn	Siplin
Evers	Margolis	Storms
Fasano	Montford	Thrasher
Flores	Negron	Wise

Nays—7

Braynon	Joyner	Sobel
Dockery	Rich	
Hill	Smith	

Vote after roll call:

Yea to Nay—Ring

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2150**

The Honorable Mike Haridopolos May 5, 2011  
 President of the Senate

The Honorable Dean Cannon  
 Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2150, same being:

An act relating to postsecondary education funding.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	Steve Oelrich
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Committee Chair	<i>s/ H. Marlene O'Toole</i> Chair
<i>s/ Larry Ahern</i>	Gary Aubuchon, At Large
<i>s/ Jason T. Brodeur</i>	Charles S. "Chuck" Chestnut IV, At Large
<i>s/ Clay Ford</i>	<i>s/ Dorothy L. Hukill, At Large</i>
Eduardo "Eddy" Gonzalez	<i>s/ Paige Kreegel, At Large</i>
Mia L. Jones	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ John Legg, At Large</i>	<i>s/ William L. "Bill" Proctor,</i> At Large
<i>s/ Seth McKeel, At Large</i>	Franklin Sands, At Large
Betty Reed	Robert C. "Rob" Schenck, At Large
<i>s/ Darryl Ervin Rouson, At Large</i>	Will W. Weatherford, At Large
Ron Saunders, At Large	
<i>s/ William D. Snyder, At Large</i>	
<i>s/ Carlos Trujillo</i>	
Alan B. Williams	

Managers on the part of the House

The Conference Committee Amendment for SB 2150, relating to Higher Education Appropriations Issues, provides for the following:

- Authorizes the Department of Revenue to provide information regarding gross receipts taxes to the State Board of Education, the Division of Bond Finance and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by gross receipts tax the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.
- Expands the class size reduction lottery bond program to include other educational facilities.
- Repeals certain responsibilities of the Department of Education for monitoring rehabilitation providers and services; repeals rehabilitation provider qualifications.
- Authorizes the implementation of a transient student admission application process through the Florida Academic Counseling Tracking for Students system to include admissions, readmissions, financial aid, and transfer of credit functions. Authorizes a fee of \$5 to support the system.
- Designates the Northwest Regional Data Center as a primary data center.
- Requires an annual report on cost savings from collaborative licensing of electronic library resources.

- Authorizes the Florida Fund for Minority Teachers, Inc. to use other available funds for administration.
- Authorizes a spring and summer term student enrollment pilot program at the University of Florida for the purpose of aligning student enrollment and the availability of instructional facilities. Authorizes Bright Futures scholarships in the summer for these students.
- Updates the provisions related to tuition and out-of-state fees for postsecondary students in workforce, college, and university programs to include 2011-2012 tuition.
- Requires a block tuition and corresponding out-of-state fee for students enrolled in adult general education courses. Removes fee exemptions for certain students and requires residency of students to be documented.
- Authorizes college and school district workforce programs to use capital improvement fee revenue for the acquisition of improved real property.
- Authorizes college and school district workforce programs to charge a convenience fee for processing automated or online credit card payments.
- Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee of up to \$6 if approved by a referendum held by student government.
- Provides an exemption from the 30 percent need-based expenditure requirement from the tuition differential fee if the university has covered the entire tuition and fee costs of all need-based students.
- Authorizes alternative documentation for tuition fee waivers for Purple Heart veterans.
- Increases the Florida Medallion Scholarship test scores in 2013-2014, from 1050 to 1170 for SAT, including the applicable home school test scores. Increases or establishes required community service hours for Bright Futures applicants.
- Requires applicants for Bright Futures, FRAG, and ABLE programs to submit the Free Application for Federal Student Aid prior to disbursement of funds.
- Increases the tuition surcharge for excess hours to 100 percent in excess of 115 percent of the credit hours required for a degree.
- Provides that funding for student financial aid and tuition assistance programs shall be as provided in the General Appropriations Act.
- Streamlines library operations through consolidation and joint purchasing. Requires creation of a union catalog for higher education.
- Prioritizes state student financial aid to the neediest (Pell eligible) students.
- Prohibits funding for coenrollment in public schools and adult general education programs, except that for the 2011-2012 fiscal year students may enroll in core courses for credit recovery or dropout prevention for up to two credits. High school students are exempt from the payment of block tuition for general adult education programs.
- Prohibits the use of state workforce education and Florida College funding for prison inmate education.
- Temporarily suspends the state match for facilities and operating challenge grant programs for colleges and universities, effective July 1, 2011. Existing eligible donations will remain eligible for future match. Removes the suspension once \$200 million of the grant backlog has been matched.
- Allows a university board of trustees to expend carry-forward balances from prior year operational appropriations on legislatively

approved fixed capital outlay projects authorized for the establishment of a new campus.

- Requires the Florida College System Council of Presidents to develop and recommend an equitable funding formula for the distribution of PECO funds to the college system institutions.
- Provides for the use of a funding formula to ensure equitable distribution of district workforce funds.
- Provides a \$200,000 limit on the amount of state funds that may be paid for salaries of college and university presidents and administrative employees.
- Allows the Division of Blind Services to lease donated property.
- Provides that funds received from community events or festivals are not eligible for state match under the Philip Benjamin Matching Grant Program.

This bill substantially amends sections 213.053, 215.61, 440.491, 413.011, 1004.091, 1006.72, 1007.28, 1009.22, 1009.23, 1009.24, 1009.25, 1009.286, 1009.531, 1009.534, 1009.535, 1009.536, 1009.55, 1009.56, 1009.57, 1009.60, 1009.605, 1009.68, 1009.69, 1009.701, 1009.73, 1009.74, 1009.77, 1009.89, 1009.891, 1011.32, 1011.61, 1011.80, 1011.81, 1011.85, 1011.94, 1012.885, 1012.975, 1013.33, 1013.737, 1013.79 and creates sections 1004.649, 1009.21, 1009.215, 1012.886, 1012.976, and repeals sections 1013.63 of the Florida Statutes.

**Conference Committee Amendment (177676)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (dd) is added to subsection (8) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(dd) *Information relative to s. 215.61(6) to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research.*

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 2. Subsection (6) is added to section 215.61, Florida Statutes, to read:

215.61 State system of public education capital outlay bonds.—

(6) *In making the determination as required by subsection (3) of the amount that can be serviced by the gross receipts tax, the State Board of Education shall disregard the effects on the reported gross receipts tax revenues collected during a tax period of any refund paid by the Department of Revenue as a direct result of a refund request made pursuant to the settlement reached in In re: AT&T Mobility Wireless Data Services Sales Litigation, 270 F.R.D. 330, (Aug. 11, 2010). The Department of Revenue shall provide to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any such refund and the tax period in which the refund is included.*

Section 3. Section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Carrier” means group self-insurance funds or individual self-insureds authorized under this chapter and commercial funds or insurance entities authorized to write workers’ compensation insurance under chapter 624.

(b) “Department” means the Department of Education.

(c) “Medical care coordination” includes, but is not limited to, coordinating physical rehabilitation services such as medical, psychiatric, or therapeutic treatment for the injured employee, providing health training to the employee and family, and monitoring the employee’s recovery. The purposes of medical care coordination are to minimize the disability and recovery period without jeopardizing medical stability, to assure that proper medical treatment and other restorative services are timely provided in a logical sequence, and to contain medical costs.

(d) ~~“Qualified Rehabilitation provider” means a rehabilitation nurse, rehabilitation counselor, or vocational evaluator providing, rehabilitation facility, or agency approved by the Department of Education as qualified to provide~~ reemployment assessments, medical care coordination, reemployment services, or vocational evaluations under this section, possessing one or more of the following nationally recognized rehabilitation provider credentials:

1. *Certified Rehabilitation Registered Nurse, C.R.R.N., certified by the Association of Rehab Professionals.*

2. *Certified Rehabilitation Counselor, C.R.C., certified by the Commission of Rehabilitation Counselor Certifications.*

3. *Certified Case Manager, C.C.M., certified by the Commission for Case Management Certification.*

4. *Certified Disability Management Specialist, C.D.M.S., certified by the Certified Disability Management Specialist Commission.*

5. *Certified Vocational Evaluator, C.V.E., certified by the Commission of Rehabilitation Counselor Certification.*

6. *Certified Occupational Health Nurse, C.O.H.N., certified by the American Board of Occupational Health Nurses chapter.*

(e) “Reemployment assessment” means a written assessment performed by a ~~qualified~~ rehabilitation provider which provides a comprehensive review of the medical diagnosis, treatment, and prognosis; includes conferences with the employer, physician, and claimant; and recommends a cost-effective physical and vocational rehabilitation plan to assist the employee in returning to suitable gainful employment.

(f) “Reemployment services” means services that include, but are not limited to, vocational counseling, job-seeking skills training, ergonomic job analysis, transferable skills analysis, selective job placement, labor market surveys, and arranging other services such as education or training, vocational and on-the-job, which may be needed by the employee to secure suitable gainful employment.

(g) “Reemployment status review” means a review to determine whether an injured employee is at risk of not returning to work.

(h) “Suitable gainful employment” means employment or self-employment that is reasonably attainable in light of the employee’s age, education, work history, transferable skills, previous occupation, and injury, and which offers an opportunity to restore the individual as soon as practicable and as nearly as possible to his or her average weekly earnings at the time of injury.

(i) “Vocational evaluation” means a review of the employee’s physical and intellectual capabilities, his or her aptitudes and achievements, and his or her work-related behaviors to identify the most cost-effective means toward the employee’s return to suitable gainful employment.

(2) INTENT.—~~It is the intent of this section to implement a systematic review by carriers of the factors that are predictive of longer term disability and to encourage the provision of medical care coordination and reemployment services that are necessary to assist the employee in returning to work as soon as is medically feasible.~~

### (3) REEMPLOYMENT STATUS REVIEWS AND REPORTS.—

(a) When an employee who has suffered an injury compensable under this chapter is unemployed 60 days after the date of injury and is receiving benefits for temporary total disability, temporary partial disability, or wage loss, and has not yet been provided medical care coordination and reemployment services voluntarily by the carrier, the

carrier must determine whether the employee is likely to return to work and must report its determination to the department *and the employee. The report shall include the identification of both the carrier and the employee, and the carrier claim number and any case number assigned by the Office of Judges of Compensation Claims.* The carrier must thereafter determine the reemployment status of the employee at 90-day intervals as long as the employee remains unemployed, is not receiving medical care coordination or reemployment services, and is receiving the benefits specified in this subsection.

(b) If medical care coordination or reemployment services are voluntarily undertaken within 60 days of the date of injury, such services may continue to be provided as agreed by the employee and the carrier.

### (4) REEMPLOYMENT ASSESSMENTS.—

(a) The carrier may require the employee to receive a reemployment assessment as it considers appropriate. However, the carrier is encouraged to obtain a reemployment assessment if:

1. The carrier determines that the employee is at risk of remaining unemployed.

2. The case involves catastrophic or serious injury.

(b) The carrier shall authorize ~~only~~ a ~~qualified~~ rehabilitation provider to provide the reemployment assessment. The rehabilitation provider shall conduct its assessment and issue a report to the carrier *and, the employee, and the department* within 30 days after the time such assessment is complete.

(c) If the rehabilitation provider recommends that the employee receive medical care coordination or reemployment services, the carrier shall advise the employee of the recommendation and determine whether the employee wishes to receive such services. The employee shall have 15 days after the date of receipt of the recommendation in which to agree to accept such services. If the employee elects to receive services, the carrier may refer the employee to a rehabilitation provider for such coordination or services within 15 days of receipt of the assessment report or notice of the employee’s election, whichever is later.

### (5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

(a) Once the carrier has assigned a case to a ~~qualified~~ rehabilitation provider for medical care coordination or reemployment services, the provider shall develop a reemployment plan and submit the plan to the carrier and the employee for approval.

(b) If the rehabilitation provider concludes that training and education are necessary to return the employee to suitable gainful employment, or if the employee has not returned to suitable gainful employment within 180 days after referral for reemployment services or receives \$2,500 in reemployment services, whichever comes first, the carrier must discontinue reemployment services and refer the employee to the department for a vocational evaluation. Notwithstanding any provision of chapter 289 or chapter 627, the cost of a reemployment assessment and the first \$2,500 in reemployment services to an injured employee must not be treated as loss adjustment expense for workers’ compensation ratemaking purposes.

(c) A carrier may voluntarily provide medical care coordination or reemployment services to the employee at intervals more frequent than those required in this section. ~~For the purpose of monitoring reemployment, the carrier or the rehabilitation provider shall report to the department, in the manner prescribed by the department, the date of reemployment and wages of the employee. The carrier shall report its voluntary service activity to the department as required by rule.~~ Voluntary services offered by the carrier for any of the following injuries must be considered benefits for purposes of ratemaking: traumatic brain injury; spinal cord injury; amputation, including loss of an eye or eyes; burns of 5 percent or greater of the total body surface.

(d) If medical care coordination or reemployment services have not been undertaken as prescribed in paragraph (3)(b), a ~~qualified~~ rehabilitation service provider, facility, or agency that performs a reemployment assessment shall not provide medical care coordination or reemployment services for the employees it assesses.

## (6) TRAINING AND EDUCATION.—

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the department shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation and, if appropriate, approve training and education or other vocational services for the employee. *At the time of such referral, the carrier shall provide the department a copy of any reemployment assessment or reemployment plan provided to the carrier by a rehabilitation provider.* The department may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, ~~pertinent reemployment status reviews or reports, and such other relevant factors as it prescribes by rule,~~ that the reemployment plan is likely to result in return to suitable gainful employment. The department is authorized to expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education at a Florida public college or at a career center established under s. 1001.44, or to secure other vocational services when necessary to satisfy the recommendation of a vocational evaluator. As used in this paragraph, "appropriate training and education" includes securing a general education diploma (GED), if necessary. The department shall *by rule* establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs. For purposes of this subsection, training and education services may be secured from additional providers if:

1. The injured employee currently holds an associate degree and requests to earn a bachelor's degree not offered by a Florida public college located within 50 miles from his or her customary residence;

2. The injured employee's enrollment in an education or training program in a Florida public college or career center would be significantly delayed; or

3. The most appropriate training and education program is available only through a provider other than a Florida public college or career center or at a Florida public college or career center located more than 50 miles from the injured employee's customary residence.

(b) When an employee who has attained maximum medical improvement is unable to earn at least 80 percent of the compensation rate and requires training and education to obtain suitable gainful employment, the employer or carrier shall pay the employee additional training and education temporary total compensation benefits while the employee receives such training and education for a period not to exceed 26 weeks, which period may be extended for an additional 26 weeks or less, if such extended period is determined to be necessary and proper by a judge of compensation claims. The benefits provided under this paragraph shall not be in addition to the 104 weeks as specified in s. 440.15(2). However, a carrier or employer is not precluded from voluntarily paying additional temporary total disability compensation beyond that period. If an employee requires temporary residence at or near a facility or an institution providing training and education which is located more than 50 miles away from the employee's customary residence, the reasonable cost of board, lodging, or travel must be borne by the department from the Workers' Compensation Administration Trust Fund established by s. 440.50. An employee who refuses to accept training and education that is recommended by the vocational evaluator and considered necessary by the department will forfeit any additional training and education benefits and any additional payment for lost wages under this chapter. ~~The department shall adopt rules to implement this section, which shall include requirements placed upon the carrier shall to notify the injured employee of the availability of training and education benefits as specified in this chapter.~~ The Department of Financial Services shall ~~also~~ include information regarding the eligibility for training and education benefits in informational materials specified in ss. 440.207 and 440.40.

## (7) PROVIDER QUALIFICATIONS.—

~~(a) The department shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those~~

~~generally accepted within the service specialty for which the provider, facility, or agency is approved.~~

~~(b) The department shall impose a biennial application fee of \$25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.~~

~~(c) The department shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the department. The failure of a qualified rehabilitation service provider, facility, or agency to provide the department with information requested or access necessary for the department to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.~~

~~(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the department to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.~~

~~(e) The department, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.~~

~~(8) CARRIER PRACTICES.—The department shall monitor the selection of providers and the provision of services by carriers under this section for consistency with legislative intent set forth in subsection (2).~~

(7)(9) PERMANENT DISABILITY.—The judge of compensation claims may not adjudicate an injured employee as permanently and totally disabled until or unless the carrier is given the opportunity to provide a reemployment assessment.

Section 4. Paragraph (v) of subsection (3) of section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind.—

(3) DIVISION STRUCTURE AND DUTIES.—The internal organizational structure of the Division of Blind Services shall be designed for the purpose of ensuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind Services shall plan, supervise, and carry out the following activities:

(v) Receive moneys or properties by gift or bequest from any person, firm, corporation, or organization for any of the purposes herein set out, but without authority to bind the state to any expenditure or policy except such as may be specifically authorized by law. All such moneys or properties so received by gift or bequest as herein authorized may be disbursed and expended by the division upon its own warrant for any of the purposes herein set forth, and such moneys or properties shall not constitute or be considered a part of any legislative appropriation made by the state for the purpose of carrying out the provisions of this law. *When determined to be in the best interest of the division, the division may lease property received pursuant to this paragraph, and the Department of Education may enter into leases of property and sublease property on behalf of the division. Division and department leases and subleases may be to governmental, public, or nonprofit entities for the provision of blind, education, health, and other social service programs.*

Section 5. Subsection (2) of section 1004.091, Florida Statutes, is amended to read:

1004.091 Florida Distance Learning Consortium.—

(2) The Florida Distance Learning Consortium shall:

(a) Manage and promote the Florida Higher Education Distance Learning Catalog, established pursuant to s. 1004.09, to help increase student access to undergraduate distance learning courses and degree programs and to assist students seeking accelerated access in order to complete their degrees.

(b) ~~Beginning with the 2011-2012 academic year, implement Develop, in consultation with the Florida College System and the State University System, a plan to be submitted to the Board of Governors, the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2010, for implementing a streamlined, automated, online registration process for transient students who are undergraduate students currently enrolled and pursuing a degree at who have been admitted to a public postsecondary educational institution and who choose wish to enroll in a course listed in the Florida Higher Education Distance Learning Catalog which, including courses offered by an institution that is offered by a public postsecondary educational institution that is not the student's degree-granting or home institution. The consortium shall work with the Florida College System and the State University System to implement this admissions application process requiring all state universities and state colleges to: The plan must describe how such a registration process can be implemented by the 2011-2012 academic year as an alternative to the standard registration process of each institution. The plan must also address:~~

1. Use the transient student admissions application available through the Florida Academic Counseling and Tracking for Students system established pursuant to s. 1007.28. This admissions application shall be the only one required for the enrollment of the transient student defined in this paragraph.

2. Implement the financial aid procedures required by the transient student admissions application process, which must include the involvement of the financial aid officers.

3. Transfer credit awarded by the institutions offering the distance learning course to the transient student's degree-granting institution.

4. By July 1, 2012, provide for an interface between the institutional system and the Florida Academic Counseling and Tracking for Students system in order to electronically send, receive, and process the transient admissions application.

1. ~~Fiscal and substantive policy changes needed to address administrative, academic, and programmatic policies and procedures. Policy areas that the plan must address include, but need not be limited to, student financial aid issues, variations in fees, admission and readmission, registration prioritization issues, transfer of credit, and graduation requirements, with specific attention given to creating recommended guidelines that address students who attend more than one institution in pursuit of a degree.~~

2. ~~A method for the expedited transfer of distance learning course credit awarded by an institution offering a distance learning course to a student's degree-granting or home institution upon the student's successful completion of the distance learning course.~~

3. ~~Compliance with applicable technology security standards and guidelines to ensure the secure transmission of student information.~~

(c) Coordinate the negotiation of statewide licensing and preferred pricing agreements for distance learning resources and enter into agreements that result in cost savings with distance learning resource providers so that postsecondary educational institutions have the opportunity to benefit from the cost savings.

(d)1. Develop and operate a central instructional content repository that allows public school and postsecondary educational institution users faculty to search, locate, and use, and contribute digital and electronic instructional resources and content, including open access textbooks. In the development of the a repository, the consortium shall identify and seek partnerships with similar national, state, and regional repositories for the purpose of sharing instructional content. The consortium shall collaborate with the public postsecondary educational institutions to ensure that the repository:

a. Is accessible by the Integrates with multiple learning management systems used by the public postsecondary educational institutions and the local instructional improvement systems established pursuant to s. 1006.281.

b. Allows institutions to set appropriate copyright and access restrictions and track content usage.

c. Allows for appropriate customization.

d. Supports established protocols to access instructional content within other repositories.

2. Provide to Develop, in consultation with the chancellors of the Florida College System and the State University System, recommendations a plan for promoting and increasing the use of open access textbooks as a method for reducing textbook costs. The recommendations plan shall be submitted to the Board of Governors, the State Board of Education, the Office of Policy and Budget in the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education & Economic Development no later than March 1, 2010, and shall include:

a. ~~An inventory of existing open access textbooks.~~

a.b. ~~The A listing of undergraduate courses, in particular the general education courses, that would be recommended for the use of open access textbooks.~~

b.e. A standardized process for the review and approval of open access textbooks.

d. ~~Recommendations for encouraging and promoting faculty development and use of open access textbooks.~~

e. ~~Identification of barriers to the implementation of open access textbooks.~~

c.f. Strategies for the production and distribution of open access textbooks to ensure such textbooks may be easily accessed, downloaded, printed, or obtained as a bound version by students at either reduced or no cost.

g. ~~Identification of the necessary technology security standards and guidelines to safeguard the use of open access textbooks.~~

(e) Identify and evaluate new technologies and instructional methods that can be used for improving distance learning instruction, student learning, and the overall quality of undergraduate distance learning courses and degree programs.

(f) Identify methods that will improve student access to and completion of undergraduate distance learning courses and degree programs.

Section 6. Section 1004.649, Florida Statutes, is created to read:

1004.649 Northwest Regional Data Center.—

(1) For the purpose of serving its state agency customers, the Northwest Regional Data Center at Florida State University is designated as a primary data center and shall comply with the following:

(a) Operates under a governance structure that represents its customers proportionally.

(b) Maintains an appropriate cost-allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers, and prohibits the subsidization of nonstate agency customers' costs by state agency customers.

(c) Enters into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:

1. Identify the parties and their roles, duties, and responsibilities under the agreement;

2. State the duration of the agreement term and specify the conditions for renewal;

3. Identify the scope of work;

4. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by

which the business standards for each service are to be objectively measured and reported;

5. Provide a timely billing methodology for recovering the cost of services provided; and

6. Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service.

(d) Provides to the Board of Governors the total annual budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services by July 30 each fiscal year.

(e) Provides to each state agency customer its projected annual cost for providing the agreed-upon data center services by August 1 each fiscal year.

(2) The Northwest Regional Data Center's designation as a primary data center for purposes of serving its state agency customers may be terminated if:

(a) The center requests such termination to the Board of Governors, the Senate President, and the Speaker of the House of Representatives; or

(b) The center fails to comply with the provisions of this section.

(3) If such designation is terminated, the center shall have 1 year to provide for the transition of its state agency customers to the Southwood Shared Resource Center or the Northwood Shared Resource Center.

Section 7. Subsection (7) is added to section 1006.72, Florida Statutes, to read:

1006.72 Licensing electronic library resources.—

(7) *REPORT.*—The chancellors and vice chancellors of the Florida College System and the State University System shall annually report to the Executive Office of the Governor and the chairs of the legislative appropriations committees the cost savings realized as a result of the collaborative licensing process identified in this section.

Section 8. Subsection (5) is added to section 1007.28, Florida Statutes, to read:

1007.28 Computer-assisted student advising system.—The Department of Education, in conjunction with the Board of Governors, shall establish and maintain a single, statewide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation and must be accessible to all Florida students. The state universities and community colleges shall interface institutional systems with the computer-assisted advising system required by this section. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the roles and responsibilities of the department, the state universities, and the community colleges in the design, implementation, promotion, development, and analysis of the system. The system shall consist of a degree audit and an articulation component that includes the following characteristics:

(5) The system must provide the admissions application for transient students who are undergraduate students currently enrolled and pursuing a degree at a public postsecondary educational institution and who want to enroll in a course listed in the Florida Higher Education Distance Learning Catalog which is offered by a public postsecondary educational institution that is not the student's degree-granting institution. This system must include the electronic transfer and receipt of information and records for the following functions:

(a) Admissions and readmissions;

(b) Financial aid; and

(c) Transfer of credit awarded by the institution offering the distance learning course to the transient student's degree-granting institution.

Section 9. Paragraph (g) of subsection (3) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that 4 of the initial members shall serve 1-year terms and 4 shall serve 2-year terms. At least 4 members must be employed by public community colleges and at least 11 members must be employed by public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

(g) Carry out the training program as required for the minority teacher education scholars program. No more than 5 percent of the funds appropriated and up to \$100,000 from other available funds for the minority teacher education scholars program may be expended annually for administration, including administration of the required training program.

Section 10. Section 1009.215, Florida Statutes, is created to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(1) Subject to approval by the Board of Governors, the University of Florida may plan and implement a student enrollment pilot program for the spring and summer terms for the purpose of aligning on-campus student enrollment and the availability of instructional facilities.

(2) The pilot program shall provide for a student cohort that is limited to on-campus enrollment during the spring and summer terms. Students in this cohort are not eligible for on-campus enrollment during the fall term.

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 shall be eligible to receive the scholarship award for attendance in the spring and summer terms, but are not eligible to receive the scholarship for attendance during the fall term.

(4) By January 31, 2013, the University of Florida shall report to the Board of Governors, the President of the Senate, and the Speaker of the House of Representatives regarding the result of the pilot program.

Section 11. Paragraphs (a) and (c) of subsection (3) and subsections (6) and (10) of section 1009.22, Florida Statutes, are amended, present subsection (12) of that section is redesignated as subsection (13), and a new subsection (12) is added to that section, to read:

1009.22 Workforce education postsecondary student fees.—

(3)(a) Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. Residency of students shall be determined as required in s. 1009.21. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for adult general education programs ~~certificate career education instruction~~. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(c) Effective July 1, 2011, for programs leading to a career certificate or an applied technology diploma, the standard tuition shall be \$2.22 per contact hour for residents and nonresidents and the out-of-state fee shall be \$6.66 per contact hour. For adult general education programs, a block tuition of \$45 per half year or \$30 per term shall be assessed for residents and nonresidents, and the out-of-state fee shall be \$135 per half year or \$90 per term. Each district school board and Florida College System institution board of trustees shall adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition. All funds received from the block tuition shall be used only for adult general education programs. Students enrolled in adult general education programs may not be assessed the fees authorized in subsection (5), subsection (6), or subsection (7). ~~Effective January 1, 2008, standard tuition shall be \$1.67 per contact hour for programs leading to a career certificate or an applied technology diploma and 83 cents for adult general~~

education programs. ~~The out-of-state fee per contact hour shall be three times the standard tuition per contact hour.~~

(6)(a) Each district school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, ~~or~~ equipping buildings, ~~or the acquisition of improved real property~~ which may not exceed 5 percent of tuition for nonresident students or 5 percent of tuition and out-of-state fees for nonresident students. Funds collected by community colleges through the fee may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, ~~or~~ remodeling of educational facilities, ~~or the acquisition of improved real property for use as educational facilities.~~ The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to ~~acquire improved real property or~~ construct and equip, maintain, improve, or enhance the certificate career education or adult education facilities of the school district ~~or the educational facilities of the community college.~~ Projects ~~and acquisitions of improved real property~~ funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each district school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Bonds authorized pursuant to this paragraph shall be requested by the community college board of trustees and shall be issued by the Division of Bond Finance in compliance with s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of Bond Finance may pledge fees collected by one or more community colleges to secure such bonds. Any project included in the approved educational plant survey pursuant to chapter 1013 is approved pursuant to s. 11(f), Art. VII of the State Constitution. Bonds issued pursuant to the State Bond Act may be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the district school board or community college board of trustees. The use of capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.

(b) The state does hereby covenant with the holders of the bonds issued under paragraph (a) that it will not take any action that will materially and adversely affect the rights of such holders so long as the bonds authorized by paragraph (a) are outstanding.

(10) Each school district and community college may assess a service charge for the payment of tuition and fees in installments ~~and a convenience fee for the processing of automated or online credit card payments.~~ However, the amount of the convenience fee for automated or online credit card payments may not exceed the total cost charged by the credit card company to the school district or Florida College System institution. Such service charge or convenience fee must be approved by the district school board or community college board of trustees.

(12)(a) *The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed \$6 per credit hour. An increase in the transportation access fee may occur only once each fiscal year and must be implemented beginning with the fall term. A referendum must be held by the student government to approve the application of the fee.*

(b) *Notwithstanding ss. 1009.534, 1009.535, and 1009.536, the transportation access fee authorized under paragraph (a) may not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award.*

Section 12. Paragraphs (a) and (b) of subsection (3), paragraph (c) of subsection (8), and paragraph (a) of subsection (11) of section 1009.23, Florida Statutes, are amended, present subsection (17) of that section is redesignated as subsection (19), and new subsections (17) and (18) are added to that section, to read:

1009.23 Community college student fees.—

(3)(a) Effective ~~July 1, 2011~~ ~~January 1, 2008~~, for advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, ~~the following tuition and fee rates shall apply:~~

~~1. the standard tuition shall be \$68.56 per credit hour for residents and nonresidents, and the out-of-state fee shall be \$205.82 per credit hour \$51.95 per credit hour for students who are residents for tuition purposes.~~

~~2. The standard tuition shall be \$51.35 per credit hour and the out-of-state fee shall be \$154.14 per credit hour for students who are nonresidents for tuition purposes.~~

(b) Effective ~~July 1, 2011~~ ~~January 1, 2008~~, for baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The tuition shall be ~~\$87.42~~ ~~\$65.47~~ per credit hour for students who are residents for tuition purposes.

2. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes shall be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the community college.

(8)

(c) Up to 25 percent or \$600,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and ~~any~~ fee exemptions provided to athletes pursuant to s. 1009.25(2)(~~g~~) ~~must for athletes~~ shall be distributed equitably as required by s. 1000.05(3)(d). A minimum of 75 percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Education shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards ~~that which~~ are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. An award for academic merit ~~requires~~ ~~shall require~~ a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(11)(a) Each community college board of trustees may establish a separate fee for capital improvements, technology enhancements, ~~or~~ equipping student buildings, ~~or the acquisition of improved real property~~ which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year. Funds collected by community colleges through the fee may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, ~~or~~ remodeling of educational facilities, ~~or the acquisition and renovation or remodeling of improved real property for use as educational facilities.~~ The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to ~~acquire improved real property or~~ construct and equip, maintain, improve, or enhance the educational facilities of the community college.

Projects and acquisitions of improved real property funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(17) Each Florida College System institution that accepts transient students, pursuant to s. 1004.091, may establish a transient student fee not to exceed \$5 per distance learning course for processing the transient student admissions application.

(18)(a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed \$6 per credit hour. An increase in the transportation access fee may occur only once each fiscal year and must be implemented beginning with the fall term. A referendum must be held by the student government to approve the application of the fee.

(b) Notwithstanding ss. 1009.534, 1009.535, and 1009.536, the transportation access fee authorized under paragraph (a) may not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award.

Section 13. Paragraph (a) of subsection (4) and paragraph (a) of subsection (16) of section 1009.24, Florida Statutes, are amended, and paragraph (t) is added to subsection (14) of that section, to read:

1009.24 State university student fees.—

(4)(a) Effective July 1, 2011, ~~January 1, 2008~~, the resident undergraduate tuition for lower-level and upper-level coursework shall be ~~\$103.32~~ ~~\$77.39~~ per credit hour.

(14) Except as otherwise provided in subsection (15), each university board of trustees is authorized to establish the following fees:

(t) A transient student fee that may not exceed \$5 per distance learning course for accepting a transient student and processing the transient student admissions application pursuant to s. 1004.091.

With the exception of housing rental rates and except as otherwise provided, fees assessed pursuant to paragraphs (h)-(s) shall be based on reasonable costs of services. The Board of Governors shall adopt regulations and timetables necessary to implement the fees and fines authorized under this subsection. The fees assessed under this subsection may be used for debt only as authorized under s. 1010.62.

(16) Each university board of trustees may establish a tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. The tuition differential shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

(a) Seventy percent of the revenues from the tuition differential shall be expended for purposes of undergraduate education. Such expenditures may include, but are not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. This expenditure for undergraduate education may not be used to pay the salaries of graduate teaching assistants. Except as otherwise provided in this subsection, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, shall be expended to provide financial aid to undergraduate students who exhibit financial need, including students who are scholarship recipients under s. 1009.984, to meet the cost of university attendance. This expenditure for need-based financial aid shall not supplant the amount of need-based aid provided to undergraduate students in the preceding fiscal year from financial aid fee revenues, the direct appropriation for financial assistance provided to state universities in the General Appropriations Act, or from private sources. The total amount of tuition differential waived under subsection (b)8. may be included in calculating the expenditures for

need-based financial aid to undergraduate students required by this subsection. *If the entire tuition and fee costs of resident students who have applied for and received Pell Grant funds have been met and the university has excess funds remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the excess portion in the same manner as required for the other 70 percent of the tuition differential revenues.*

Section 14. Section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

~~(1) The following Students are exempt from any requirement for the payment of tuition and fees, including lab fees, for adult basic, adult secondary, or career preparatory instruction:~~

~~(a) A student who does not have a high school diploma or its equivalent.~~

~~(b) A student who has a high school diploma or its equivalent and who has academic skills at or below the eighth grade level pursuant to state board rule. A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.~~

~~(1)(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides post-secondary career programs, community college, or state university:~~

~~(a) A student enrolled in a dual enrollment or early admission program pursuant to s. 1007.27 or s. 1007.271.~~

~~(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.~~

~~(c) A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services or who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.~~

~~(d) A student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085 or who was adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.~~

~~(e) A student enrolled in an employment and training program under the welfare transition program. The regional workforce board shall pay the state university, community college, or school district for costs incurred for welfare transition program participants.~~

~~(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.~~

~~(g) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida. Such student may receive a fee exemption only if the student has not received compensation because of the buyout, the student is designated a Florida resident for tuition purposes, pursuant to s. 1009.21, and the student has applied for and been denied financial aid, pursuant to s. 1009.40, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including supporting documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years after~~

the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

(2)(3) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Education and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 15. Subsection (8) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

(8) A state university or community college shall waive undergraduate tuition for each recipient of a Purple Heart or another combat decoration superior in precedence who:

(a) Is enrolled as a full-time, part-time, or summer-school student in an undergraduate program that terminates in a degree or certificate;

(b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a resident of this state; and

(c) Submits to the state university or the community college the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence. *If the DD-214 is not available, other documentation may be acceptable if recognized by the United States Department of Defense or the United States Department of Veterans Affairs as documenting the award.*

Such a waiver for a Purple Heart recipient or recipient of another combat decoration superior in precedence shall be applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

Section 16. Subsections (2) and (7) of section 1009.286, Florida Statutes, are amended to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(2) State universities shall require a student to pay an excess hour surcharge equal to ~~100~~ 50 percent of the tuition rate for each credit hour in excess of ~~115~~ 120 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

(7) The provisions of this section become effective for students who enter a community college or a state university for the first time in the ~~2011-2012~~ ~~2009-2010~~ academic year and thereafter.

Section 17. Paragraphs (b) and (c) of subsection (6) of section 1009.531, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(6)

(b) The State Board of Education shall publicize the examination score required for a student to be eligible for a Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a) or (b), as follows:

1. For high school students graduating in the 2010-2011 academic year, the student must earn an SAT score of 970 or a concordant ACT score of 20 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

2. For high school students graduating in the 2011-2012 academic year, the student must earn an SAT score of 980 which corresponds to the 44th SAT percentile rank or a concordant ACT score of 21 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

3. For high school students graduating in the 2012-2013 academic year, the student must earn an SAT score of 1020 which corresponds to the ~~51st~~ ~~50th~~ SAT percentile rank or a concordant ACT score of 22 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

4. For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn an SAT score of ~~1170~~ ~~1050~~ which corresponds to the ~~75th~~ ~~56th~~ SAT percentile rank or a concordant ACT score of ~~26~~ ~~23~~ or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of ~~1220~~ ~~1100~~ or a concordant ACT score of ~~27~~ ~~24~~.

(c) The SAT percentile ranks and corresponding SAT scores specified in paragraphs (a) and (b) are based on the SAT percentile ranks for ~~2010~~ ~~2009~~ college-bound seniors in critical reading and mathematics as reported by the College Board. The next highest SAT score is used when the percentile ranks do not directly correspond.

(7) *To be eligible for an award under the Florida Bright Futures Scholarship Program, a student must submit a Free Application for Federal Student Aid which is complete and error free prior to disbursement.*

Section 18. Subsection (1) of section 1009.534, Florida Statutes, is amended to read:

1009.534 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(a) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(a) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office or an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office;

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work for high school students graduating in the 2010-2011 academic year and 100 hours of service work for high school students graduating in the 2011-2012 academic year and thereafter, and ~~must and require the student to~~ identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Section 19. Subsection (1) of section 1009.535, Florida Statutes, is amended to read:

1009.535 Florida Medallion Scholars award.—

(1) A student is eligible for a Florida Medallion Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 1009.531, or the equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(b) Has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(c) Has attended a home education program according to s. 1002.41 during grades 11 and 12 and has attained at least the score pursuant to s. 1009.531(6)(b) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program, if the student's parent cannot document a college-preparatory curriculum as described in paragraph (a);

(d) Has been recognized by the merit or achievement program of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 1009.534; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 1009.534.

*A high school student graduating in the 2011-2012 academic year and thereafter must complete a program of community service work approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work, and must identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.*

Section 20. Paragraph (e) is added to subsection (1) of section 1009.536, Florida Statutes, to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(e) *Beginning with high school students graduating in the 2011-2012 academic year and thereafter, completes a program of community service work approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 30 hours of service work, and identifies a social problem that interests him or her, develops a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluates and reflects upon his or her experience.*

Section 21. Subsection (4) is added to section 1009.55, Florida Statutes, to read:

1009.55 Rosewood Family Scholarship Program.—

(4) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 22. Subsection (7) is added to section 1009.56, Florida Statutes, to read:

1009.56 Seminole and Miccosukee Indian Scholarships.—

(7) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 23. Subsection (3) is added to section 1009.57, Florida Statutes, to read:

1009.57 Florida Teacher Scholarship and Forgivable Loan Program.—

(3) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 24. Subsection (7) is added to section 1009.60, Florida Statutes, to read:

1009.60 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's community colleges and its public and private universities that have teacher education programs.

(7) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 25. Subsection (8) is added to section 1009.68, Florida Statutes, to read:

1009.68 Florida Minority Medical Education Program.—

(8) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 26. Subsection (5) is added to section 1009.69, Florida Statutes, to read:

1009.69 Virgil Hawkins Fellows Assistance Program.—

(5) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 27. Subsections (5) and (6) of section 1009.701, Florida Statutes, are amended to read:

1009.701 First Generation Matching Grant Program.—

(5) In order to be eligible to receive a grant pursuant to this section, an applicant must:

(a) Be a resident for tuition purposes pursuant to s. 1009.21.

(b) Be a first-generation college student. For the purposes of this section, a student is considered "first generation" if neither of the student's parents, as defined in s. 1009.21(1), earned a college degree at the baccalaureate level or higher or, in the case of any individual who regularly resided with and received support from only one parent, if that parent did not earn a baccalaureate degree.

(c) Be accepted at a state university.

(d) Be enrolled for a minimum of six credit hours per term as a degree-seeking undergraduate student.

(e) Have submitted a *Free Application for Federal Student Aid* which is complete and error free prior to disbursement and met the eligibility requirements in s. 1009.50 for demonstrated financial need for the Florida Public Student Assistance Grant Program.

(f) Meet additional eligibility requirements as established by the institution.

(6) The award amount shall be based on the student's need assessment after any scholarship or grant aid, including, but not limited to, a Pell Grant or a Bright Futures Scholarship, has been applied. *The first priority of funding shall be given to students who demonstrate need by qualifying and receiving federal Pell Grant funds up to the full cost of tuition and fees per term.* An award may not exceed the institution's estimated annual cost of attendance for the student to attend the institution.

Section 28. Subsection (11) is added to section 1009.73, Florida Statutes, to read:

1009.73 Mary McLeod Bethune Scholarship Program.—

(11) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 29. Subsection (4) is added to section 1009.74, Florida Statutes, to read:

1009.74 The Theodore R. and Vivian M. Johnson Scholarship Program.—

(4) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 30. Paragraph (c) of subsection (8) of section 1009.77, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

1009.77 Florida Work Experience Program.—

(8) A student is eligible to participate in the Florida Work Experience Program if the student:

(c) *Submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement and demonstrates financial need, with the first priority of funding given to students who demonstrate need by qualifying and receiving federal Pell Grant funds up to the full cost of tuition and fees per term.*

(11) *Funding for the program shall be as provided in the General Appropriations Act.*

Section 31. Subsection (4) and paragraph (a) of subsection (5) of section 1009.89, Florida Statutes, are amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

(4) A person is eligible to receive such William L. Boyd, IV, Florida resident access grant if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; ~~and~~

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled; ~~and-~~

(c) *He or she submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement.*

(5)(a) ~~Funding for the William L. Boyd, IV, Florida Resident Access Grant Program for eligible institutions shall be as provided in the General Appropriations Act based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 1011.90. The amount of the William L. Boyd, IV, Florida resident access grant issued to a full-time student shall be an amount as specified in the General Appropriations Act. The William L. Boyd, IV, Florida resident access grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and~~

fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. ~~A student is~~ ~~Students shall not be~~ eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 1009.40(3).

Section 32. Subsections (4) and (7) of section 1009.891, Florida Statutes are amended to read:

1009.891 The Access to Better Learning and Education Grant Program.—

(4) A person is eligible to receive an access grant if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; ~~and~~

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled; ~~and-~~

(c) *He or she submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement.*

(7) ~~Funding for the program shall be as provided in the General Appropriations Act. This section shall be implemented only to the extent specifically funded and authorized by law.~~

Section 33. Subsection (13) is added to section 1011.32, Florida Statutes, to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.—

(13) *Effective July 1, 2011, state matching funds are temporarily suspended for donations received for the program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.*

Section 34. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) ~~A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such~~

special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 5 in a school district virtual instruction program under s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 12 in a school district virtual instruction program under s. 1002.45(1)(b) 1. and 2. shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions can be a combination of either full credits or half credits.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c) 1.b. for grades 6 through 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions can be a combination of either full credits or half credits.

(VI) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as  $\frac{1}{6}$  FTE.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 35. Subsections (6), (7), and (10) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(6)(a) A school district or a community college that provides workforce education programs shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act. *To ensure equitable funding for all school district workforce education programs and to recognize enrollment growth, the Department of Education shall use the funding model developed by the District Workforce Education Funding Steering Committee to determine each district's workforce education funding needs. To assist the Legislature in allocating workforce education funds in the General Appropriations Act, the funding model shall annually be provided to the legislative appropriations committees no later than March 1. If the General Appropriations Act does not provide for the distribution of funds, the following methodology shall apply:*

~~1. Base funding shall be allocated based on weighted enrollment and shall not exceed 90 percent of the allocation. The Department of Education shall develop a funding process for school district workforce education programs that is comparable with community college workforce programs.~~

~~2. Performance funding shall be at least 10 percent of the allocation, based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (10). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. School districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data and performance outcome data available in that year.~~

(b) A program is established to assist school districts and community colleges in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. ~~A school district or community college may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2.~~ The district or community college shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.

(7)(a) A school district or community college that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or community college board of trustees may not withhold any portion of the performance funding for indirect costs.

(b) *State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates.*

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a community college or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated for workforce education funding, and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91. *A student who is coenrolled in a K-12 education program and an adult education program may not be reported for purposes of funding in an adult education program, except that for the 2011-2012 fiscal year only, students who are coenrolled in core curricula courses for credit recovery or dropout prevention purposes may be reported for funding for up to two courses per student. Such students are exempt from the payment of the block tuition for adult general education programs provided in s. 1009.22(3)(c).*

Section 36. Subsection (3) is added to section 1011.81, Florida Statutes, to read:

1011.81 Community College Program Fund.—

(3) *State funds provided for the Community College Program Fund may not be expended for the education of state or federal inmates.*

Section 37. Subsection (2) of section 1011.85, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Community Colleges.—

(2) Each community college board of trustees receiving state appropriations under this program shall approve each gift to ensure alignment with the unique mission of the community college. The board of trustees must link all requests for a state match to the goals and mission statement. The Florida Community College Foundation Board receiving state appropriations under this program shall approve each gift to ensure

alignment with its goals and mission statement. Funds received from community events and festivals are not eligible for state matching funds under this program.

(13) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 38. Subsection (8) is added to section 1011.94, Florida Statutes, to read:

1011.94 University Major Gifts Program.—

(8) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 39. Subsection (4) is added to section 1012.885, Florida Statutes, to read:

1012.885 Remuneration of community college presidents; limitations.—

(4) **LIMITATION ON REMUNERATION.**—Notwithstanding the provisions of this section, for the 2011-2012 fiscal year, a Florida College System institution president may not receive more than \$200,000 in remuneration from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a Florida College System institution president may be used in calculating benefits under chapter 121.

Section 40. Section 1012.886, Florida Statutes, is created to read:

1012.886 Remuneration of Florida College System institution administrative employees; limitations.—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Appropriated state funds” means funds appropriated from the General Revenue Fund or funds appropriated from state trust funds.

(b) “Cash-equivalent compensation” means any benefit that may be assigned an equivalent cash value.

(c) “Remuneration” means salary, bonuses, and cash-equivalent compensation paid to a Florida College System institution administrative employee by his or her employer for work performed, excluding health insurance benefits and retirement benefits.

(2) **LIMITATION ON COMPENSATION.**—Notwithstanding any other law, resolution, or rule to the contrary, a Florida College System institution administrative employee may not receive more than \$200,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in s. 121.021(22), provided to a Florida College System institution administrative employee may be used in calculating benefits under chapter 121.

(3) **EXCEPTIONS.**—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a Florida College System institution administrative employee in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a Florida College System institution administrative employee as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation. This section does not apply to Florida College System institution teaching faculty.

(4) **EXPIRATION.**—This section expires June 30, 2012.

Section 41. Subsection (4) is added to section 1012.975, Florida Statutes, to read:

1012.975 Remuneration of state university presidents; limitations.—

(4) **LIMITATION ON REMUNERATION.**—Notwithstanding the provisions of this section, for the 2011-2012 fiscal year, a state university president may not receive more than \$200,000 in remuneration from public funds. Only compensation, as defined in s. 121.021(22), provided to a state university president may be used in calculating benefits under chapter 121.

Section 42. Section 1012.976, Florida Statutes, is created to read:

1012.976 Remuneration of state university administrative employees; limitations.—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Appropriated state funds” means funds appropriated from the General Revenue Fund or funds appropriated from state trust funds.

(b) “Cash-equivalent compensation” means any benefit that may be assigned an equivalent cash value.

(c) “Remuneration” means salary, bonuses, and cash-equivalent compensation paid to a state university administrative employee by his or her employer for work performed, excluding health insurance benefits and retirement benefits.

(2) **LIMITATION ON COMPENSATION.**—Notwithstanding any other law, resolution, or rule to the contrary, a state university administrative employee may not receive more than \$200,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in s. 121.021(22), provided to a state university administrative employee may be used in calculating benefits under chapter 121.

(3) **EXCEPTIONS.**—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a state university administrative employee in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a state university administrative employee as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation. This section does not apply to university teaching faculty or medical school faculty or staff.

(4) **EXPIRATION.**—This section expires June 30, 2012.

Section 43. Subsection (12) of section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing bodies.—

(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(8), but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government’s comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board’s request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board’s request for a determination of consistency shall be considered an approval of the district school board’s application. Campus master plans and development agreements must comply with the provisions of s. ~~ss.~~ 1013.30 ~~and 1013.63~~.

Section 44. Section 1013.63, Florida Statutes, is repealed.

Section 45. Subsection (12) is added to section 1013.79, Florida Statutes, to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(12) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for

programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 46. Section 1013.737, Florida Statutes, is amended to read:

1013.737 The Class Size Reduction and Educational Facilities Lottery Revenue Bond Program.—There is established the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program.

(1) The issuance of revenue bonds is authorized to finance or re-finance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The bonds are payable from, and secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs; video gaming; banking card games, including baccarat, chemin de fer, or blackjack; electronic or electromechanical facsimiles of any game of chance; casino games; slot machines; or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding re-funding bonds, issued pursuant to this section shall not exceed amounts specifically authorized in the General Appropriations Act.

(5) Proceeds available from the sale of the bonds shall be deposited in the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education.

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(7) Any complaint for validation of such bonds is required to be filed only in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06 is required to be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

(8) The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing issuance of class size reduction lottery bonds or educational facilities bonds pursuant to s. 11(d), Art. VII of the State Constitution, this section, and other applicable law.

Section 47. *The Department of Education shall work with the College Center for Library Automation (CCLA) to transfer the K-12 public school bibliographic database in standard library data format to the CCLA for inclusion in its online discovery tool product and make it publicly searchable by school district students, staff, and parents no later than September 1, 2011. The department shall also develop an ongoing process to provide for the electronic updating of school district library holdings data to the CCLA in a manner that will ensure that the public school bibliographic database and searchable catalog is current.*

Section 48. *By January 1, 2012, the Chancellors of the State University System and the Florida College System shall submit a plan to the Executive Office of the Governor and to the legislative appropriations committees for establishing a joint library organization to address the needs of academic libraries in the State University System and the Florida College System that replaces the Florida Center for Library Automation and the College Center for Library Automation. The plan must include, but need not be limited to, the following components:*

(1) *A proposed governance and reporting structure for the joint library organization.*

(2) *Recommended staffing for the joint library organization, which includes roles and responsibilities.*

(3) *A recommended process and schedule for the acquisition of a next generation library management system and its associated services which includes a discovery tool provided by the joint library organization. The library management system will replace the current systems and services provided by the Florida Center for Library Automation and the College Center for Library Automation. The process for acquiring the next generation library management system must involve the identification of the functional requirements necessary to meet the needs of the postsecondary education library users and be scalable in order to meet any additional library user needs that are identified as being necessary and in the best interest of the state.*

(4) *A proposed schedule for consolidating the computing and data center resources and equipment provided by the Florida Center for Library Automation and the College Center for Library Automation to a statutorily established or designated primary data center no later than December 1, 2012, or for decommissioning the computing and data center resources and equipment that are no longer required by the joint library organization and are currently located at and managed by the Florida Center for Library Automation and the College Center for Library Automation.*

(5) *A proposed operational budget for the joint library organization which is more cost-effective than separately funding both the Florida Center for Library Automation and the College Center for Library Automation.*

(6) *Proposed substantive and fiscal policy changes needed to implement the joint library organization.*

(7) *A timeline and implementation strategies for establishing the joint library organization.*

Section 49. *Notwithstanding any section of law to the contrary, for the fiscal 2011-2012 year only, a university board of trustees is authorized to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.*

Section 50. *The Florida College System Council of Presidents shall develop and recommend an equitable funding formula for the distribution of Public Educational Capital Outlay funds to the Florida College System institutions. The Florida College System Council of Presidents shall submit a report, with recommendations, to the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2011, which specifically includes a proposed funding formula that provides for the equitable distribution of Public Educational Capital Outlay funds to Florida College System institutions for consideration by the Legislature for implementation in the 2012-2013 fiscal year.*

Section 51. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education funding; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research; amending s. 215.61, F.S.; requiring that, for purposes of servicing public education capital outlay bonds, the State Board of Education disregard the effects on the gross receipts tax revenues collected during a tax period of a refund resulting from a specified

settlement agreement; amending s. 440.491, F.S.; revising definitions; revising legislative intent; eliminating regulatory and monitoring responsibilities of the Department of Education with respect to rehabilitation providers and services; authorizing referral of an injured employee to the Department of Education for vocational evaluation; authorizing referral to the Agency for Workforce Innovation or any successor agency for reemployment services; authorizing interagency agreements between the Department of Education and an agency providing reemployment services; authorizing the expenditure of funds from the Workers Compensation Trust Fund for reemployment services; deleting provisions specifying qualifications for rehabilitation providers and requiring rehabilitation provider fees; amending s. 413.011, F.S.; authorizing the Division of Blind Services to lease property and the Department of Education to enter into leases and subleases on behalf of the division; amending s. 1004.091, F.S.; revising provisions relating to the duties of the Florida Distance Learning Consortium; requiring that the consortium implement a streamlined, automated, online registration process for transient students who are undergraduate students currently enrolled and pursuing a degree at a public postsecondary educational institution; requiring that the consortium work with the Florida College System and the State University System to implement the admissions application process; providing certain requirements for state universities and state colleges; revising requirements for the central instructional content repository; creating s. 1004.649, F.S.; designating the Northwest Regional Data Center at Florida State University as a primary data center; providing requirements for the data center; requiring the data center to provide its annual budget costs to the Board of Governors of the State University System; specifying circumstances under which the data center's designation may be terminated; amending s. 1006.72, F.S.; revising provisions relating to the licensing of electronic library resources; requiring that the chancellors and vice chancellors of the Florida College System and the State University System report cost savings resulting from the collaborative licensing process to the Executive Office of the Governor and the chairs of the legislative appropriations committees; amending s. 1007.28, F.S.; revising provisions relating to the computer-assisted student advising system; requiring that the system provide for a transient student admissions application process for certain students; amending s. 1009.605, F.S.; providing for additional funds to be expended for administration of the Florida Fund for Minority Teachers, Inc.; creating s. 1009.215, F.S.; authorizing the University of Florida, with the approval of the Board of Governors of the State University System, to plan and implement a pilot program for students to enroll for the spring and summer terms rather than the fall terms in order to align student enrollment with available instructional staff and facilities; providing for eligibility for the Bright Futures Scholarship to conform to periods of a student's enrollment; requiring that the university report the status of the pilot program to the Board of Governors and the Legislature by a specified date; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary student fees; revising the standard tuition for programs leading to a career certificate or an applied technology diploma; requiring that a block tuition be assessed for residents and nonresidents enrolled in adult general education programs; providing that a separate fee may be used for the acquisition of improved real property by the district school board or the community college board of trustees; authorizing the assessment of a convenience fee for processing online credit card payments; providing certain limitations; authorizing the Board of Trustees of Santa Fe College to establish a transportation access fee for students enrolled at Santa Fe College; requiring that revenue from the fee be used only to provide or improve access to transportation services; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; requiring that a referendum be held by the student government to approve the application of the fee; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; amending s. 1009.23, F.S.; revising provisions relating to community college student fees, including the standard tuition for residents and nonresidents and the out-of-state fee; revising the amount of standard tuition fees for residents and nonresidents and out-of-state fees; clarifying provisions governing the fee exemptions provided for athletes; providing for a separate fee to be used for the acquisition of improved real property; authorizing each college to assess a transient student fee that does not exceed a specified amount per distance learning course; authorizing the Board of Trustees of Santa Fe College to establish a transportation access fee for students enrolled at Santa Fe College; requiring that revenue from the fee be used only to provide or improve access to transportation services; limiting the amount of the fee; providing a timeframe for a fee

increase and implementation of an increase; requiring that a referendum be held by the student government to approve the application of the fee; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; revising the amount of resident undergraduate tuition; authorizing each university board of trustees to establish a transient student fee that does not exceed a specified amount per distance learning course for processing the transient student admissions application; authorizing a university to expend certain funds remaining from the tuition differential required for student financial assistance; amending s. 1009.25, F.S.; deleting provisions that exempt students from paying tuition and fees for adult basic, adult secondary, or career preparatory instruction; amending s. 1009.26, F.S.; authorizing the use of certain additional documentation recognized by the Federal Government for purpose of certain fee waivers; amending s. 1009.286, F.S.; requiring that a student pay 100 percent of the tuition rate for each credit hour in excess of a specified percent of the number of credit hours required to complete a baccalaureate degree program; amending s. 1009.531, F.S.; revising the eligibility requirements for the Florida Bright Futures Scholarship Program; requiring that a student complete a specified federal application form before disbursement of an award; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; requiring that students receiving a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award perform a specified number of hours of community service work; requiring that the student identify a social problem of interest and develop a plan; amending ss. 1009.55, 1009.56, 1009.57, 1009.60, 1009.68, and 1009.69, F.S.; requiring that the funding for the Rosewood Family Scholarship Program, the Seminole and Miccosukee Indian Scholarships, the Florida Teacher Scholarship and Forgivable Loan Program, the Minority Teacher Education Scholars Program, the Florida Minority Medical Education Program, and the Virgil Hawkins Fellows Assistance Program be as provided in the General Appropriations Act; amending s. 1009.701, F.S.; revising provisions relating to the First Generation Matching Grant Program; requiring that a student complete a specified federal application form before disbursement of an award; requiring that the first priority of funding be given to certain students who qualify and receive federal Pell Grant funds; amending s. 1009.73 and 1009.74, F.S.; providing that funding for the Mary McLeod Bethune Scholarship Program and the Theodore R. and Vivian M. Johnson Scholarship Program be as provided in the General Appropriations Act; amending s. 1009.77, F.S.; revising provisions relating to the Florida Work Experience Program; requiring that a student complete a specified federal application form before disbursement of funds; requiring that first priority of funding be given to certain students who qualify and receive federal Pell Grant funds; requiring that the funding of the program be as provided in the General Appropriations Act; amending ss. 1009.89 and 1009.891, F.S.; requiring that funding of the William L. Boyd, IV, Florida Resident Access Grant Program and the Access to Better Learning and Education Grant Program be provided as in the General Appropriations Act; requiring that a student complete a specified federal application form before disbursement of a grant; amending s. 1011.32, F.S.; providing that state matching funds for the Community College Facility Enhancement Challenge Grant Program be temporarily suspended for donations made on or after a specified date; providing that existing donations remain eligible for future matching funds; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student" as applied to a student in a combination of programs; amending s. 1011.80, F.S.; requiring that the Department of Education use a specified funding model to determine each district's workforce education funding needs; prohibiting the expenditure of funds for the education of state or federal inmates; prohibiting the reporting of a student who is coenrolled in a K-12 education program and an adult education program for funding purposes; providing an exception; amending s. 1011.81, F.S.; prohibiting the expenditure of funds under the Community College Program Fund for the education of state or federal inmates; amending s. 1011.85, F.S., relating to the Dr. Philip Benjamin Matching Grant Program for Community Colleges; providing that funds received from community events and festivals are not eligible for state matching funds; providing that state matching funds under the program be temporarily suspended for donations received on or after a specified date; providing that existing donations remain eligible for future matching funds; amending ss. 1011.94 and 1013.79, F.S.; providing that state matching funds for donations to the University Major Gifts Program and the University Facility Enhancement Challenge Grant Program are temporarily suspended; providing that existing donations remain eligible for future

matching funds; amending ss. 1012.885 and 1012.975, F.S.; limiting the amount of remuneration provided to a Florida College System institution president or a state university president for the 2011-2012 fiscal year; creating ss. 1012.886 and 1012.976, F.S.; defining terms; providing certain limitations on the amount of remuneration provided to Florida College System institution administrative employees and state university administrative employees; providing certain exceptions; providing for future expiration; amending s. 1013.33, F.S., relating to campus master plans and development agreements; conforming a cross-reference; repealing s. 1013.63, F.S., relating to the University Concurrence Trust Fund; amending s. 1013.737, F.S.; changing the name of the Class Size Reduction Lottery Revenue Bond Program to the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program; authorizing the issuance of educational facilities bonds; requiring that the Department of Education work with the College Center for Library Automation to transfer the K-12 public school bibliographic database for inclusion in CCLA's online discovery tool product for the public to search; requiring that the department also develop an ongoing process to provide for the updating of such data; requiring that the Chancellors of the State University System and the Florida College System submit a plan to the Governor and Legislature regarding the establishment of a joint library organization to address the needs of academic libraries; specifying requirements for the plan; authorizing a university board of trustees to expend reserve or carry-forward balances from prior year appropriations for the establishment of a new campus; requiring that the Florida College System Council of Presidents recommend an equitable funding formula for funds to the Florida College System institutions; requiring a report and recommendations to the State Board of Education, the Governor and the Legislature by a specified date; providing an effective date.

On motion by Senator Lynn, the Conference Committee Report on SB 2150 was adopted. SB 2150 passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—35

Table with 3 columns: Name, Flores, Normans. Lists names of senators who voted 'Yeas'.

Nays—3

Table with 3 columns: Name, Rich, Sobel. Lists names of senators who voted 'Nays'.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2152

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2152, same being:

An act relating to transportation.

having met, and after full and free conference, do recommend to their respective houses as follows:

- 1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

- s/ JD Alexander Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise
s/ Joe Negron Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

- s/ Denise Grimsley Committee Chair
Gary Aubuchon, At Large
Mack Bernard
Douglas Vaughn "Doug" Broxson At Large
Chris Dorworth
s/ Brad Drake
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ William L. "Bill" Proctor, At Large
s/ Darryl Ervin Rouson, At Large
Ron Saunders, At Large
s/ William D. Snyder, At Large
Will W. Weatherford, At Large
s/ Mike Horner Chair
Lori Berman
s/ Jeffrey "Jeff" Brandes
s/ Matthew H. "Matt" Caldwell
Charles S. "Chuck" Chestnut IV, At Large
s/ Dorothy L. Hukill, At Large
s/ John Legg, At Large
s/ Seth McKeel, At Large
s/ Lake Ray
Hazelle P. "Hazel" Rogers
Franklin Sands, At Large
Robert C. "Rob" Schenck, At Large
s/ Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for SB 2152, relating to transportation, provides for the following:

- Clarifies that the Florida Department of Transportation is authorized to adjust toll rates by rule and is not subject to the provisions of ss. 120.54(3)(b) and 120.541., F.S.;
Authorizes the use of excess toll revenues from the Alligator Alley Toll Road to develop and operate a fire station at mile marker 63 on Alligator Alley to provide, fire, rescue, and emergency management services to the adjacent counties along Alligator Alley;
Repeals the Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway Authority, Seminole County Expressway Authority, and Southwest Florida Expressway Authority;
Repeals various sections of law relating to and authorizing lease purchase agreements between certain transportation authorities and FDOT;
Clarifies that an airport providing communications services within its own confines is exempt from the definition of telecommunications company;
Corrects cross references in various sections of law to conform to changes made in this amendment;

- Directs state agencies to develop and adopt assessment protocols for evaluating damaged equipment before a request for purchase is approved; and
- Provides an effective date.

**Conference Committee Amendment (835008)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (17) is added to section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(17) *DEPARTMENT OF TRANSPORTATION.*—*Sections 120.54(3)(b) and 120.541 do not apply to the adjustment of tolls pursuant to s. 338.165(3).*

Section 2. Subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

(3) Fees generated from tolls shall be deposited in the State Transportation Trust Fund, and any amount of funds generated annually in excess of that required to reimburse outstanding contractual obligations, to operate and maintain the highway and toll facilities, including reconstruction and restoration, and to pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994, and to develop and operate a fire station at mile marker 63 on Alligator Alley to provide fire, rescue, and emergency management services to the adjacent counties along Alligator Alley, may be transferred to the Everglades Fund of the South Florida Water Management District. The South Florida Water Management District shall deposit funds for projects undertaken pursuant to s. 373.4592 in the Everglades Trust Fund pursuant to s. 373.4592(4)(a). Any funds remaining in the Everglades Fund may be used for environmental projects to restore the natural values of the Everglades, subject to compliance with any applicable federal laws and regulations. Projects shall be limited to:

(a) Highway redesign to allow for improved sheet flow of water across the southern Everglades.

(b) Water conveyance projects to enable more water resources to reach Florida Bay to replenish marine estuary functions.

(c) Engineering design plans for wastewater treatment facilities as recommended in the Water Quality Protection Program Document for the Florida Keys National Marine Sanctuary.

(d) Acquisition of lands to move STA 3/4 out of the Toe of the Boot, provided such lands are located within 1 mile of the northern border of STA 3/4.

(e) Other Everglades Construction Projects as described in the February 15, 1994, conceptual design document.

Section 3. *Subsection (6) of section 343.805, Florida Statutes, is repealed.*

Section 4. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 343.835, Florida Statutes, are amended to read:

343.835 Bonds of the authority.—

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(b) The completion, improvement, operation, extension, maintenance, repair, or lease, or lease purchase agreement of the system, and the duties of the authority and others, including the department, with reference thereto.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are

issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or, as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of or lease purchase agreement relating to U.S. 98 corridor improvements and the duties of the authority and others, including the department, with reference thereto.

Section 5. Section 343.836, Florida Statutes, is amended to read:

343.836 Remedies of the bondholders.—

(1) The rights and the remedies in this section conferred upon or granted to the bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a lease purchase agreement, deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, or the department defaults in any payments under, or covenants made in, any lease purchase agreement between the authority and the department, and such default continues for a period of 30 days, or if the authority or the department fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority and to the department. Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed, respectively, to the chair of the authority and to the secretary of the department at the principal office of the department.

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may, and upon written request of the holders of 25 percent or such other percentages as are specified in any deed of trust, indenture, or other agreement aforesaid in principal amount of the bonds then outstanding shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

~~(b) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders under or pursuant to any lease purchase agreement between the authority and the department, including the right to require the department to make all rental payments required to be made by it under the provisions of any such lease purchase agreement, to require the department to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.~~

(b)(e) Bring suit upon the bonds.

~~(c)(d)~~ By action or suit in equity, require the authority or the department to account as if it were the trustee of an express trust for the bondholders.

(d)(e) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default, and, ~~subject to and in compliance with the provisions of any lease purchase agreement between the authority and the department,~~ operate and maintain the same for and on behalf of and in the name of the authority, ~~the department,~~ and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority ~~or the department~~ might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, ~~including payments under any such lease purchase agreement as aforesaid,~~ which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose, ~~subject to and in compliance with the provisions of any lease purchase agreement between the authority and the department,~~ of operating and maintaining the system or any facilities or part or parts thereof, to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver, ~~subject to and in compliance with the provisions of any lease purchase agreement between the authority and the department,~~ to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name and for and on behalf of the authority, ~~the department,~~ and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

Section 6. *Section 343.837, Florida Statutes, is repealed.*

Section 7. *Section 343.885, Florida Statutes, is repealed.*

Section 8. *Section 343.91(1)(h), Florida Statutes, is repealed.*

Section 9. Paragraph (b) of subsection (3) and paragraph (a) of subsection (4) of section 343.94, Florida Statutes, are amended to read:

343.94 Bond financing authority.—

(3) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(b) The completion, improvement, operation, extension, maintenance, repair, or lease of, ~~or lease purchase agreement relating to,~~ the system and the duties of the authority and others, including the department, with reference thereto.

(4) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or

other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of, ~~or lease purchase agreement relating to,~~ highway, bridge, and related transportation facilities and appurtenances and the duties of the authority and others, ~~including the department,~~ with reference thereto.

Section 10. Section 343.944, Florida Statutes, is amended to read:

343.944 Remedies of the bondholders.—

(1) The rights and the remedies in this section conferred upon or granted to the bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a ~~lease purchase agreement,~~ deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, ~~or the department defaults in any payments under, or covenants made in, any lease purchase agreement between the authority and the department,~~ and such default continues for a period of 30 days, or if the authority or the department fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority ~~and to the department.~~ Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed, respectively, to the chair of the authority ~~and to the secretary of the department at the principal office of the department.~~

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may and, upon written request of the holders of 25 percent or such other percentages as are specified in any deed of trust, indenture, or other agreement aforesaid in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority, to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

~~(b) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders under or pursuant to any lease purchase agreement between the authority and the department, including the right to require the department to make all rental payments required to be made by it under the provisions of any such lease purchase agreement and to require the department to carry out any other covenants and agreements with or for the benefit of the bondholders and to perform its and their duties under this part.~~

(b)(e) Bring suit upon the bonds.

(c)(d) By action or suit in equity, require the authority or the department to account as if it were the trustee of an express trust for the bondholders.

(d)(e) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and regardless of whether all

bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default; and, ~~subject to and in compliance with the provisions of any lease purchase agreement between the authority and the department,~~ operate and maintain the same for and on behalf of and in the name of the authority, ~~the department,~~ and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority ~~or the department~~ might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, ~~including payments under any such lease purchase agreement as aforesaid,~~ which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose, ~~subject to and in compliance with the provisions of any lease purchase agreement between the authority and the department,~~ of operating and maintaining the system or any facilities or part or parts thereof to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver, ~~subject to and in compliance with the provisions of any lease purchase agreement between the authority and the department,~~ to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name of and for and on behalf of the authority, ~~the department,~~ and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

Section 11. *Section 343.945, Florida Statutes, is repealed.*

Section 12. *Section 343.946, Florida Statutes, is repealed.*

Section 13. *Subsection (11) of section 348.0002, Florida Statutes, is repealed.*

Section 14. Paragraph (a) of subsection (1), paragraph (e) of subsection (2), and paragraph (d) of subsection (9) of section 348.0004, Florida Statutes, are amended, present paragraphs (f) through (l) of subsection (2) of that section are redesignated as paragraphs (e) through (k), respectively, and present paragraphs (e) through (h) of subsection (9) of that section are redesignated as paragraphs (d) through (g), respectively, to read:

348.0004 Purposes and powers.—

(1)(a) An authority created and established pursuant to the Florida Expressway Authority Act may acquire, hold, construct, improve, maintain, operate, and own, ~~and lease~~ an expressway system.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(c) ~~To enter into and make lease purchase agreements with the department until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest.~~

(9) The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for

public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

~~(d) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to public-private partnerships. To be eligible a private entity must comply with s. 338.251 and must provide an indication from a nationally recognized rating agency that the senior bonds for the project will be investment grade or must provide credit support, such as a letter of credit or other means acceptable to the department, to ensure that the loans will be fully repaid.~~

Section 15. Paragraph (b) of subsection (2) of section 348.0005, Florida Statutes, is amended to read:

348.0005 Bonds.—

(2)

(b) The bonds of an authority in any county as defined in s. 125.011(1), issued pursuant to the provisions of this part, whether on original issuance or refunding, must be authorized by resolution of the authority, after approval of the issuance of the bonds at a public hearing, and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority including any county gasoline tax funds received by an authority pursuant to the terms of any interlocal or lease-purchase agreement between an authority, ~~the department,~~ or a county, as such resolution or any resolution subsequent thereto may provide. The bonds must be executed by such officers as the authority determines under the requirements of s. 279.06.

Section 16. *Section 348.0006, Florida Statutes, is repealed.*

Section 17. *Part II of chapter 348, Florida Statutes, consisting of ss. 348.216, 348.217, 348.218, 348.219, 348.22, 348.221, 348.222, 348.223, 348.224, 348.225, 348.226, 348.227, 348.228, 348.229, and 348.23, is repealed.*

Section 18. *Part III of chapter 348, Florida Statutes, consisting of ss. 348.24, 348.241, 348.242, 348.243, 348.244, 348.245, 348.246, 348.247, 348.248, 348.249, and 348.25, is repealed.*

Section 19. *Part VI of chapter 348, Florida Statutes, consisting of ss. 348.80, 348.81, 348.82, 348.83, 348.84, 348.86, 348.87, 348.88, 348.89, 348.90, 348.91, 348.92, 348.93, and 348.94, is repealed.*

Section 20. *Part VII of chapter 348, Florida Statutes, consisting of ss. 348.9401, 348.941, 348.942, 348.943, 348.944, 348.945, 348.946, 348.947, 348.948, 348.949, and 348.9495, is repealed.*

Section 21. *Part VIII of chapter 348, Florida Statutes, consisting of ss. 348.95, 348.951, 348.952, 348.953, 348.954, 348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961, 348.962, and 348.963, is repealed.*

Section 22. *Part X of chapter 348, Florida Statutes, consisting of ss. 348.993, 348.9931, 348.9932, 348.9933, 348.9934, 348.9935, 348.9936, 348.9938, 348.9939, 348.994, 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, 348.9946, 348.9947, 348.9948, is repealed.*

Section 23. *Section 348.9955, Florida Statutes, is repealed.*

Section 24. *Paragraph (d) of subsection (1) of s. 349.02, Florida Statutes, is repealed.*

Section 25. Paragraphs (e) and (g) of subsection (2) of section 349.04, Florida Statutes, are amended, and present paragraphs (f) through (u) of that subsection are redesignated as paragraphs (e) through (t), respectively, to read:

349.04 Purposes and powers.—

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the car-

rying out of the aforesaid purposes, including, but without being limited to, the right and power:

~~(c) To enter into and make lease purchase agreements with the department for terms not exceeding 40 years, or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer.~~

(g)1. To borrow money and make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form (hereinafter in this chapter sometimes called "bonds"), of the authority, for the purpose of funding or refunding, at or prior to maturity, any bonds theretofore issued by the authority, or by the Florida State Improvement Commission to finance part of the cost of the Jacksonville Expressway System, and purposes related thereto, and for the purpose of financing or refinancing all or part of the costs of completion, improvement, or extension of the Jacksonville Expressway System, and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for the Jacksonville Expressway System and for any other purpose authorized by this chapter, such bonds to mature in not exceeding 40 years from the date of the issuance thereof; ~~and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges, including all or any portion of the Duval County gasoline tax funds received by the authority pursuant to the terms of any lease purchase agreement between the authority and the department;~~ and in general to provide for the security of such bonds and the rights and remedies of the holders thereof.

2. In the event that the authority determines to fund or refund any bonds theretofore issued by the authority, or by the commission as aforesaid, prior to the maturity thereof, the proceeds of such funding or refunding bonds shall, pending the prior redemption of the bonds to be funded or refunded, be invested in direct obligations of the United States; and it is the express intention of this chapter that such outstanding bonds may be funded or refunded by the issuance of bonds pursuant to this chapter notwithstanding that part of such outstanding bonds will not mature or become redeemable until 6 years after the date of issuance of bonds pursuant to this chapter to fund or refund such outstanding bonds.

Section 26. Subsections (2) and (3) of section 349.05, Florida Statutes, are amended to read:

349.05 Bonds of the authority; bonds not debt or pledges of credit of state.—

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions, and valid and legally binding covenants of the authority, which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, including the sales surtax adopted pursuant to s. 212.055(1) (including all or any portion of the county gasoline tax funds received by the authority), or other charges or receipts of any nature of the authority, whether or not derived by the authority from the Jacksonville Expressway System or its other transportation facilities;

(b) The completion, improvement, operation, extension, maintenance, repair, ~~or lease, or lease purchase agreement~~ of said system or transportation facilities, and the duties of the authority and others, including the department, with reference thereto;

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant, may be applied;

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the Jacksonville Expressway System or any part thereof or its other transportation facilities;

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof;

(f) Limitations on the issuance of additional bonds;

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the same may be issued; and

(h) Any other or additional provisions, covenants, and agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The State Board of Administration may, upon request by the authority, act as fiscal agent for the authority in the issuance of any bonds that may be issued pursuant to this chapter, and the State Board of Administration may, upon request by the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this chapter. The authority may enter into deeds of trust, indentures, or other agreements with a corporate trustee or trustees, which shall act as fiscal agent for the authority and may be any bank or trust company within or without the state, as security for such bonds and may, under such agreements, assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority, including all or any portion of local option taxes or county gasoline tax funds received by the authority, thereunder. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or as the authority may authorize, including, without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of, ~~or lease purchase agreement relating to,~~ all or any part of transportation facilities authorized in this chapter to be constructed, acquired, developed, or operated by the authority and the duties of the authority and others, ~~including the department,~~ with reference thereto;

(b) The application of funds and the safeguarding of funds on hand or on deposit;

(c) The rights and remedies of the trustee and the holders of the bonds; and

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

Section 27. *Section 349.07, Florida Statutes, is repealed.*

Section 28. Section 349.15, Florida Statutes, is amended to read:

349.15 Remedies; pledges enforceable by bondholders.—Any holder of bonds issued under this chapter, except to the extent such rights may be restricted by the resolution, deed of trust, indenture, or other proceeding relating to the issuance of such bonds, may by civil action, mandamus, or other appropriate action, suit, or proceeding in law or in equity, in any court of competent jurisdiction, protect and enforce any and all rights of such bondholder granted under the proceedings authorizing the issuance of such bonds and enforce any pledge made for payment of the principal and interest on bonds, or any covenant or agreement relative thereto, against the authority ~~or directly against the department, as may be appropriate. It is the express intention of this chapter that any pledge by the department of rates, fees, revenues, county gasoline tax funds, or other funds, as rentals, to the authority or any covenants or agreements relative thereto may be enforceable in any court of competent jurisdiction against the authority or directly against the department by any holder of bonds issued by the authority.~~

Section 29. Section 364.02, Florida Statutes, is amended to read:

364.02 Definitions.—As used in this chapter, the term:

(1) "Basic local telecommunications service" means voice-grade, single-line, flat-rate residential local exchange service that provides dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multifrequency dialing, and access to the following: emergency services such as "911," all locally available inter-exchange companies, directory assistance, operator services, ~~and relay services, and an alphabetical directory listing.~~ For a local exchange telecommunications company, the term includes any extended area service routes, and extended calling service in existence or ordered by the commission on or before July 1, 1995.

(2) “Broadband service” means any service that consists of or includes the offering of the capability to transmit or receive information at a rate that is not less than 200 kilobits per second and either:

- (a) Is used to provide access to the Internet; or
- (b) Provides computer processing, information storage, information content, or protocol conversion in combination with the service.

The definition of broadband service does not include any intrastate telecommunications services that have been tariffed with the commission on or before January 1, 2005.

(3) “Commercial mobile radio service provider” means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(27) and 332(d).

(4) “Commission” means the Florida Public Service Commission.

(5) “Competitive local exchange telecommunications company” means any company certificated by the commission to provide local exchange telecommunications services in this state on or after July 1, 1995.

(6) “Corporation” includes a corporation, company, association, or joint stock association.

(7) “Intrastate interexchange telecommunications company” means any entity that provides intrastate interexchange telecommunications services.

(8) “Local exchange telecommunications company” means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995.

~~(9) “Monopoly service” means a telecommunications service for which there is no effective competition, either in fact or by operation of law.~~

~~(9)(10)~~ “Nonbasic service” means any telecommunications service provided by a local exchange telecommunications company other than a basic local telecommunications service, a local interconnection, resale, or unbundling pursuant to arrangement described in s. 364.16, or a network access service described in s. 364.163. Any combination of basic service along with a nonbasic service or an unregulated service is nonbasic service.

~~(10)(11)~~ “Operator service” includes, but is not limited to, billing or completion of third-party, person-to-person, collect, or calling card or credit card calls through the use of a live operator or automated equipment.

~~(11)(12)~~ “Operator service provider” means a person who furnishes operator service through a call aggregator.

~~(12)(13)~~ “Service” is to be construed in its broadest and most inclusive sense. The term “service” does not include broadband service or voice-over-Internet protocol service for purposes of regulation by the commission. Nothing herein shall affect the rights and obligations of any entity related to the payment of switched network access rates or other intercarrier compensation, if any, related to voice-over-Internet protocol service. Notwithstanding s. 364.013, and the exemption of services pursuant to this subsection, the commission may arbitrate, enforce, or approve interconnection agreements, and resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or any other applicable federal law or regulation. With respect to the services exempted in this subsection, regardless of the technology, the duties of a local exchange telecommunications company are only those that the company is obligated to extend or provide under applicable federal law and regulations.

~~(13)(14)~~ “Telecommunications company” includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term “telecommunications company” does not include:

- (a) An entity that provides a telecommunications facility exclusively to a certificated telecommunications company;

(b) An entity that provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;

(c) A commercial mobile radio service provider;

(d) A facsimile transmission service;

(e) A private computer data network company not offering service to the public for hire;

(f) A cable television company providing cable service as defined in 47 U.S.C. s. 522; ~~or~~

(g) An intrastate interexchange telecommunications company;

(h) *An operator services provider; or*

(i) *An airport that provides communications services within the confines of its airport layout plan.*

However, each commercial mobile radio service provider and each intrastate interexchange telecommunications company shall continue to be liable for any taxes imposed under chapters 202, 203, and 212 ~~and any fees assessed under s. 364.025~~. Each intrastate interexchange telecommunications company shall continue to be subject to s. ~~ss. 364.04, 364.10(3)(a) and (d), 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604~~, shall provide the commission with the current information as the commission deems necessary to contact and communicate with the company, and shall continue to pay intrastate switched network access rates or other intercarrier compensation to the local exchange telecommunications company or the competitive local exchange telecommunications company for the origination and termination of interexchange telecommunications service.

~~(14)(15)~~ “Telecommunications facility” includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

~~(15)(16)~~ “VoIP” means *any service that:*

(a) *Enables real-time, two-way voice communications that originate from or terminate to the user’s location in Internet Protocol or any successor protocol;*

(b) *Uses a broadband connection from the user’s location; and*

(c) *Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network the voice over Internet protocol as that term is defined in federal law.*

Section 30. (1) *It is the intent of the Legislature that purchases of new equipment, machinery, or inventory by any state agency as a result of damage from fire, smoke, water, or any other similar incident be limited to purchases that are absolutely necessary because the damaged equipment, machinery, or inventory is in irreparable condition.*

(2) *By January 1, 2012, each state agency shall develop and adopt assessment protocols for evaluating and determining whether equipment, machinery, or any other inventory must be repaired or restored before any request to purchase replacement equipment, machinery, or any other inventory is approved.*

Section 31. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, special district, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or

which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. Any activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as a public airport as defined in s. 332.004(14) by municipalities, agencies, special districts, authorities, or other public bodies corporate and public bodies politic of the state, a spaceport as defined in s. 331.303, or which is located in a deepwater port identified in s. 403.021(9)(b) and owned by one of the foregoing governmental units, subject to a leasehold or other possessory interest of a nongovernmental lessee that is deemed to perform an aviation, airport, aerospace, maritime, or port purpose or operation shall be deemed an activity that serves a governmental, municipal, or public purpose. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historic preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program or spaceport activities as defined in s. 212.02(22). Real property and tangible personal property owned by the Federal Government or Space Florida and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public hospital.

Section 32. Subsection (1) of section 199.183, Florida Statutes, is amended to read:

199.183 Taxpayers exempt from nonrecurring taxes.—

(1) Intangible personal property owned by this state or any of its political subdivisions or municipalities shall be exempt from taxation under this chapter. This exemption does not apply to:

(a) Any leasehold or other interest that is described in s. 199.023(1)(d), Florida Statutes 2005; or

(b) Property related to the provision of two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is required under chapter 364, when the service is provided by any county,

municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this paragraph is hereby waived. However, intangible personal property related to the provision of telecommunications services provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, and intangible personal property related to the provision of telecommunications services provided by a public hospital, are exempt from taxation under this chapter.

Section 33. Subsection (6) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision. A determination whether a particular transaction is properly characterized as an exempt sale to a government entity or a taxable sale to a contractor shall be based on the substance of the transaction rather than the form in which the transaction is cast. The department shall adopt rules that give special consideration to factors that govern the status of the tangible personal property before its affixation to real property. In developing these rules, assumption of the risk of damage or loss is of paramount consideration in the determination. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state for transmission or distribution expansion. Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts. The exemption provided in this subsection does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is required under chapter 364, which facility is owned and operated by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this section is hereby waived. However, the exemption provided in this subsection includes transactions taxable under this chapter which are for use by the operator of a public-use airport, as defined in s. 332.004, in providing such telecommunications services for the airport or its tenants, concessionaires, or licensees, or which are for use by a public hospital for the provision of such telecommunications services.

Section 34. Subsection (8) of section 290.007, Florida Statutes, is amended to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(8) Notwithstanding any law to the contrary, the Public Service Commission may allow public utilities and telecommunications companies to grant discounts of up to 50 percent on tariffed rates for services to

small businesses located in an enterprise zone designated pursuant to s. 290.0065. Such discounts may be granted for a period not to exceed 5 years. For purposes of this subsection, the term “public utility” has the same meaning as in s. 366.02(1) and the term “telecommunications company” has the same meaning as in s. 364.02(13) ~~s. 364.02(14)~~.

Section 35. Subsection (3) of section 350.0605, Florida Statutes, is amended to read:

350.0605 Former commissioners and employees; representation of clients before commission.—

(3) For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity which, directly or indirectly, owns or controls a public utility regulated by the commission, from a public utility regulated by the commission, from a business entity which, directly or indirectly, is an affiliate or subsidiary of a public utility regulated by the commission or is an actual business competitor of a local exchange company or public utility regulated by the commission and is otherwise exempt from regulation by the commission under ss. 364.02(13) ~~364.02(14)~~ and 366.02(1), or from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member’s termination of service on the commission. This subsection applies only to members of the Florida Public Service Commission who are appointed or reappointed after May 10, 1993.

Section 36. Subsection (4) of section 364.602, Florida Statutes, is amended to read:

364.602 Definitions.—For purposes of this part:

(4) “Originating party” means any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term “originating party” does not include any entity specifically exempted from the definition of “telecommunications company” as provided in s. 364.02(13) ~~s. 364.02(14)~~.

Section 37. Subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including special gas districts as defined in chapter 189, telecommunications companies as defined in s. 364.02(13) ~~s. 364.02(14)~~, and natural gas transmission companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term “incidental to their business” for purposes of this subsection.

Section 38. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; amending s. 120.80, F.S.; providing that requirements relating to rulemaking and statements of estimated regulatory costs do not apply to the adjustment of tolls; amending s. 338.26, F.S.; requiring that excess funds generated from Alligator Alley tolls be used to develop and operate a fire station to provide fire, rescue, and emergency management services in adjacent counties along Alligator Alley; repealing s. 343.805(6), F.S., relating to the definition of the term “lease-purchase agreement” as it relates to the Northwest Florida Transportation Corridor Authority and the Department of Transportation; amending s. 343.835, F.S.; deleting references to lease-purchase agreements; amending s. 343.836, F.S.; deleting references to lease-purchase agreements in remedies to bondholders as they relate to the U.S. 98 Corridor System; repealing s. 343.837, F.S., relating to lease-purchase agreements that provide for the leasing of the U.S. 98 Corridor System to the Department of Transportation; repealing s. 343.885, F.S., relating to the enforceability of pledges by bondholders; repealing s. 343.91(1)(h), F.S., relating to the definition of the term “lease-purchase agreement” as it relates to the Tampa Bay Area Regional Transportation Authority and the Department of Transportation;

amending s. 343.94, F.S.; deleting references to lease-purchase agreements; amending s. 343.944, F.S.; deleting references to lease-purchase agreements in remedies to bondholders as they relate to the Tampa Bay Area Regional Transportation Authority; repealing s. 343.945, F.S., relating to the enforceability of pledges to the Tampa Bay Area Regional Transportation Authority; repealing s. 343.946, F.S., relating to lease-purchase agreements that provide for the leasing of projects of the Tampa Bay Area Regional Transportation Authority to the Department of Transportation; repealing s. 348.0002(11), F.S., relating to the definition of the term “lease-purchase agreement” as it relates to expressway authorities and the Department of Transportation; amending s. 348.0004, F.S.; authorizing authorities created pursuant to the Florida Expressway Authority Act to own expressway systems; deleting the power of such authorities to lease such systems; deleting obsolete provisions; amending s. 348.0005, F.S.; deleting a reference to the Department of Transportation to conform to changes made by the act; repealing s. 348.0006, F.S., which provides for lease-purchase agreements in the Florida Expressway Authority Act; repealing part II of ch. 348, F.S., which provides for the creation and operation of the Brevard County Expressway Authority; repealing part III of ch. 348, F.S., which provides for the creation and operation of the Pasco County Expressway Authority; repealing part VII of ch. 348, F.S., which provides for the creation and operation of the St. Lucie County Expressway and Bridge Authority; repealing part VIII of ch. 348, F.S., which provides for the creation and operation of the Seminole County Expressway Authority; repealing part X of ch. 348, F.S., which provides for the creation and operation of the Southwest Florida Expressway Authority; repealing s. 348.9955, F.S., relating to the power of the Osceola Expressway Authority to enter into lease-purchase agreements with the Department of Transportation; repealing s. 349.02(1)(d), F.S., relating to the definition of the term “lease-purchase agreement” as it relates to the Jacksonville Transportation Authority and the Department of Transportation; amending s. 349.04, F.S.; deleting the authority of the Jacksonville Transportation Authority to enter lease-purchase agreements; amending s. 349.05, F.S.; deleting authorization for lease-purchase agreements in bond agreements of the Jacksonville Transportation Authority; repealing s. 349.07, F.S., relating to lease-purchase agreements that provide for the leasing of the Jacksonville Expressway System to the Department of Transportation; amending s. 349.15, F.S.; deleting certain bond authority of the department; amending s. 364.02, F.S.; revising definitions; providing legislative intent; providing that any purchase of new equipment, machinery, or other inventory by state agencies as a result damage caused by fire, smoke, water, or any incident be limited to purchases that are absolutely necessary and are irreparable; requiring that all state agencies develop and adopt assessment protocols for evaluating and determining whether equipment, machinery, or other inventory needs repair or restored; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing an effective date.

On motion by Senator Gaetz, the Conference Committee Report on **SB 2152** was adopted. **SB 2152** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Jones	Sachs
Dean	Latvala	Simmons
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—5

Braynon	Hill	Smith
Dockery	Siplin	

Vote after roll call:

Nay—Joyner

By direction of the President the following Conference Committee Report was read:

#### CONFERENCE COMMITTEE REPORT ON SB 2156

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2156, same being:

An act relating to Governmental Reorganization.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Joe Negron, At Large*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

*s/ Thad Altman*  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Chair  
Gary Aubuchon, At Large  
*s/ Dorothy L. Hukill, At Large*  
*s/ Paige Kreegel, At Large*  
*s/ Seth McKeel, At Large*  
*s/ Darryl Ervin Rouson, At Large*  
Franklin Sands, At Large  
Robert C. "Rob" Schenck, At Large  
Will W. Weatherford, At Large

*s/ John Legg*  
Lead House Manager  
Charles S. "Chuck" Chestnut IV,  
At Large  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ William L. "Bill" Proctor,*  
At Large  
Ron Saunders, At Large  
*s/ William D. Snyder, At Large*

Managers on the part of the House

The Conference Committee Amendment for SB 2156, 2nd Eng., relating to governmental reorganization, provides for the following:

#### 1. REORGANIZATION

- a. Creates the Department of Economic Opportunity (DEO):
  - Agency head, known as the "executive director," appointed by the Governor and confirmed by the Senate.

- Transfers the Office of Tourism, Trade and Economic Development (OTTED), portions of the Department of Community Affairs (DCA), and portions of the Agency for Workforce Innovation (AWI) workforce functions to the new agency, effective October 1, 2011.

- The Ready to Work program is transferred from the Department of Education (DOE) to the Department of Economic Opportunity.

- b. Transfers the AWI Office of Early Learning to the Department of Education as a separate entity:

- Director of the office appointed by the Governor, and confirmed by the Senate.

- DOE may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten (VPK).

- Auditor General to review programs and delivery systems (including early learning coalitions) by December 31, 2011.

- c. Consolidates public-private economic development partnerships:

- Enterprise Florida, Inc., (EFI) President, known as the "Secretary of Commerce," is appointed by and serves at the pleasure of the Governor.

- EFI board remains largely as it is under current law, however new language requires certain private-sector representation (e.g., space, tourism, etc).

- Space Florida retains special district status under the direction of appointed EFI board members.

- VISIT Florida direct support organization is retained under contract with the EFI Board.

- Black Business Investment Board (BBIB) and Florida Sports Foundation are merged into EFI, and related divisions are created in EFI.

- Matching requirements for EFI and VISIT Florida (1-to-1 match) remain as required under current law.

- Workforce Florida, Inc., maintains independent status as currently provided in law.

- d. Other transfers:

- Florida Communities Trust and Stan Mayfield Working Waterfronts are transferred from DCA to the Department of Environmental Protection.

- Florida Building Commission is transferred from DCA to the Department of Business and Professional Regulation.

- Division of Emergency Management is transferred from DCA to the Executive Office of the Governor.

- Florida Energy and Climate Commission within the Executive Office of the Governor is transferred to the Department of Agriculture and Consumer Services.

- e. Repeals DCA, AWI, and OTTED.

#### 2. PURPOSE AND FUNCTIONS OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY

- a. Responsibilities of the department:

- Oversight and coordination of economic development, housing, growth management, community development programs, and unemployment compensation.

- Develop a single, statewide 5-year strategic plan to address the promotion of business formation, expansion, recruitment, and retention in order to create jobs for all regions of the state. The

plan must address economic development, marketing and infrastructure development for rural communities.

- Submit an annual report on the condition of the business climate and economic development in the state, with assistance from EFI and WFI.
  - Manage the activities of the public-private partnerships.
  - Establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., VISIT Florida, and Space Florida and report annually on how these performance measures are being met.
- b. Streamlined incentive process:
- Incentives for economic development projects must be approved or denied within 10 days of submitting an application to the department.
  - The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.
  - Quick Action Closing Fund projects require recommendation to the Governor in 7 days. In addition, the Governor can approve projects under \$2 million. Projects ranging from \$2 million - \$5 million require notification to the chairs and vice chairs of the Legislative Budget Commission (LBC). Projects totaling more than \$5 million must be approved by the LBC.
- c. Business plan required by September 1, 2011, in conjunction with EFI, must outline:
- Strategies to be used by department and EFI for business recruitment and expansion.
  - Benchmarks related to: business recruitment, business expansion, number of jobs created or retained.
  - Tools, financial and otherwise, needed to achieve benchmarks, and timeframes necessary to achieve standards.
  - By Jan. 1, 2012, the department must make recommendations for any further reorganization and streamlining of economic development and workforce functions.

### **3. PURPOSE AND FUNCTIONS OF ENTERPRISE FLORIDA, INC.**

- a. Responsibilities of EFI:
- Must enter a performance-based contract with the Department of Economic Opportunity.
  - Acts as primary economic agency for the state; chief negotiator for business recruitment and business expansion.
  - Increase private investment in Florida.
  - Advance international and domestic trade opportunities.
  - Market the state as a pro-business location for new investment and as a tourist destination.
  - Revitalize Florida's space and aerospace industries.
  - Promote opportunities for minority-owned businesses.
  - Assist and market professional and amateur sports teams and sporting events.
  - Assist and promote economic opportunities in rural and urban communities.
- b. Annual incentive report must include:
- Description of incentive programs.
  - Amount of awards granted, by year, since inception.

- Economic benefits including actual amount of private capital invested, actual number of jobs created, actual wages paid for incentive agreements, annual average wage.
- The number of applications submitted, and the number of projects approved and denied by the department.
- Federal and local incentives provided.
- The number of projects that did not fulfill the terms of their agreements and consequently did not receive incentives.
- Trends related to usage of the various incentives, including the number of minority-owned businesses receiving incentives.

### **4. DEEPWATER HORIZON OIL SPILL**

- a. To address the negative economic impacts of the Deepwater Horizon oil spill:
- Defines the following counties as "disproportionally affected counties" and waives job, wage, and other requirements for businesses seeking economic development incentives in these counties: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla.
  - Provides that during a state of emergency permits are tolled and an additional 6 months is added to existing permits.
  - Creates the Commission on Oil Spill Response Coordination (expires Sept. 2012).
  - Appropriates \$10 million per year for three fiscal years to develop and implement an economic strategic plan in counties designated as disproportionately affected.
  - Directs how funds received by the state for damages caused by the Deepwater Horizon oil spill may be directed.

### **5. STATE ECONOMIC ENHANCEMENT AND DEVELOPMENT (SEED) TRUST FUND (HB 7205 creates the SEED Trust Fund within the Department of Economic Opportunity)**

- a. This bill provides:
- Effective July 1, 2012, redirects a total of \$75 million from documentary stamp tax revenues, currently dedicated to affordable housing trust funds, into the SEED Trust Fund.
  - Effective July 1, 2012, begins redirecting from documentary stamp tax revenues currently dedicated to the State Transportation Trust Fund (STTF) into the SEED Trust Fund. In order to lessen the impacts to the Florida Department of Transportation (FDOT) Work Program, the bill phases-in the amounts to be redirected as follows: \$50 million for Fiscal Year 2012-13; \$65 million for Fiscal Year 2013-14; and \$75 million for Fiscal Year 2014-15 and subsequent years.
  - The above-mentioned funds are to be appropriated annually in the General Appropriations Act.
  - The affordable housing trust funds are maintained as in current law.

### **6. FLORIDA ENERGY AND CLIMATE COMMISSION PROVISIONS**

- a. Provides for transfer of the powers, duties, and functions of the Florida Energy and Climate Commission within the Governor's Office to the Department of Agriculture and Consumer Services and abolishes the Commission.
- b. Transfers the duties of petroleum allocation from the Commission to the Division of Emergency Management.
- c. Transfers energy emergency contingency plans to the Division of Emergency Management.
- d. Requires the Department of Management Services to coordinate the energy conservation programs of all state agencies.

- e. Transfers administration of the Coastal Energy Impact Program to the Department of Environmental Protection.

**Conference Committee Amendment (416468)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *Type two transfers from the Agency for Workforce Innovation.*—

(1) *All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Agency for Workforce Innovation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:*

(a) *The Office of Early Learning Services, including all related policies and procedures, is transferred to the Department of Education.*

(b) *The Office of Unemployment Compensation is transferred to the Department of Economic Opportunity.*

(c) *The Unemployment Appeals Commission is transferred to the Department of Economic Opportunity.*

(d) *The Office of Workforce Services is transferred to the Department of Economic Opportunity.*

(2) *The following trust funds are transferred:*

(a) *From the Agency for Workforce Innovation to the Department of Education, the Child Care and Development Block Grant Trust Fund.*

(b) *From the Agency for Workforce Innovation to the Department of Economic Opportunity:*

1. *The Administrative Trust Fund.*
2. *The Employment Security Administration Trust Fund.*
3. *The Special Employment Security Administration Trust Fund.*
4. *The Unemployment Compensation Benefit Trust Fund.*
5. *The Unemployment Compensation Clearing Trust Fund.*
6. *The Revolving Trust Fund.*
7. *The Welfare Transition Trust Fund.*
8. *The Displaced Homemaker Trust Fund.*

(3) *Any binding contract or interagency agreement existing before October 1, 2011, between the Agency for Workforce Innovation, or an entity or agent of the agency, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.*

(4) *All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Agency for Workforce Innovation which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.*

Section 2. *Before December 31, 2011, the Auditor General shall conduct a financial and performance audit, as defined in s. 11.45, Florida Statutes, of the Office of Early Learning Services' programs and related delivery systems.*

Section 3. *Type two transfers from the Department of Community Affairs.*—

(1) *All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended*

*balances of appropriations, allocations, and other funds relating to the following programs in the Department of Community Affairs are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:*

(a) *The Florida Housing Finance Corporation is transferred to the Department of Economic Opportunity.*

(b) *The Division of Housing and Community Development is transferred to the Department of Economic Opportunity.*

(c) *The Division of Community Planning is transferred to the Department of Economic Opportunity.*

(d) *The Division of Emergency Management is transferred to the Executive Office of the Governor.*

(e) *The Florida Building Commission is transferred to the Department of Business and Professional Regulation.*

(f) *The responsibilities under the Florida Communities Trust, part III of chapter 380, Florida Statutes, are transferred to the Department of Environmental Protection.*

(g) *The responsibilities under the Stan Mayfield Working Waterfronts program authorized in s. 380.5105, Florida Statutes, are transferred to the Department of Environmental Protection.*

(2) *The following trust funds are transferred:*

(a) *From the Department of Community Affairs to the Department of Economic Opportunity:*

1. *The State Housing Trust Fund.*
2. *The Community Services Block Grant Trust Fund.*
3. *The Local Government Housing Trust Fund.*
4. *The Florida Small Cities Community Development Block Grant Trust Fund.*
5. *The Federal Grants Trust Fund.*
6. *The Grants and Donations Trust Fund.*
7. *The Energy Consumption Trust Fund.*
8. *The Low-Income Home Energy Assistance Trust Fund.*

(b) *From the Department of Community Affairs to the Executive Office of the Governor:*

1. *The Emergency Management Preparedness and Assistance Trust Fund.*
2. *The Federal Emergency Management Programs Support Trust Fund.*
3. *The U.S. Contributions Trust Fund.*
4. *The Operating Trust Fund.*
5. *The Administrative Trust Fund.*

(c) *From the Department of Community Affairs to the Department of Environmental Protection:*

1. *The Florida Forever Program Trust Fund.*
2. *The Florida Communities Trust Fund.*

(3) *Any binding contract or interagency agreement existing before October 1, 2011, between the Department of Community Affairs or Division of Emergency Management, or an entity or agent of the department or division, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.*

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Department of Community Affairs which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 4. Type two transfers from Executive Office of the Governor.—

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

(2) The following trust funds are transferred from the Executive Office of the Governor to the Department of Economic Opportunity:

- (a) The Economic Development Trust Fund.
- (b) The Economic Development Transportation Trust Fund.
- (c) The Tourism Promotional Trust Fund.
- (d) The Professional Sports Development Trust Fund.
- (e) The Florida International Trade and Promotion Trust Fund.

(3) Any binding contract or interagency agreement existing before October 1, 2011, between the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor, or an entity or agent of the office, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.

(4) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor which are not specifically transferred by this section are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 5. All powers, duties, functions, records, pending issues, existing contracts, and unexpended balances of appropriations, allocations, and other funds relating to the Ready to Work program within the Department of Education are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Economic Opportunity.

Section 6. (1) It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs all applicable units of state government to contribute to the successful implementation of this act, and the Legislature believes that a transition period between the effective date of this act and October 1, 2011, is appropriate and warranted.

(2) The Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall each coordinate the development and implementation of a transition plan that supports the implementation of this act. Any state agency identified by the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education or the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary to implement the plan.

(3)(a) The director of the Agency for Workforce Innovation, the Secretary of the Department of Community Affairs, the commissioner of the Department of Education, and the director of the Office of Tourism,

Trade, and Economic Development in the Executive Office of the Governor shall each designate a transition coordinator to serve as the primary representative on matters related to implementing this act and the transition plans required under this section.

(b) The Governor shall designate a transition coordinator to serve as the Governor's primary representative on matters related to implementing this act, implementation of the transition plans developed pursuant to this section, and coordinator of the transition activities of the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development.

(4) The transition coordinators designated under subsection (3) shall submit a joint progress report by August 15, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, and any difficulties experienced by the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, or the Office of Tourism, Trade, and Economic Development in securing the full participation and cooperation of applicable state agencies. Each representative shall also coordinate the submission of any budget amendments, in accordance with chapter 216, Florida Statutes, which may be necessary to implement this act.

(5) Notwithstanding ss. 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this act.

(6) Upon the recommendation and guidance of transition coordinators designated in subsection (3), the Governor shall submit in a timely manner to the applicable federal departments or agencies any necessary amendments or supplemental information concerning plans that the state is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(7) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the successor organization to any program, activity, duty, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, duty, or function immediately prior to the transfer.

Section 7. (1) The nonprofit corporations established in ss. 288.1229 and 288.707, Florida Statutes, are merged into and transferred to Enterprise Florida, Inc.

(2) The Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., must enter into a plan to merge into Enterprise Florida, Inc. Such merger must be completed by December 31, 2011. The merger is subject to chapter 617, Florida Statutes, related to the merger of nonprofit corporations.

(3) The nonprofit corporation established in s. 288.1226, Florida Statutes, shall be the direct-support organization for Enterprise Florida, Inc. The Florida Tourism Industry Marketing Corporation and Enterprise Florida, Inc., must establish a plan to transfer the contractual relationship with the Florida Commission on Tourism to Enterprise Florida, Inc., by December 31, 2011.

(4) It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs that notwithstanding the changes made by this act, the Florida Sports Foundation Incorporated, and the Florida Black Business Investment Board, Inc., may continue with such powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts as provided in Florida Statutes 2010 until December 31, 2011. The Legislature believes that a transition period between the effective date of this act and December 31, 2011, is appropriate and warranted.

(5) The Governor shall designate a transition coordinator to serve as the Governor's primary representative on matters related to implementing this act for the merger of the Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., into, Enterprise Florida, Inc., the transition of the direct-support activities of the Florida Tourism Industry Marketing Corporation for the benefit of Enterprise Florida, Inc., and the transition plans required under this section. The Governor's transition coordinator shall submit a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, and any difficulties experienced by the entities. The transition coordinator shall also coordinate the submission of any budget amendments, pursuant to chapter 216, Florida Statutes, which may be necessary to implement this act.

(6) Any funds held in trust which were donated to or earned by the Florida Sports Foundation Incorporated and the Florida Black Business Investment Board, Inc., while previously organized as a corporation under chapter 617, Florida Statutes, shall be transferred to Enterprise Florida, Inc., to be used by the relevant division for the original purposes of the funds.

(7) Upon the recommendation and guidance of the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation, the Florida Black Business Investment Board, Inc., or Space Florida, the Governor shall submit in a timely manner to the applicable Federal departments or agencies any necessary amendments or supplemental information concerning plans which the state or one of the entities is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(8) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Except as otherwise provided by law, Enterprise Florida, Inc., shall become the custodian of any property of the Florida Sports Foundation, Inc., and the Florida Black Business Investment Board, Inc., on the date specified in the plan of merger or December 31, 2011, whichever occurs first.

(9) The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who was employed by the Florida Black Business Investment Board, Inc., under a previous lease agreement under s. 288.708(2), Florida Statutes 2010. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System and shall continue until the employee voluntarily or involuntarily terminates his or her status with Enterprise Florida, Inc. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 8. (1) By September 1, 2011, the Department of Economic Opportunity, or its predecessor agencies, in conjunction with Enterprise Florida, Inc., or any predecessor public-private partnerships, and Workforce Florida, Inc., must prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a business plan for the use of the economic development incentive funds administered by the department and Enterprise Florida, Inc., beginning October 1, 2011. Additionally, the plan should include any plans for attracting out-of-state industries to Florida, promoting the expansion of existing industries in this state, and encouraging the creation of businesses in this state by Florida residents. At a minimum, the business plan should include:

(a) Strategies to be used by the department and Enterprise Florida, Inc., to recruit out-of-state companies, promote existing businesses to expand, and encourage the creation of new businesses;

(b) Benchmarks related to:

1. Out-of-state business recruitment and in-state business creation and expansion by the department and Enterprise Florida, Inc.;

2. The numbers of jobs created or retained through the efforts of the department and Enterprise Florida, Inc.; and

3. The number of new international trade clients and new international sales, including a projected amount of contracts for Florida-based goods or services;

(c) The minimum amount of annual financial resources the department and Enterprise Florida, Inc., project will be necessary to achieve the benchmarks;

(d) The tools, financial and otherwise, necessary to achieve the benchmarks; and

(e) Time-frames to achieve the benchmarks.

(2) By January 1, 2012, the Department of Economic Opportunity shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with recommendations for further reorganization and streamlining of economic development and workforce functions that improve the effectiveness and operation of economic development and workforce programs.

Section 9. Agency review; Department of Economic Opportunity.—

(1) Not later than July 1, 2016, the Department of Economic Opportunity shall provide the Legislature with a report on the department and Enterprise Florida, Inc., which includes:

(a) The performance measures for each program and activity as defined in s. 216.011 and 3 years of data for each measure which provides actual results for the immediately preceding 2 years and projected results for the fiscal year that begins in the year that the agency report is scheduled to be submitted to the Legislature.

(b) An explanation of factors that have contributed to any failure to achieve the legislative standards.

(c) The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency.

(d) The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency.

(e) The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for small and minority-owned businesses.

(f) A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved.

(g) An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies.

(h) An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public.

(i) An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities.

(j) The process by which an agency actively measures quality and efficiency of services it provides to the public.

(k) The extent to which the agency complies with public records and public meetings requirements under chapters 119 and 286 and s. 24, Art. I of the State Constitution.

(l) The extent to which alternative program delivery options, such as privatization, outsourcing, or insourcing, have been considered to reduce costs or improve services to state residents.

(m) Recommendations to the Legislature for statutory, budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public, reduce costs, or reduce duplication.

(n) The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished.

(o) A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee.

(p) Agency programs or functions that are performed without specific statutory authority.

(q) Other information requested by the Legislature.

(2) Information and data reported by the agency shall be validated by its agency head and inspector general before submission to the Legislature.

(3) The Office of Program Policy Analysis and Government Accountability shall review the department and Enterprise Florida, Inc. The review shall include an examination of the cost of each program, an evaluation of best practices and alternatives that would result in the administration of the department in a more efficient or effective manner, an examination of the viability of privatization or a different state agency performing the functions, and an evaluation of the cost and consequences of discontinuing the agency. The review shall be comprehensive in scope and shall consider the information provided by the department report in addition to information deemed necessary by the office and the appropriate legislative committees. The Office of Program Policy Analysis and Government Accountability shall include in the report recommendations for consideration by the Legislature and shall submit the report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2016.

Section 10. The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act and that there is a need to resolve apparent conflicts between any other legislation that has been or may be enacted during the 2011 Regular Session of the Legislature and the transfer of duties made by this act. Therefore, in the interim between this act becoming law and the 2012 Regular Session of the Legislature or an earlier special session addressing this issue, the Division of Statutory Revision shall provide the relevant substantive committees of the Senate and the House of Representatives with assistance, upon request, to enable such committees to prepare draft legislation to conform the Florida Statutes and any legislation enacted during 2011 to the provisions of this act.

Section 11. Section 14.2016, Florida Statutes, is created to read:

14.2016 Division of Emergency Management.—The Division of Emergency Management is established within the Executive Office of the Governor. The division shall be a separate budget entity, as provided in the General Appropriations Act and shall prepare and submit a budget request in accordance with chapter 216. The division shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under part I of chapter 252. The director of the division shall be appointed by and serve at the pleasure of the Governor, and shall be the head of the division for all purposes. The division shall administer programs to rapidly apply all available aid to communities stricken by an emergency as defined in s. 252.34 and, for this purpose, shall provide liaison with federal agencies and other public and private agencies.

Section 12. Paragraph (h) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(h) The Office of Early Learning, which shall administer the school readiness system in accordance with s. 411.01 and the operational requirements of the Voluntary Prekindergarten Education Program in ac-

cordance with part V of chapter 1002. The office is a separate budget entity and is not subject to control, supervision, or direction by the Department of Education or the State Board of Education in any manner including, but not limited to, personnel, purchasing, transactions involving personal property, and budgetary matters. The office director shall be appointed by the Governor and confirmed by the Senate, shall serve at the pleasure of the Governor, and shall be the agency head of the office for all purposes. The office shall enter into a service agreement with the department for professional, technological, and administrative support services. The office shall be subject to review and oversight by the Chief Inspector General or his or her designee.

Section 13. Section 20.60, Florida Statutes, is created to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(1) There is created the Department of Economic Opportunity.

(2) The head of the department is the executive director, who shall be appointed by the Governor, subject to confirmation by the Senate. The executive director shall serve at the pleasure of and report to the Governor.

(3) The following divisions of the Department of Economic Opportunity are established:

(a) The Division of Strategic Business Development.

(b) The Division of Community Development.

(c) The Division of Workforce Services.

(d) The Division of Finance and Administration.

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. To accomplish such purposes, the department shall:

(a) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in this state, to recruit business from around the world, and to facilitate other job-creating efforts.

(b) Recruit new businesses to this state and promote the expansion of existing businesses by expediting permitting and location decisions, worker placement and training, and incentive awards.

(c) Promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.

(d) Ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; commercialization of products, services, or ideas developed in public universities or other public institutions; and the development and promotion of professional and amateur sporting events.

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(a) The Division of Strategic Business Development shall:

1. Analyze and evaluate business prospects identified by the Governor, the executive director of the department, and Enterprise Florida, Inc.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

4. Develop a 5-year statewide strategic plan. The strategic plan must include, but need not be limited to:

a. Strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development, and export assistance, which lead to more and better jobs and higher wages for all geographic regions, disadvantaged communities, and populations of the state, including rural areas, minority businesses, and urban core areas.

b. The development of realistic policies and programs to further the economic diversity of the state, its regions, and their associated industrial clusters.

c. Specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state, including strategies for rural marketing and the development of infrastructure in rural areas.

d. Provisions for the promotion of the successful long-term economic development of the state with increased emphasis in market research and information.

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which result in reverse investment in the state, including programs that establish viable overseas markets, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs that assure requisite skills and competencies necessary to compete successfully in the global marketplace.

f. The identification of business sectors that are of current or future importance to the state's economy and to the state's global business image, and development of specific strategies to promote the development of such sectors.

g. Strategies for talent development necessary in the state to encourage economic development growth, taking into account factors such as the state's talent supply chain, education and training opportunities, and available workforce.

5. Update the strategic plan every 5 years.

6. Involve Enterprise Florida, Inc.; Workforce Florida, Inc.; local governments; the general public; local and regional economic development organizations; other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with the strategic plan.

(b) The Division of Community Development shall:

1. Assist local governments and their communities in finding creative planning solutions to help them foster vibrant, healthy communities, while protecting the functions of important state resources and facilities.

2. Administer state and federal grant programs as provided by law to provide community development and project planning activities to maintain viable communities, revitalize existing communities, and expand economic development and employment opportunities, including:

a. The Community Services Block Grant Program.

b. The Community Development Block Grant Program in chapter 290.

c. The Low-Income Home Energy Assistance Program in chapter 409.

d. The Weatherization Assistance Program in chapter 409.

e. The Neighborhood Stabilization Program.

f. The local comprehensive planning process and the development of regional impact process.

g. The Front Porch Florida Initiative through the Office of Urban Opportunity, which is created within the division. The purpose of the office is to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that enables urban core residents to craft solutions to the unique challenges of each designated community.

3. Assist in developing the 5-year statewide strategic plan required by this section.

(c) The Division of Workforce Services shall:

1. Prepare and submit a unified budget request for workforce in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board.

2. Ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to regional workforce boards shall emanate from the Department of Economic Opportunity pursuant to plans and policies of Workforce Florida, Inc., which shall be responsible for all policy directions to the regional workforce boards.

b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Department of Economic Opportunity shall apply.

3. Implement the state's unemployment compensation program. The Department of Economic Opportunity shall ensure that the state appropriately administers the unemployment compensation program pursuant to state and federal law.

4. Assist in developing the 5-year statewide strategic plan required by this section.

(6)(a) The Department of Economic Opportunity is the administrative agency designated for receipt of federal workforce development grants and other federal funds. The department shall administer the duties and responsibilities assigned by the Governor under each federal grant assigned to the department. The department shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The department may serve as the contract administrator for contracts entered into by Workforce Florida, Inc., pursuant to s. 445.004(5), as directed by Workforce Florida, Inc.

(b) The Department of Economic Opportunity shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The department shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The department shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disburse such grants pursuant to the plans and policies of Workforce Florida, Inc. The executive director may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to the department. Notwithstanding other provision of law, the department shall administer other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

(7) *The department may provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services.*

(8) *The Unemployment Appeals Commission, authorized by s. 443.012, is not subject to control, supervision, or direction by the department in the performance of its powers and duties but shall receive any and all support and assistance from the department which is required for the performance of its duties.*

(9) *The executive director shall:*

(a) *Manage all activities and responsibilities of the department.*

(b) *Serve as the manager for the state with respect to contracts with Enterprise Florida, Inc., the Institute for the Commercialization of Public Research, and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the director shall enter into specific contracts with Enterprise Florida, Inc., the Institute for the Commercialization of Public Research, and other appropriate direct-support organizations. Such contracts may be for multiyear terms and shall include specific performance measures for each year. For purposes of this section, the Florida Tourism Industry Marketing Corporation is not an appropriate direct-support organization.*

(10) *The department, with assistance from Enterprise Florida, Inc., shall, by January 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the condition of the business climate and economic development in the state. The report shall include the identification of problems and a prioritized list of recommendations.*

(11) *The department shall establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., the Florida Tourism Industry Marketing Corporation, and Space Florida and report annually on how these performance measures are being met in the annual report required under subsection (10).*

(12) *The department shall have an official seal by which its records, orders, and proceedings are authenticated. The seal shall be judicially noticed.*

(13) *The department shall administer the role of state government under part I of chapter 421, relating to public housing, chapter 422, relating to housing cooperation law, and chapter 423, tax exemption of housing authorities. The department is the agency of state government responsible for the state's role in housing and urban development.*

Section 14. Present subsection (3) is renumbered as subsection (4), and a new subsection (3) is added to section 14.32, Florida Statutes, to read:

14.32 Office of Chief Inspector General.—

(3) *Related to public-private partnerships, the Chief Inspector General:*

(a) *Shall advise public-private partnerships, including Enterprise Florida, Inc., in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.*

(b) *May conduct, direct, and supervise audits relating to the programs and operations of public-private partnerships.*

(c) *Shall receive and investigate complaints of fraud, abuses, and deficiencies relating to programs and operations of public-private partnerships.*

(d) *May request and have access to any records, data, and other information in the possession of public-private partnerships which the Chief Inspector General deems necessary to carry out his or her responsibilities with respect to accountability.*

(e) *Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the department and report non-compliance to the Governor.*

(f) *Shall advise public-private partnerships in the development, utilization, and improvement of performance measures for the evaluation of their operations.*

(g) *Shall review and make recommendations for improvements in the actions taken by public-private partnerships to meet performance standards.*

Section 15. Paragraph (c) of subsection (1), and subsections (9) and (10) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or \$541.75 million in each fiscal year. *Out of such funds, the first \$50 million for the 2012-2013 fiscal year; \$65 million for the 2013-2014 fiscal year; and \$75 million for the 2014-2015 fiscal year and all subsequent years, shall be transferred to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder is, to be used for the following specified purposes, notwithstanding any other law to the contrary:*

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first \$60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of Economic Opportunity ~~Community Affairs~~ in the amount of the lesser of .23 percent of the remainder or \$3.25 million in each fiscal year to fund technical assistance to local governments and school boards on the requirements and implementation of this act.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to

fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(9) ~~Seven and fifty-three hundredths~~ ~~The lesser of 7.53 percent of the remaining taxes or \$107 million~~ in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. ~~Out of such funds, beginning in the 2012-2013 fiscal year, the first \$35 million shall be transferred annually, subject to any distribution required under subsection (15), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be and~~ used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) ~~Eight and sixty-six hundredths~~ ~~The lesser of 8.66 percent of the remaining taxes or \$126 million~~ in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. ~~Out of such funds, beginning in the 2012-2013 fiscal year, the first \$40 million shall be transferred annually, subject to any distribution required under subsection (15), to the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be and~~ used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Economic Opportunity ~~Community Affairs~~ and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

Section 16. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

~~(1) There is created~~ A Hurricane Loss Mitigation Program ~~is established in the Division of Emergency Management.~~

(1) The Legislature shall annually appropriate \$10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the ~~division Department of Community Affairs~~ for the purposes set forth in this section. ~~Of the amount:~~

~~(2)(a)~~ Seven million dollars in funds ~~provided in subsection (1)~~ shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds ~~provided in subsection (1)~~ shall be used to retrofit existing facilities used as public hurricane shelters. ~~Each year the division shall department must~~ prioritize the use of these funds for projects included in the annual report of the ~~September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter.~~ The ~~division department~~ must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize the use of state funds.

~~(2)(3)(a)~~ Forty percent of the total appropriation in paragraph ~~(1)(a)(2)(a)~~ shall be used to inspect and improve tie-downs for mobile homes.

(b)1. ~~There is created~~ The Manufactured Housing and Mobile Home Mitigation and Enhancement Program ~~is established.~~ The program shall require the mitigation of damage to or the enhancement of homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation or enhancement must include, but need not be limited to, problems associated with weakened trusses, studs, and other structural components caused by wood rot or termite damage; site-built additions; or tie-down systems and may also address any other issues deemed appropriate by Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program shall include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

2. The program shall be a grant program that ensures that entire manufactured home communities and mobile home parks may be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this subsection.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium must be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation must reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. Rates resulting from the completion of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of s. 627.351(6)(d)1. and 2.

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.

Tallahassee Community College shall develop the programs set forth in this subsection in consultation with the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The moneys appropriated for the programs set forth in this subsection shall be distributed directly to Tallahassee Community College to be used as set forth in this subsection.

~~(3)(4)~~ Of moneys provided to the ~~division Department of Community Affairs~~ in paragraph ~~(1)(a)(2)(a)~~, 10 percent shall be allocated to the Florida International University center dedicated to hurricane research. The center shall develop a preliminary work plan approved by the advisory council set forth in subsection ~~(4)(5)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the ~~division Department of Community Affairs~~ and assist the ~~division department~~ with the report required under subsection ~~(6)(7)~~.

~~(4)(5)~~ Except for the programs set forth in subsection ~~(3)(4)~~, the ~~division Department of Community Affairs~~ shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, and a representative designated by the Florida Association of Counties, ~~and~~ a representative designated by the Florida Manufactured

Housing Association, and a representative designated by the Florida Building Commission.

~~(5)(6)~~ Moneys provided to the ~~division~~ Department of Community Affairs under this section are intended to supplement, *not supplant*, the ~~division's~~ other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

~~(6)(7)~~ On January 1st of each year, the ~~division~~ Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. Upon completion of the report, the ~~division~~ Department of Community Affairs shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make ~~such~~ the recommendations within 1 year after receiving the report.

~~(8)(a)~~ Notwithstanding any other provision of this section and for the 2010-2011 fiscal year only, the \$3 million appropriation provided for in paragraph ~~(2)(b)~~ may be used for hurricane shelters as identified in the General Appropriations Act.

~~(b)~~ This subsection expires June 30, 2011.

~~(7)(9)~~ This section is repealed June 30, 2021 ~~2011~~.

Section 17. Section 288.005, Florida Statutes, is created to read:

288.005 *Definitions.—As used in this chapter, the term:*

(1) “Economic benefits” means the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment. The state’s investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

(2) “Department” means the Department of Economic Opportunity.

(3) “Executive director” means the executive director of the Department of Economic Opportunity, unless otherwise stated.

Section 18. Section 288.061, Florida Statutes, is amended to read:

288.061 Economic development incentive application process.—

(1) ~~Within 10 business days after~~ Upon receiving a submitted economic development incentive application, ~~the Division of Strategic Business Development of the Department of Economic Opportunity and designated staff of~~ Enterprise Florida, Inc., shall review the application to ensure that ~~the~~ and inform the applicant business whether or not its application is complete, whether and what type of state and local permits may be necessary for the applicant’s project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant. The department shall recommend to the executive director to approve or disapprove an applicant business. If review of the application demonstrates that the application is incomplete, the executive director shall notify the applicant business within the first 5 business days after receiving the application. ~~Within 10 business days after the application is deemed complete, Enterprise Florida, Inc., shall evaluate the application and recommend approval or disapproval of the application to the director of the Office of Tourism, Trade, and Economic Development. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include in its evaluation a recommended grant award amount and a review of the applicant’s ability to meet specific program criteria.~~

(2) Within 10 business ~~10 calendar~~ days after the department receives the submitted economic development incentive application, the executive director shall approve or disapprove the application and the Office of Tourism, Trade, and Economic Development receives the evaluation and recommendation from Enterprise Florida, Inc., the Office shall notify Enterprise Florida, Inc., whether or not the application is reviewable. Within 22 calendar days after the Office receives the recommendation from Enterprise Florida, Inc., the director of the Office shall review the

application and issue a letter of certification to the applicant ~~which that approves or disapproves an applicant business and~~ includes a justification of that decision, unless the business requests an extension of that time.

(a) The contract or agreement with the applicant ~~final order~~ shall specify the total amount of the award, the performance conditions that must be met to obtain the award, and the schedule for payment, and sanctions that would apply for failure to meet performance conditions. The department may enter into one agreement or contract covering all of the state incentives that are being provided to the applicant. The contract must provide that release of funds is contingent upon sufficient appropriation of funds by the Legislature.

(b) The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.

(3) The department shall validate contractor performance. Such validation shall be reported in the annual incentive report required under s. 288.907.

Section 19. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~. Moneys deposited into the fund must be used only to support the authorized activities and operations of the ~~department~~ Office.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under ss. 288.1045 and 288.106, and local financial support provided under ss. 288.1045 and 288.106. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) The ~~department~~ Office of Tourism, Trade, and Economic Development may approve applications for certification pursuant to ss. 288.1045(3) and 288.106. However, the total state share of tax refund payments scheduled in all active certifications for fiscal year 2001-2002 may not exceed \$30 million. The total for each subsequent fiscal year may not exceed \$35 million.

(b) The total amount of tax refund claims approved for payment by the ~~department~~ Office of Tourism, Trade, and Economic Development based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. Claims for tax refunds under ss. 288.1045 and 288.106 shall be paid in the order the claims are approved by the ~~department~~ Office of Tourism, Trade, and Economic Development. In the event the Legislature does not appropriate an amount sufficient to satisfy the tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the ~~department~~ Office of Tourism, Trade, and Economic Development shall pay the tax refunds from the appropriation for the following fiscal year. By March 1 of each year, the ~~department~~ Office of Tourism, Trade, and Economic Development shall notify the legislative appropriations committees of the Senate and House of Representatives of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year.

(c) Pursuant to s. 288.907 ~~By December 31 of each year~~, Enterprise Florida, Inc., shall submit a complete and detailed annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development of all applications received, recommendations made to the ~~department~~ Office of Tourism, Trade, and Economic Development, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. The ~~department~~ Enterprise Florida, Inc., shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, rural communities, brownfield areas, and distressed urban communities. The report must

also discuss the efforts made by the ~~department Office of Tourism, Trade, and Economic Development~~ to amend tax refund agreements to require tax refund claims to be submitted by January 31 for the net new full-time equivalent jobs in this state as of December 31 of the preceding calendar year. The report must also list the name and tax refund amount for each business that has received a tax refund under s. 288.1045 or s. 288.106 during the preceding fiscal year. ~~The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.~~

(d) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and *make* other payments authorized under s. 288.1045, s. 288.106, or s. 288.107.

(e) ~~The department Office of Tourism, Trade, and Economic Development~~ may adopt rules necessary to carry out the provisions of this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

Section 20. Paragraph (b) of subsection (3), and subsections (1), (5), (7), and (8) of section 288.1081, Florida Statutes, are amended to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

(1) There is created within the ~~department Office of Tourism, Trade, and Economic Development~~ the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. ~~As used in this section, the term "office" means the Office of Tourism, Trade, and Economic Development.~~

(3)

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the ~~department office~~ or the loan administrator.

(5)(a) The ~~department Office~~ may designate one or more qualified entities to serve as loan administrators for the ~~pilot~~ program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.

2. Have 5 years of verifiable experience of lending to businesses in this state.

3. Submit an application to the ~~department Office~~ on forms prescribed by the ~~department Office~~. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.

(b) ~~The department Office~~, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the ~~department Office~~ may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the ~~department office~~. The grant agreement may be amended by mutual consent of both parties.

(c) The ~~department Office~~ shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The ~~department Office~~ may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the ~~department Office~~ verifies the borrowers' use of the loan proceeds and the loan administrator's successful credit decision-making policies.

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a servicing fee of 0.625 percent per annum of the loan's outstanding principal balance, payable monthly. During the first 12 months of the loan, the servicing fee shall be paid from the disbursement from the Economic Development Trust Fund, and thereafter the loan administrator shall collect the servicing fee from the payments made by the borrower, charging the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest, principal payments, and charges for late payments to the ~~department office~~ on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the ~~department office~~ but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The ~~department office~~ shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the ~~department Office~~ which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(7) The ~~department Office~~ shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. ~~To the extent necessary to expedite implementation of the pilot program, the Office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).~~

(8) On June 30 and December 31 of each year, ~~the department beginning in 2009, the Office~~ shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

Section 21. Paragraph (b) of subsection (5) and subsections (1), (2), (7), (8), and (9) of section 288.1082, Florida Statutes, are amended to read:

288.1082 Economic Gardening Technical Assistance Pilot Program.—

(1) There is created within the ~~department Office of Tourism, Trade, and Economic Development~~ the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. ~~As used in this section, the term "Office" means the Office of Tourism, Trade, and Economic Development.~~

(2) The ~~department Office~~ shall contract with one or more entities to administer the pilot program under this section. The ~~department Office~~ shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis, has an outreach plan, and has the ability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services. In selecting these entities, the ~~department Office~~ also must consider whether the entities will qualify for matching funds to provide the technical assistance.

(5)

(b) The ~~department office~~ or the contracted entity administering the pilot program may prescribe in the agreement additional reporting requirements that are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the ~~department office~~ on a quarterly basis.

(7) The ~~department Office~~ shall review the progress of the a contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. The ~~department Office~~ may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, ~~the department beginning in 2009, the Office~~ shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) The ~~department Office~~ may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 22. Section 288.901, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 288.901, F.S., for present text.)*

288.901 *Enterprise Florida, Inc.*—

(1) *CREATION.*—

(a) *There is created a nonprofit corporation, to be known as "Enterprise Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which is not a unit or entity of state government.*

(b) *The Legislature determines it is in the public interest and reflects the state's public policy that Enterprise Florida, Inc., operate in the most open and accessible manner consistent with its public purposes. To this end, the Legislature specifically declares that Enterprise Florida, Inc., and its divisions, boards, and advisory councils, or similar entities created or managed by Enterprise Florida, Inc., are subject to the provisions of chapter 119, relating to public records and those provisions of chapter 286 relating to public meetings and records.*

(c) *The Legislature determines that it is in the public interest for the members of Enterprise Florida, Inc., board of directors to be subject to the requirements of ss. 112.3135, 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. The exemption set forth in s. 112.313(12) for advisory boards applies to the members of Enterprise Florida, Inc., board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.*

(2) *PURPOSES.—Enterprise Florida, Inc., shall act as the economic-development organization for the state, utilizing private-sector and public-sector expertise in collaboration with the department to:*

(a) *Increase private investment in Florida;*

(b) *Advance international and domestic trade opportunities;*

(c) *Market the state both as a pro-business location for new investment and as an unparalleled tourist destination;*

(d) *Revitalize Florida's space and aerospace industries, and promote emerging complementary industries;*

(e) *Promote opportunities for minority-owned businesses;*

(f) *Assist and market professional and amateur sport teams and sporting events in Florida; and*

(g) *Assist, promote, and enhance economic opportunities in this state's rural and urban communities.*

(3) *PERFORMANCE.—Enterprise Florida, Inc., shall enter into a performance-based contract with the department, pursuant to s. 20.60, which includes annual measurements of the performance of Enterprise Florida, Inc.*

(4) *GOVERNANCE.—Enterprise Florida, Inc., shall be governed by a board of directors. The Governor shall serve as chairperson of the board. The board of directors shall biennially elect one of its members as vice chairperson.*

(5) *APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—*

(a) *In addition to the Governor or the Governor's designee, the board of directors shall consist of the following appointed members:*

1. *The Commissioner of Education or the commissioner's designee.*

2. *The Chief Financial Officer or his or her designee.*

3. *The chairperson of the board of directors of Workforce Florida, Inc.*

4. *The Secretary of State or the secretary's designee.*

5. *Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. All appointees are subject to Senate confirmation.*

(b) *In making their appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board of directors reflects the diversity of Florida's business community and is representative of the economic development goals in subsection (2). The board must include at least one director for each of the following areas of expertise: international business, tourism marketing, the space or aerospace industry, managing or financing a minority-owned business, manufacturing, finance and accounting, and sports marketing.*

(c) *The Governor, the President of the Senate, and the Speaker of the House of Representatives also shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Efforts shall be taken to ensure participation from all geographic areas of the state, including representation from urban and rural communities.*

(d) *Appointed members shall be appointed to 4-year terms, except that initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member to serve a 2-year term and one member to serve a 3-year term, with the remaining initial appointees serving 4-year terms. All subsequent appointments shall be for 4-year terms.*

(e) *Initial appointments must be made by October 1, 2011, and be eligible for confirmation at the earliest available Senate session. Terms end on September 30.*

(f) *Any member is eligible for reappointment, except that a member may not serve more than two terms.*

(g) *A vacancy on the board of directors shall be filled for the remainder of the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.*

(h) *Appointed members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.*

(6) **AT-LARGE MEMBERS OF THE BOARD OF DIRECTORS.—***The board of directors may by resolution appoint at-large members to the board from the private sector, each of whom may serve a term of up to 3 years. At-large members shall have the powers and duties of other members of the board. An at-large member is eligible for reappointment but may not vote on his or her own reappointment. An at-large member shall be eligible to fill vacancies occurring among private-sector appointees under subsection (5). At-large members may annually provide contributions to Enterprise Florida, Inc., in an amount determined by the board of directors. The contributions must be used to defray the operating expenses of Enterprise Florida, Inc., and help meet the required private match to the state's annual appropriation.*

(7) **EX OFFICIO BOARD MEMBERS.—***In addition to the members specified in subsections (5) and (6), the board of directors shall consist of the following ex officio members:*

(a) *A member of the Senate, who shall be appointed by the President of the Senate and serve at the pleasure of the President.*

(b) *A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.*

(8) **MEETING.—***The board of directors shall meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of current voting members shall constitute a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present.*

(9) **SERVICE.—***Members of the board of directors shall serve without compensation, but members may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.*

(10) **PROHIBITION.—***Enterprise Florida, Inc., may not endorse any candidate for any elected public office or contribute moneys to the campaign of any such candidate.*

Section 23. Section 288.9015, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 288.9015, F.S., for present text.)*

288.9015 **Powers of Enterprise Florida, Inc.; board of directors.—**

(1) *Enterprise Florida, Inc., shall integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and promoting economic opportunities for rural and distressed urban communities with those of the department, to create an aggressive, agile, and collaborative effort to reinvigorate the state's economy.*

(2) *The board of directors of Enterprise Florida, Inc., may:*

(a) *Secure funding for its programs and activities, and for its boards from federal, state, local, and private sources and from fees charged for services and published materials.*

(b) *Solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures consistent with the powers granted to it.*

(c) *Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions. A contract executed by Enterprise Florida, Inc., with a person or organization under which such person or organization agrees to perform economic development services or similar business assistance services on behalf of Enterprise Florida, Inc., or the state must include provisions requiring a performance report on the contracted activities and must account for the proper use of funds provided under the contract, coordinate with other components of state and local economic development systems, and avoid duplication of existing state and local services and activities.*

(d) *Elect or appoint such officers, employees, and agents as required for its activities and for its divisions and pay such persons reasonable compensation.*

(e) *Carry forward any unexpended state appropriations into succeeding fiscal years.*

(f) *Create and dissolve advisory councils pursuant to s. 288.92, working groups, task forces, or similar organizations, as necessary to carry out its mission. Members of advisory councils, working groups, task forces, or similar organizations created by Enterprise Florida, Inc., shall serve without compensation, but may be reimbursed for reasonable, necessary, and actual expenses, as determined by the board of directors of Enterprise Florida, Inc.*

(g) *Establish an executive committee consisting of the chairperson or a designee, the vice chairperson, and as many additional members of the board of directors as the board deems appropriate, except that such committee must have a minimum of five members. The executive committee shall have such authority as the board of directors delegates to it, except that the board may not delegate the authority to hire or fire the president or the authority to establish or adjust the compensation paid to the president.*

(h) *Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.*

(i) *Adopt, use, and alter a common corporate seal for Enterprise Florida, Inc., and its divisions. Notwithstanding any provision of chapter 617 to the contrary, this seal is not required to contain the words "corporation not for profit."*

(j) *Adopt, amend, and repeal bylaws, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the activities of Enterprise Florida, Inc., and the exercise of its corporate powers.*

(k) *Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, royalties, and other rights or interests thereunder or therein.*

(l) *Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, for standard corporate identity applications. Use of the state*

seal is not intended to replace use of a corporate seal as provided in this section.

(m) Procure insurance or require bond against any loss in connection with the property of Enterprise Florida, Inc., and its divisions, in such amounts and from such insurers as is necessary or desirable.

(3) The powers granted to Enterprise Florida, Inc., shall be liberally construed in order that Enterprise Florida, Inc., may pursue and succeed in its responsibilities under this part.

(4) Under no circumstances may the credit of the State of Florida be pledged on behalf of Enterprise Florida, Inc.

(5) In addition to any indemnification available under chapter 617, Enterprise Florida, Inc., may indemnify, and purchase and maintain insurance on behalf of, its directors, officers, and employees of Enterprise Florida, Inc., and its divisions against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 24. Section 288.903, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.903, F.S., for present text.)

288.903 Duties of Enterprise Florida, Inc.—Enterprise Florida, Inc., shall have the following duties:

(1) Responsibly and prudently manage all public and private funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

(2) Administer the entities or programs created pursuant to part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.

(3) Prepare an annual report pursuant to s. 288.906 and an annual incentives report pursuant to s. 288.907.

(4) Assist the department with the development of an annual and a long-range strategic business blueprint for economic development required in s. 20.60.

(5) In coordination with Workforce Florida, Inc., identify education and training programs that will ensure Florida businesses have access to a skilled and competent workforce necessary to compete successfully in the domestic and global marketplace.

Section 25. Section 288.904, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.904, F.S., for present text.)

288.904 Funding for Enterprise Florida, Inc.; performance and return on the public's investment.—

(1)(a) The Legislature may annually appropriate to Enterprise Florida, Inc., a sum of money for its operations, and separate line-item appropriations for each of the divisions listed in s. 288.92.

(b) The state's operating investment in Enterprise Florida, Inc., and its divisions is the budget contracted by the department to Enterprise Florida, Inc., less any funding that is directed by the Legislature to be subcontracted to a specific recipient entity.

(c) The board of directors of Enterprise Florida, Inc., shall adopt for each upcoming fiscal year an operating budget for the organization, including its divisions, which specifies the intended uses of the state's operating investment and a plan for securing private-sector support.

(2)(a) The Legislature finds that it is a priority to maximize private-sector support in operating Enterprise Florida, Inc., and its divisions, as an endorsement of its value and as an enhancement of its efforts. Thus, the state appropriations must be matched with private-sector support equal to at least 100 percent of the state operational funding.

(b) Private-sector support in operating Enterprise Florida, Inc., and its divisions includes:

1. Cash given directly to Enterprise Florida, Inc., for its operations, including contributions from at-large members of the board of directors;

2. Cash donations from organizations assisted by the divisions;

3. Cash jointly raised by Enterprise Florida, Inc., and a private local economic development organization, a group of such organizations, or a statewide private business organization that supports collaborative projects;

4. Cash generated by fees charged for products or services of Enterprise Florida, Inc., and its divisions by sponsorship of events, missions, programs, and publications; and

5. Copayments, stock, warrants, royalties, or other private resources dedicated to Enterprise Florida, Inc., or its divisions.

(3)(a) Specifically for the marketing and advertising activities of the Division of Tourism Marketing or as contracted through the Florida Tourism Industry Corporation, a one-to-one match is required of private to public contributions within 4 calendar years after the implementation date of the marketing plan pursuant to s. 288.923.

(b) For purposes of calculating the required one-to-one match, matching private funds shall be divided into four categories. Documentation for the components of the four private match categories shall be kept on file for inspection as determined necessary. The four private match categories are:

1. Direct cash contributions, which include, but are not limited to, cash derived from strategic alliances, contributions of stocks and bonds, and partnership contributions.

2. Fees for services, which include, but are not limited to, event participation, research, and brochure placement and transparencies.

3. Cooperative advertising, which is the value based on cost of contributed productions, air time, and print space.

4. In-kind contributions, which include, but are not limited to, the value of strategic alliance services contributed, the value of loaned employees, discounted service fees, items contributed for use in promotions, and radio or television air time or print space for promotions. The value of air time or print space shall be calculated by taking the actual time or space and multiplying by the nonnegotiated unit price for that specific time or space which is known as the media equivalency value. In order to avoid duplication in determining media equivalency value, only the value of the promotion itself shall be included; the value of the items contributed for the promotion may not be included.

(4) Enterprise Florida, Inc., shall fully comply with the performance measures, standards, and sanctions in its contract with the department, under s. 20.60. The department shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that it is required to develop and track under performance-based program budgeting. The contract shall also include performance measures for the divisions.

(5) The Legislature intends to review the performance of Enterprise Florida, Inc., in achieving the performance goals stated in its annual contract with the department to determine whether the public is receiving a positive return on its investment in Enterprise Florida, Inc., and its divisions. It also is the intent of the Legislature that Enterprise Florida, Inc., coordinate its operations with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(6) As part of the annual report required under s. 288.906, Enterprise Florida, Inc., shall provide the Legislature with information quantifying the return on the public's investment each fiscal year. Enterprise Florida, Inc., in consultation with the Office of Economic and Demographic Research, shall hire an economic analysis firm to develop the methodology for establishing and reporting the return on the public's investment and in-kind contributions as described in this section. The Office of Economic and Demographic Research shall review and offer feedback on the methodology before it is implemented.

Section 26. Section 288.905, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.905, F.S., for present text.)

288.905 President and employees of Enterprise Florida, Inc.—

(1) *The board of directors of Enterprise Florida, Inc., shall appoint a president, who shall serve at the pleasure of the Governor. The president shall also be known as the "secretary of commerce" and shall serve as the Governor's chief negotiator for business recruitment and business expansion.*

(2) *The president is the chief administrative and operational officer of the board of directors and of Enterprise Florida, Inc., and shall direct and supervise the administrative affairs of the board of directors and any divisions, councils, or boards. The board of directors may delegate to the president those powers and responsibilities it deems appropriate, including hiring and management of all staff, except for the appointment of a president.*

(3) *The board of directors shall establish and adjust the president's compensation.*

(4) *No employee of Enterprise Florida, Inc., may receive compensation for employment that exceeds the salary paid to the Governor, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee's total compensation to a level above the salary paid to the Governor.*

Section 27. Section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc., and its divisions; audits.—

(1) *Before ~~Prior to~~ December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report including, but not limited to:*

(a)~~(1)~~ *A description of the operations and accomplishments of Enterprise Florida, Inc., and its divisions, boards, and advisory councils ~~committees~~ or similar ~~entities~~ ~~groups~~ created by Enterprise Florida, Inc., and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity. *The individual annual reports prepared by each division shall be included as addenda.**

(b)~~(2)~~ *An evaluation of progress ~~toward~~ ~~towards~~ achieving organizational goals and specific performance outcomes, both short-term and long-term, established pursuant to this part or under the agreement with the department ~~in~~ ~~288.905~~.*

(c)~~(3)~~ *Methods for implementing and funding the operations of Enterprise Florida, Inc., and its divisions, including the private-sector support required under s. 288.904 ~~boards~~.*

(d)~~(4)~~ *A description of the operations and accomplishments of Enterprise Florida, Inc., and its divisions ~~boards~~ with respect to aggressively marketing Florida's rural communities and distressed urban communities as locations for potential new investment and job creation, aggressively assisting in the creation, retention, and expansion of existing businesses and job growth in these communities, and aggressively assisting these communities in the identification and development of new economic development opportunities.*

(e)~~(5)~~ *A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its divisions ~~boards~~ with respect to interaction with local and private economic development organizations, including ~~the~~ ~~an~~ identification of each organization that is a primary partner and any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities that ~~which~~ promoted a comprehensive and coordinated approach to economic development in this state.*

(f)~~(6)~~ *An assessment of job creation that directly benefits participants in the welfare transition program or other programs designed to put long-term unemployed persons back to work.*

(g) *The results of a customer-satisfaction survey of businesses served. The survey shall be conducted by an independent entity with expertise in survey research that is under contract with Enterprise Florida, Inc., to develop, analyze, and report the results.*

(h)~~(7)~~ *An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.*

(2) *The detailed report required by this section ~~subsection~~ shall also include the information identified in *subsection (1) ~~subsections (1)-(7)~~, if applicable, for each division ~~any board~~ established within the corporate structure of Enterprise Florida, Inc.**

Section 28. Section 288.907, Florida Statutes, is created to read:

288.907 Annual incentives report.—

(1) *In addition to the annual report required under s. 288.906, Enterprise Florida, Inc., by December 30 of each year, shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs marketed by Enterprise Florida, Inc.*

(a) *The annual incentives report must include for each incentive program:*

1. *A brief description of the incentive program.*

2. *The amount of awards granted, by year, since inception.*

3. *The economic benefits, as defined in s. 288.005, based on the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years.*

4. *The report shall also include the actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years for each target industry sector.*

(b) *For projects completed during the previous state fiscal year, the report must include:*

1. *The number of economic development incentive applications received.*

2. *The number of recommendations made to the department by Enterprise Florida, Inc., including the number recommended for approval and the number recommended for denial.*

3. *The number of final decisions issued by the department for approval and for denial.*

4. *The projects for which a tax refund, tax credit, or cash grant agreement was executed, identifying:*

a. *The number of jobs committed to be created.*

b. *The amount of capital investments committed to be made.*

c. *The annual average wage committed to be paid.*

d. *The amount of state economic development incentives committed to the project from each incentive program under the project's terms of agreement with the Department of Economic Opportunity.*

e. *The amount and type of local matching funds committed to the project.*

(c) *For economic development projects that received tax refunds, tax credits, or cash grants under the terms of an agreement for incentives, the report must identify:*

1. *The number of jobs actually created.*

2. *The amount of capital investments actually made.*

3. *The annual average wage paid.*

(d) *For a project receiving economic development incentives approved by the department and receiving federal or local incentives, the report must include a description of the federal or local incentives, if available.*

(e) The report must state the number of withdrawn or terminated projects that did not fulfill the terms of their agreements with the department and consequently are not receiving incentives.

(f) The report must include an analysis of the economic benefits, as defined in s. 288.005, of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities.

(g) The report must identify the target industry businesses and high-impact businesses.

(h) The report must describe the trends relating to business interest in, and usage of, the various incentives, and the number of minority-owned or woman-owned businesses receiving incentives.

(i) The report must identify incentive programs not utilized.

(2) The Division of Strategic Business Development within the department shall assist Enterprise Florida, Inc., in the preparation of the annual incentives report.

Section 29. Section 288.912, Florida Statutes, is created to read:

**288.912 Inventory of communities seeking to recruit businesses.**—By September 30 of each year, a county or municipality that has a population of at least 25,000 or its local economic development organization must submit to Enterprise Florida, Inc., a brief overview of the strengths, services, and economic development incentives that its community offers. The local government or its local economic development organization also must identify any industries that it is encouraging to locate or relocate to its area. A county or municipality having a population of 25,000 or fewer or its local economic development organization seeking to recruit businesses may submit information as required in this section and may participate in any activity or initiative resulting from the collection, analysis, and reporting of the information to Enterprise Florida, Inc., pursuant to this section.

Section 30. Section 288.92, Florida Statutes, is created to read:

**288.92 Divisions of Enterprise Florida, Inc.**—

(1) Enterprise Florida, Inc., may create and dissolve divisions as necessary to carry out its mission. Each division shall have distinct responsibilities and complementary missions. At a minimum, Enterprise Florida, Inc., shall have divisions related to the following areas:

- (a) International Trade and Business Development;
- (b) Business Retention and Recruitment;
- (c) Tourism Marketing;
- (d) Minority Business Development; and
- (e) Sports Industry Development.

(2)(a) The officers and agents of the divisions shall be hired and their annual compensation established by the president of Enterprise Florida, Inc., as deemed appropriate by the board of directors, and may be eligible for performance bonuses pursuant to s. 288.905. This paragraph does not apply to any employees of the corporation established pursuant to s. 288.1226.

(b) The board of directors of Enterprise Florida, Inc., may organize the divisions and, to the greatest extent possible, minimize costs by requiring that the divisions share administrative staff.

(3) By October 15 each year, each division shall draft and submit an annual report which details the division's activities during the prior fiscal year and includes any recommendations for improving current statutes related to the division's related area.

Section 31. Section 288.923, Florida Statutes, is created to read:

**288.923 Division of Tourism Marketing; definitions; responsibilities.**—

(1) There is created within Enterprise Florida, Inc., the Division of Tourism Marketing.

(2) As used in this section, the term:

(a) "Tourism marketing" means any effort exercised to attract domestic and international visitors from outside the state to destinations in this state and to stimulate Florida resident tourism to areas within the state.

(b) "Tourist" means any person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

(c) "County destination marketing organization" means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county that has not levied such taxes, a public or private agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(d) "Direct-support organization" means the Florida Tourism Industry Marketing Corporation.

(3) Enterprise Florida, Inc., shall contract with the Florida Tourism Industry Marketing Corporation, a direct-support organization established in s. 288.1226, to execute tourism promotion and marketing services, functions, and programs for the state, including, but not limited to, the activities prescribed by the 4-year marketing plan. The division shall assist to maintain and implement the contract.

(4) The division's responsibilities and duties include, but are not limited to:

(a) Maintaining and implementing the contract with the Florida Tourism Industry Marketing Corporation.

(b) Advising the department and Enterprise Florida, Inc., on development of domestic and international tourism marketing campaigns featuring Florida; and

(c) Developing a 4-year marketing plan.

1. At a minimum, the marketing plan shall discuss the following:

- a. Continuation of overall tourism growth in this state;
- b. Expansion to new or under-represented tourist markets;
- c. Maintenance of traditional and loyal tourist markets;

d. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private-sector partners to create a seamless, four-season advertising campaign for the state and its regions;

e. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population;

f. Consideration of innovative sources of state funding for tourism marketing;

g. Promotion of nature-based tourism and heritage tourism.

h. Development of a component to address emergency response to natural and man-made disasters from a marketing standpoint.

2. The plan shall be annual in construction and ongoing in nature. Any annual revisions of the plan shall carry forward the concepts of the remaining 3-year portion of the plan and consider a continuum portion to preserve the 4-year time-frame of the plan. The plan also shall include recommendations for specific performance standards and measurable outcomes for the division and direct-support organization. The department, in consultation with the board of directors of Enterprise Florida, Inc., shall base the actual performance metrics on these recommendations.

3. The 4-year marketing plan shall be developed in collaboration with the Florida Tourism Industry Marketing Corporation. The plan shall be

annually reviewed and approved by the board of directors of *Enterprise Florida, Inc.*

(d) Drafting and submitting an annual report required by s. 288.92. The annual report shall set forth for the division and the direct-support organization:

1. Operations and accomplishments during the fiscal year, including the economic benefit of the state's investment and effectiveness of the marketing plan.

2. The 4-year marketing plan, including recommendations on methods for implementing and funding the plan.

3. The assets and liabilities of the direct-support organization at the end of its most recent fiscal year.

4. A copy of the annual financial and compliance audit conducted under s. 288.1226(6).

(5) Notwithstanding s. 288.92, the division shall be staffed by the Florida Tourism Industry Marketing Corporation. Such staff shall not be considered to be employees of the division and shall remain employees of the Florida Tourism Industry Marketing Corporation. Section 288.905 does not apply to the Florida Tourism Industry Marketing Corporation.

Section 32. Section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term “corporation” means the Florida Tourism Industry Marketing Corporation.

(2) ESTABLISHMENT.—~~The Florida Commission on Tourism shall establish, no later than July 31, 1996, The Florida Tourism Industry Marketing Corporation as a direct-support organization of Enterprise Florida, Inc.;~~

(a) ~~The Florida Tourism Industry Marketing Corporation~~ ~~which~~ is a corporation not for profit, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, that is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) ~~The corporation~~ ~~which~~ is organized and operated exclusively to request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism.

(c) ~~Which the Florida Commission on Tourism and the Office of Tourism, Trade, and Economic Development, after review, have certified whether it is operating in a manner consistent with the policies and goals of the commission and its long range marketing plan.~~

(d) ~~The corporation is~~ ~~which shall~~ not be considered an agency for the purposes of chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts I, II, and IV-VIII of chapter 112.

(e) ~~The corporation is~~ ~~which shall~~ be subject to the provisions of chapter 119, relating to public meetings, and those provisions of chapter 286 relating to public meetings and records.

(3) USE OF PROPERTY.—~~Enterprise Florida, Inc. The commission:~~

(a) Is authorized to permit the use of property and facilities of *Enterprise Florida, Inc.*, ~~the commission~~ by the corporation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the corporation must comply in order to use property and facilities of *Enterprise Florida, Inc* ~~the commission~~. Such conditions shall provide for budget and audit review and for oversight by *Enterprise Florida, Inc* ~~the commission~~.

(c) ~~May~~ ~~shall~~ not permit the use of property and facilities of *Enterprise Florida, Inc.*, ~~the commission~~ if the corporation does not provide

equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(4) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of 31 tourism-industry-related members, appointed by *Enterprise Florida, Inc.*, ~~in conjunction with the department the Florida Commission on Tourism from its own membership. the vice chair of the commission shall serve as chair of the corporation's board of directors.~~

(a) The board shall consist of 16 members, appointed in such a manner as to equitably represent all geographic areas of the state, with no fewer than two members from any of the following regions:

1. Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2. Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties.

3. Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and Volusia Counties.

4. Region 4, composed of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

5. Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.

6. Region 6, composed of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties.

(b) The 15 additional tourism-industry-related members, shall include 1 representatives from the statewide rental car industry, 7 representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, county destination marketing organizations, museums, restaurants, retail, and attractions, 3 representatives from county destination marketing organizations, 1 representative from the cruise industry, 1 representative from an automobile and travel services membership organization that has at least 2.8 million members in Florida, 1 representative from the airline industry, and 1 representative from the space tourism industry, who will each serve for a term of 2 years.

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the ~~Florida Commission on Tourism's~~ 4-year marketing plan required by s. 288.923, and the corporation's contract with *Enterprise Florida, Inc.*, ~~the commission~~ which are not inconsistent with this or any other provision of law.

(b) May develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the corporation.

(c) ~~May commission and adopt, in cooperation with the commission, an official tourism logo to be used in all promotional materials directly produced by the corporation. The corporation~~ May establish a cooperative marketing program with other public and private entities which allows the use of the *VISIT Florida* ~~this~~ logo in tourism promotion campaigns which meet the standards of *Enterprise Florida, Inc.*, ~~the commission and the Office of Tourism, Trade, and Economic Development~~ for which the corporation may charge a reasonable fee.

(d) May sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(e) May adopt, use, and alter a common corporate seal. However, such seal must always contain the words “corporation not for profit.”

(f) Shall elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation.

(g) Shall hire and establish salaries and personnel and employee benefit programs for such permanent and temporary employees as are necessary to carry out the provisions of the ~~Florida Commission on Tourism's~~ 4-year marketing plan and the corporation's contract with *Enterprise Florida, Inc.*, ~~the commission~~ which are not inconsistent with this or any other provision of law.

(h) Shall provide staff support to *the Division of Tourism Promotion of Enterprise Florida, Inc* ~~the Florida Commission on Tourism~~. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the ~~executive~~ director of the ~~division commission~~.

(i) May adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the provisions of the ~~Florida Commission on Tourism's~~ 4-year marketing plan and the corporation's contract with *Enterprise Florida, Inc* ~~the commission~~.

(j) May conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country. Where feasible, appropriate, and recommended by the 4-year marketing plan developed by the *Division of Tourism Promotion of Enterprise Florida, Inc* ~~Florida Commission on Tourism~~, the corporation may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(k) May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(l) May request or accept any grant, payment, or gift, of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes of the ~~Florida Commission on Tourism's~~ 4-year marketing plan and the corporation's contract with *Enterprise Florida, Inc.*, ~~the commission~~ that are not inconsistent with this or any other provision of law. Such funds shall be deposited in a bank account established by the corporation's board of directors. The corporation may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, in the pursuit of its administration or in support of the programs it administers. The corporation shall separately account for the public funds and the private funds deposited into the corporation's bank account.

(m) Shall establish a plan for participation in the corporation which will provide additional funding for the administration and duties of the corporation.

(n) In the performance of its duties, may undertake, or contract for, marketing projects and advertising research projects.

(o) In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

(6) ANNUAL AUDIT.—The corporation shall provide for an annual financial audit in accordance with s. 215.981. The annual audit report shall be submitted to the Auditor General; the Office of Policy Analysis and Government Accountability; *Enterprise Florida, Inc.*; and the ~~department the Office of Tourism, Trade, and Economic Development~~ for review. The Office of Program Policy Analysis and Government Accountability; *Enterprise Florida, Inc.*; ~~the department the Office of Tourism, Trade, and Economic Development~~; and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The ~~department Office of Tourism, Trade, and Economic Development~~ shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of *Enterprise Florida, Inc.*, ~~the commission~~ and its long-range marketing plan. The identity of a donor or prospective donor to the corporation who desires to remain anonymous

and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(7) The corporation shall provide a quarterly report to *Enterprise Florida, Inc.*, ~~the commission~~ which shall:

(a) Measure the current vitality of the visitor industry of this state as compared to the vitality of such industry for the year to date and for comparable quarters of past years. Indicators of vitality shall be determined by *Enterprise Florida, Inc.*, ~~the commission~~ and shall include, but not be limited to, estimated visitor count and party size, length of stay, average expenditure per party, and visitor origin and destination.

(b) Provide detailed, unaudited financial statements of sources and uses of public and private funds.

(c) Measure progress towards annual goals and objectives set forth in the ~~commission's~~ 4-year marketing plan.

(d) Review all pertinent research findings.

(e) Provide other measures of accountability as requested by *Enterprise Florida, Inc* ~~the commission~~.

(8) The identity of any person who responds to a marketing project or advertising research project conducted by the corporation in the performance of its duties on behalf of *Enterprise Florida, Inc.* ~~the commission~~, or trade secrets as defined by s. 812.081 obtained pursuant to such activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 33. Subsection (4) of section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

~~(4) Workforce Florida, Inc., through the Agency for Workforce Innovation, shall establish an electronic benefit transfer program for the use and management of education, training, child care, transportation, and other program benefits under its direction. The workforce electronic benefit transfer program shall fulfill all federal and state requirements for Individual Training Accounts, Retention Incentive Training Accounts, Individual Development Accounts, and Individual Services Accounts. The workforce electronic benefit transfer program shall be designed to enable an individual who receives an electronic benefit transfer card under subsection (1) to use that card for purposes of benefits provided under the workforce development system as well. The Department of Children and Family Services shall assist Workforce Florida, Inc., in developing an electronic benefit transfer program for the workforce development system that is fully compatible with the department's electronic benefit transfer program. The agency shall reimburse the department for all costs incurred in providing such assistance and shall pay all costs for the development of the workforce electronic benefit transfer program.~~

Section 34. Subsections (4), (5), and (6) of section 411.0102, Florida Statutes, are amended to read:

411.0102 Child Care Executive Partnership Act; findings and intent; grant; limitation; rules.—

(4) The Child Care Executive Partnership, staffed by the ~~Office of Early Learning Agency for Workforce Innovation~~, shall consist of a representative of the Executive Office of the Governor and nine members of the corporate or child care community, appointed by the Governor.

(a) Members shall serve for a period of 4 years, except that the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

(b) The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote and shall meet at least quarterly and at other times upon the call of the chair. The Child Care Executive Partnership may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, only if the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

(c) Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d) The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

1. Assisting in the formulation and coordination of the state's child care policy.
2. Adopting an official seal.
3. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.
4. Contracting with public or private entities as necessary.
5. Approving an annual budget.
6. Carrying forward any unexpended state appropriations into succeeding fiscal years.
7. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care Executive Partnership Program child care purchasing pools in counties chosen by the Child Care Executive Partnership, provided that at least two of the counties have populations of no more than 300,000. The Legislature shall annually review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, ~~which that~~ can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, an early learning coalition or the ~~Office of Early Learning Agency for Workforce Innovation~~ shall administer the child care purchasing pool funds.

(c) ~~The Office of Early Learning Agency for Workforce Innovation~~, in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the child care purchasing pools. In order to be considered for funding, an early learning coalition or the ~~Office of Early Learning Agency for Workforce Innovation~~ must commit to:

1. Matching the state purchasing pool funds on a dollar-for-dollar basis; and
2. Expending only those public funds ~~that which~~ are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which may not be less than the amount identified in the early learning coalition's school readiness program sliding fee scale.

(d) Each early learning coalition shall establish a community child care task force for each child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative from the local children's services council, if one exists in the area of the purchasing pool. The early learning coalition is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a purchasing pool. A majority of the task force shall consist of employers.

(e) *Each participating early learning coalition board shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the purchasing pool, how many will be new to receiving child care services, and how the early learning coalition intends to attract new employers and their employees to the program.*

(6) ~~The Office of Early Learning Agency for Workforce Innovation~~ shall adopt any rules necessary for the implementation and administration of this section.

Section 35. Paragraph (b) of subsection (5) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(5) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing. If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(b) In the case of a special district, notify the Department of ~~Economic Opportunity Community Affairs~~ that the special district has failed to comply with the law. Upon receipt of notification, the Department of ~~Economic Opportunity Community Affairs~~ shall proceed pursuant to the provisions specified in s. 189.421.

Section 36. Paragraph (c) of subsection (7) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(c) The Auditor General shall provide annually a list of those special districts which are not in compliance with s. 218.39 to the Special District Information Program of the Department of ~~Economic Opportunity Community Affairs~~.

Section 37. Paragraph (b) of subsection (2) of section 14.20195, Florida Statutes, is amended to read:

14.20195 Suicide Prevention Coordinating Council; creation; membership; duties.—There is created within the Statewide Office for Suicide Prevention a Suicide Prevention Coordinating Council. The council shall develop strategies for preventing suicide.

(2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of 28 voting members.

(b) The following state officials or their designees shall serve on the coordinating council:

1. The Secretary of Elderly Affairs.
2. The State Surgeon General.
3. The Commissioner of Education.
4. The Secretary of Health Care Administration.
5. The Secretary of Juvenile Justice.
6. The Secretary of Corrections.
7. The executive director of the Department of Law Enforcement.
8. The executive director of the Department of Veterans' Affairs.
9. The Secretary of Children and Family Services.
10. ~~The executive director of the Department of Economic Opportunity Agency for Workforce Innovation.~~

Section 38. Section 15.182, Florida Statutes, is amended to read:

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to ~~the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.~~ —

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic~~

Development of its intentions to travel, together with the date, time, and location of each appearance.

(2) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~, in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

(3) An organization shall provide the notification to the Department of State required by this section at least 30 days ~~before~~ ~~prior to~~ the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.

Section 39. Paragraph (j) of subsection (1) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(1) The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs and shall consist of 19 members appointed as follows:

(j) The ~~executive~~ director of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or his or her designee.

Section 40. Paragraph (c) of subsection (3) of section 17.61, Florida Statutes, is amended to read:

17.61 Chief Financial Officer; powers and duties in the investment of certain funds.—

(3)

(c) Except as provided in this paragraph and except for moneys described in paragraph (d), the following agencies may not invest trust fund moneys as provided in this section, but shall retain such moneys in their respective trust funds for investment, with interest appropriated to the General Revenue Fund, pursuant to s. 17.57:

1. The Agency for Health Care Administration, except for the Tobacco Settlement Trust Fund.

2. The Agency for Persons with Disabilities, except for:

- a. The Federal Grants Trust Fund.
- b. The Tobacco Settlement Trust Fund.
3. The Department of Children and Family Services, except for:
  - a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
  - b. The Social Services Block Grant Trust Fund.
  - c. The Tobacco Settlement Trust Fund.
  - d. The Working Capital Trust Fund.

~~4. The Department of Community Affairs, only for the Operating Trust Fund.~~

~~4.5. The Department of Corrections.~~

~~5.6. The Department of Elderly Affairs, except for:~~

- a. The Federal Grants Trust Fund.
- b. The Tobacco Settlement Trust Fund.

~~6.7. The Department of Health, except for:~~

- a. The Federal Grants Trust Fund.
- b. The Grants and Donations Trust Fund.
- c. The Maternal and Child Health Block Grant Trust Fund.
- d. The Tobacco Settlement Trust Fund.

~~7.8. The Department of Highway Safety and Motor Vehicles, only for the Security Deposits Trust Fund.~~

~~8.9. The Department of Juvenile Justice.~~

~~9.10. The Department of Law Enforcement.~~

~~10.11. The Department of Legal Affairs.~~

~~11.12. The Department of State, only for:~~

- a. The Grants and Donations Trust Fund.
- b. The Records Management Trust Fund.

~~12.13. The Department of Economic Opportunity Executive Office of the Governor, only for:~~

- a. The Economic Development Transportation Trust Fund.
- b. The Economic Development Trust Fund.

~~13.14. The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.~~

~~14.15. The Justice Administrative Commission.~~

~~15.16. The state courts system.~~

Section 41. Subsection (1) of section 20.181, Florida Statutes, is amended to read:

20.181 Federal Grants Trust Fund.—

(1) The Federal Grants Trust Fund is created within the Department of ~~Economic Opportunity Community Affairs~~.

Section 42. Paragraph (a) of subsection (8) and paragraph (a) of subsection (9) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(8) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The office shall develop a state plan for the promotion of adoption, support of adoptive families, and prevention of abuse, abandonment, and neglect of children and shall submit the state plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 31, 2008. The Department of Children and Family Services, the Department of Corrections, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Law Enforcement, *and* the Agency for Persons with Disabilities, ~~and the Agency for Workforce Innovation~~ shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the Florida local advocacy councils; community-based care lead agencies; private or public organizations or programs with recognized expertise in working with child abuse prevention programs for children and families; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies; and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature

and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(9) FUNDING AND SUBSEQUENT PLANS.—

(a) All budget requests submitted by the office, the department, the Department of Health, the Department of Education, the Department of Juvenile Justice, the Department of Corrections, the Agency for Persons with Disabilities, ~~the Agency for Workforce Innovation~~, or any other agency to the Legislature for funding of efforts for the promotion of adoption, support of adoptive families, and prevention of child abuse, abandonment, and neglect shall be based on the state plan developed pursuant to this section.

Section 43. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if *the Department of Economic Opportunity or the former Agency for Workforce Innovation or the former Department of Labor and Employment Security* was named as a defendant while the Department of Revenue was providing unemployment tax collection services under contract with *the Department of Economic Opportunity or the former Agency for Workforce Innovation* through an interagency agreement pursuant to s. 443.1316.

Section 44. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for support, as defined in s. 409.2554, or interest in an unemployment compensation tax lien under contract with *the Department of Economic Opportunity Agency for Workforce Innovation* through an interagency agreement pursuant to s. 443.1316, against the subject property and with the same priority, regardless of whether a default against the department, *the Department of Economic Opportunity, or the former Agency for Workforce Innovation, or the former Department of Labor and Employment Security* has been entered for failure to file an answer or other responsive pleading.

Section 45. Paragraph (b) of subsection (4) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or upon receipt, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis. If the department finds that the actuarial valuation is not complete, accurate, or based on reasonable assumptions or otherwise materially fails to satisfy the requirements of this part, if the department requires additional material information necessary to complete its review of the actuarial valuation of a system or plan or material information necessary to satisfy the duties of the department pursuant to s. 112.665(1), or if the department does not receive the actuarial report or statement of actuarial impact, the department shall notify the administrator of the affected retirement system or plan and the affected governmental entity and request appropriate adjustment, the additional material information, or the required report or statement. The notification must inform

the administrator of the affected retirement system or plan and the affected governmental entity of the consequences for failure to comply with the requirements of this subsection. If, after a reasonable period of time, a satisfactory adjustment is not made or the report, statement, or additional material information is not provided, the department may notify the Department of Revenue and the Department of Financial Services of such noncompliance, in which case the Department of Revenue and the Department of Financial Services shall withhold any funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity until the adjustment is made or the report, statement, or additional material information is provided to the department. The department shall specify the date such action is to begin, and notification by the department must be received by the Department of Revenue, the Department of Financial Services, and the affected governmental entity 30 days before the date the action begins.

(b) In the case of an affected special district, the Department of Management Services shall also notify the Department of *Economic Opportunity Community Affairs*. Upon receipt of notification, the Department of *Economic Opportunity Community Affairs* shall proceed pursuant to the provisions of s. 189.421 with regard to the special district.

Section 46. Paragraph (e) of subsection (1) of section 112.665, Florida Statutes, is amended to read:

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

(e) Issue, by January 1 annually, a report to the Special District Information Program of the Department of *Economic Opportunity Community Affairs* that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions as specified in part I of chapter 121; and

Section 47. Subsection (3) of section 112.3135, Florida Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34(3), of individuals whose employment would be otherwise prohibited by this section.

Section 48. Paragraph (d) of subsection (2) and paragraph (f) of subsection (5) of section 119.071, Florida Statutes, are amended to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to *an emergency emergencies*, as defined in s. 252.34(3), are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or *the Division of Emergency Management the Department of Community Affairs* as having an official need for access to the inventory or comprehensive policies or plans.

(5) OTHER PERSONAL INFORMATION.—

(f) Medical history records and information related to health or property insurance provided to the Department of *Economic Opportunity Community Affairs*, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Governmental entities or their agents shall have access to

such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.

Section 49. Paragraph (b) of subsection (3) of section 120.54, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, is amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(b) Special matters to be considered in rule adoption.—

1. Statement of estimated regulatory costs.—~~Before~~ ~~Prior to~~ the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or

b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define “small business” to include businesses employing more than 200 persons, may define “small county” to include those with populations of more than 75,000, and may define “small city” to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule’s compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency shall send written notice of the rule to the Small Business Regulatory Advisory Council and the ~~Department of Economic Opportunity at least~~ ~~Office of Tourism, Trade, and Economic Development not less than~~ 28 days ~~before~~ ~~prior to~~ the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the Small Business Regulatory Advisory Council and provided to the agency no later than 21 days after the council’s receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the Small Business Regulatory Advisory Council, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it shall, ~~before~~ ~~prior to~~ rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days ~~after~~ of the filing of such notice, the agency shall send a copy of such notice to the Small Business Regulatory Advisory Council. The Small Business Regulatory Advisory Council may make a request of the President of the Senate and the Speaker of the House of Representatives that the presiding officers direct the Office of Program Policy Analysis and Government Accountability to determine whether the rejected alternatives reduce the impact on small business while meeting the stated objectives of the proposed rule. Within 60 days after the date of the directive from the presiding officers, the Office of Program Policy Analysis and Government Accountability shall report to the Administrative Procedures Committee its findings as to whether an alternative reduces the impact on small business while meeting the stated objectives of the proposed rule. The Office of Program Policy Analysis and Government Accountability shall consider the proposed rule, the economic impact statement, the written statement of the agency, the proposed alternatives, and any comment submitted during the comment period on the proposed rule. The Office of Program Policy Analysis and Government Accountability shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Administrative Procedures Committee shall report such findings to the agency, and the agency shall respond in writing to the Administrative Procedures Committee if the Office of Program Policy Analysis and Government Accountability found that the alternative reduced the impact on small business while meeting the stated objectives of the proposed rule. If the agency will not adopt the alternative, it must also provide a detailed written statement to the committee as to why it will not adopt the alternative.

Section 50. Subsection (10) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(10) ~~DEPARTMENT OF ECONOMIC OPPORTUNITY AGENCY FOR WORKFORCE INNOVATION.~~—

(a) Notwithstanding s. 120.54, the rulemaking provisions of this chapter do not apply to unemployment appeals referees.

(b) Notwithstanding s. 120.54(5), the uniform rules of procedure do not apply to appeal proceedings conducted under chapter 443 by the Unemployment Appeals Commission, special deputies, or unemployment appeals referees.

(c) Notwithstanding s. 120.57(1)(a), hearings under chapter 443 may not be conducted by an administrative law judge assigned by the division, but instead shall be conducted by the Unemployment Appeals Commission in unemployment compensation appeals, unemployment appeals referees, and the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its special deputies under s. 443.141.

Section 51. Subsections (4) and (5) of section 125.045, Florida Statutes, are amended to read:

125.045 County economic development powers.—

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must require the agency or entity receiving county funds to submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency’s or entity’s efforts on behalf of the county. By January 15, 2011, and annually thereafter, the county must file a copy of the report with the ~~Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity~~ and post a copy of the report on the county’s website.

(5)(a) By January 15, 2011, and annually thereafter, each county shall report to the ~~Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity~~ the economic development incentives in excess of \$25,000 given to any business during the county’s previous fiscal year. The ~~Office of Economic and Demographic Research Legislative Committee on Inter-~~

~~governmental Relations or its successor entity shall compile the information from the counties into a report and provide the report to the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.~~ Economic development incentives include:

1. Direct financial incentives of monetary assistance provided to a business from the county or through an organization authorized by the county. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

2. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

3. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

4. Below-market rate leases or deeds for real property.

(b) A county shall report its economic development incentives in the format specified by the *Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity*.

(c) The *Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity* shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties.

Section 52. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:

(11) “Florida First Business project” means any project which is certified by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* may certify those projects meeting the criteria set forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state.

Section 53. Paragraph (a) of subsection (2) of section 159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

(2)(a) The first 75 percent of this pool shall be available on a first come, first served basis, except that 15 percent of the state volume limitation allocated to this pool shall be available as provided in paragraph (b). ~~Before~~ ~~Prior to~~ issuing any written confirmations for the remaining 25 percent of this pool, the executive director shall forward all notices of intent to issue which are received by the division for manufacturing facility projects to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*. The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* and the *Department of Community Affairs* shall decide, after receipt of the notices of intent to issue, which notices will receive written confirmations. Such decision shall be communicated in writing by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* to the executive director within 10 days of receipt of such notices of intent to issue. The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*, in consultation with the *Department of Community Affairs*, may develop rules to ensure that allocation of the remaining 25 percent is consistent with the state’s economic development policy.

Section 54. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The Florida First Business allocation pool is hereby established. The Florida First Business allocation pool shall be available solely to provide written confirmation for private activity bonds to finance Florida First Business projects certified by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* as eligible to receive a

written confirmation. Allocations from such pool shall be awarded statewide pursuant to procedures specified in s. 159.805, except that the provisions of s. 159.805(2), (3), and (6) do not apply. Florida First Business projects that are eligible for a carryforward ~~do shall~~ not lose their allocation pursuant to s. 159.809(3) on October 1, or pursuant to s. 159.809(4) on November 16, if they have applied for and have been granted a carryforward by the division pursuant to s. 159.81(1). In issuing written confirmations of allocations for Florida First Business projects, the division shall use the Florida First Business allocation pool. If allocation is not available from the Florida First Business allocation pool, the division shall issue written confirmations of allocations for Florida First Business projects pursuant to s. 159.806 or s. 159.807, in such order. For the purpose of determining priority within a regional allocation pool or the state allocation pool, notices of intent to issue bonds for Florida First Business projects to be issued from a regional allocation pool or the state allocation pool shall be considered to have been received by the division at the time it is determined by the division that the Florida First Business allocation pool is unavailable to issue confirmation for such Florida First Business project. If the total amount requested in notices of intent to issue private activity bonds for Florida First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* which shall render a decision as to which notices of intent to issue are to receive written confirmations. The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 55. Subsection (3) of section 159.809, Florida Statutes, is amended to read:

159.809 Recapture of unused amounts.—

(3) On October 1 of each year, any portion of the allocation made to the Florida First Business allocation pool pursuant to s. 159.804(5), or subsection (1), or subsection (2), which is eligible for carryforward pursuant to s. 146(f) of the Code but which has not been certified for carryforward by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*, shall be returned to the Florida First Business allocation pool.

Section 56. Subsection (4) of section 161.142, Florida Statutes, is amended to read:

161.142 Declaration of public policy relating to improved navigation inlets.—The Legislature recognizes the need for maintaining navigation inlets to promote commercial and recreational uses of our coastal waters and their resources. The Legislature further recognizes that inlets interrupt or alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited in nearshore areas or in the inlet channel, or in the inland waterway adjacent to the inlet, instead of providing natural nourishment to the adjacent eroding beaches. Accordingly, the Legislature finds it is in the public interest to replicate the natural drift of sand which is interrupted or altered by inlets to be replaced and for each level of government to undertake all reasonable efforts to maximize inlet sand bypassing to ensure that beach-quality sand is placed on adjacent eroding beaches. Such activities cannot make up for the historical sand deficits caused by inlets but shall be designed to balance the sediment budget of the inlet and adjacent beaches and extend the life of proximate beach-restoration projects so that periodic nourishment is needed less frequently. Therefore, in furtherance of this declaration of public policy and the Legislature’s intent to redirect and recommit the state’s comprehensive beach management efforts to address the beach erosion caused by inlets, the department shall ensure that:

(4) The provisions of subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b); however, such ports must demonstrate reasonable effort to place beach-quality sand from construction and maintenance dredging and port-development projects on adjacent eroding beaches in accordance with port master plans approved by the *Department of Economic Opportunity Community Affairs*, and permits approved and issued by the department, to ensure com-

pliance with this section. Ports may sponsor or cosponsor inlet management projects that are fully eligible for state cost sharing.

Section 57. Subsection (10) of section 161.54, Florida Statutes, is amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(10) “State land planning agency” means the Department of ~~Economic Opportunity Community Affairs~~.

Section 58. Subsection (1) of section 175.021, Florida Statutes, is amended to read:

175.021 Legislative declaration.—

(1) It is hereby declared by the Legislature that firefighters, ~~as hereinafter defined~~, perform state and municipal functions; that it is their duty to extinguish fires, to protect life, and to protect property at their own risk and peril; that it is their duty to prevent conflagration and to continuously instruct school personnel, public officials, and private citizens in the prevention of fires and firesafety; that they protect both life and property from local emergencies as defined in s. 252.34(3); and that their activities are vital to the public safety. It is further declared that firefighters employed by special fire control districts serve under the same circumstances and perform the same duties as firefighters employed by municipalities and should therefore be entitled to the benefits available under this chapter. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters ~~as hereinafter defined~~ and intends, in implementing the provisions of s. 14, Art. X of the State Constitution as they relate to municipal and special district firefighters’ pension trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such manner as to maximize the protection of the firefighters’ pension trust funds. Pursuant to s. 18, Art. VII of the State Constitution, the Legislature hereby determines and declares that ~~the provisions of this act~~ fulfill an important state interest.

Section 59. Subsection (20) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(20) “State land planning agency” means the Department of ~~Economic Opportunity Community Affairs~~.

Section 60. Paragraphs (d) and (e) of subsection (9) of section 166.021, Florida Statutes, are amended to read:

166.021 Powers.—

(9)

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency’s or entity’s efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the municipality shall file a copy of the report with the ~~Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity~~ and post a copy of the report on the municipality’s website.

(e)1. By January 15, 2011, and annually ~~thereafter~~ ~~thereafter~~, each municipality having annual revenues or expenditures greater than \$250,000 shall report to the ~~Office of Economic Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity~~ the economic development incentives in excess of \$25,000 given to any business during the municipality’s previous fiscal year. The ~~Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the information from the municipalities into a report and provide the report to the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the ~~Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity~~.

3. The ~~Office of Economic and Demographic Research Legislative Committee on Intergovernmental Relations or its successor entity~~ shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

Section 61. Subsection (1) of section 171.204, Florida Statutes, is amended to read:

171.204 Prerequisites to annexation under this part.—The interlocal service boundary agreement may describe the character of land that may be annexed under this part and may provide that the restrictions on the character of land that may be annexed pursuant to part I are not restrictions on land that may be annexed pursuant to this part. As determined in the interlocal service boundary agreement, any character of land may be annexed, including, but not limited to, an annexation of land not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation where the annexed area is not reasonably compact; however, such area must be “urban in character” as defined in s. 171.031(8). The interlocal service boundary agreement may not allow for annexation of land within a municipality that is not a party to the agreement or of land that is within another county. Before annexation of land that is not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation of land that is not currently served by water or sewer utilities, one of the following options must be followed:

(1) The municipality shall transmit a comprehensive plan amendment that proposes specific amendments relating to the property anticipated for annexation to the Department of ~~Economic Opportunity Community Affairs~~ for review under chapter 163. After considering the department’s review, the municipality may approve the annexation and comprehensive plan amendment concurrently. The local government must adopt the annexation and the comprehensive plan amendment as separate and distinct actions but may take such actions at a single public hearing; or

Section 62. Paragraph (c) of subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex officio nonvoting members to each regional planning council:

(c) A representative nominated by the ~~Department of Economic Opportunity Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development~~.

The Governor may also appoint ex officio nonvoting members representing appropriate metropolitan planning organizations and regional water supply authorities.

Section 63. Subsection (11) of section 186.505, Florida Statutes, is amended to read:

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

(11) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management *as defined in* ~~under~~ s. 252.34(4).

Section 64. Subsection (4) of section 189.403, Florida Statutes, is amended to read:

189.403 Definitions.—As used in this chapter, the term:

(4) “Department” means the Department of *Economic Opportunity* ~~Community Affairs~~.

Section 65. Section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the department of *Economic Opportunity* ~~Community Affairs~~ is created and has the following special duties:

(1) The collection and maintenance of special district noncompliance status reports from the Department of Management Services, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, and the Auditor General for the reporting required in ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance reports must list those special districts that did not comply with the statutory reporting requirements.

(2) The maintenance of a master list of independent and dependent special districts which shall be available on the department’s website.

(3) The publishing and updating of a “Florida Special District Handbook” that contains, at a minimum:

(a) A section that specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections that specify current statutory provisions for special district creation, implementation, modification, dissolution, and operating procedures.

(c) A section that summarizes the reporting requirements applicable to all types of special districts as provided in ss. 189.417 and 189.418.

(4) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.

(5) The facilitation of coordination and communication among state agencies regarding special district information.

(6) The conduct of studies relevant to special districts.

(7) The provision of assistance related to and appropriate in the performance of requirements specified in this chapter, including assisting with an annual conference sponsored by the Florida Association of Special Districts or its successor.

(8) Providing assistance to local general-purpose governments and certain state agencies in collecting delinquent reports or information, helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and, when directed by the Legislative Auditing Committee, initiating enforcement provisions as provided in ss. 189.4044, 189.419, and 189.421.

Section 66. Section 189.413, Florida Statutes, is amended to read:

189.413 Special districts; oversight of state funds use.—Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Special District Information Program of the department of ~~Community Affairs~~.

(2) Submitting annually a list of special districts participating in a state funding program to the Special District Information Program of the department of ~~Community Affairs~~. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

Section 67. Section 189.425, Florida Statutes, is amended to read:

189.425 Rulemaking authority.—The department of ~~Community Affairs~~ may adopt rules to implement the provisions of this chapter.

Section 68. Section 189.427, Florida Statutes, is amended to read:

189.427 Fee schedule; *Grants and Donations* ~~Operating~~ Trust Fund.—The Department of *Economic Opportunity* ~~Community Affairs~~, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department in administering this act, except that the fee may not exceed \$175 per district per year. The fees collected under this section shall be deposited in the *Grants and Donations* ~~Operating~~ Trust Fund, which shall be administered by the Department of *Economic Opportunity* ~~Community Affairs~~. Any fee rule must consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Financial Services. The department may assess fines of not more than \$25, with an aggregate total not to exceed \$50, as penalties against special districts that fail to remit required fees to the department. It is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.

Section 69. Subsection (1) of section 189.4035, Florida Statutes, is amended to read:

189.4035 Preparation of official list of special districts.—

(1) The Department of *Economic Opportunity* ~~Community Affairs~~ shall compile the official list of special districts. The official list of special districts shall include all special districts in this state and shall indicate the independent or dependent status of each district. All special districts in the list shall be sorted by county. The definitions in s. 189.403 shall be the criteria for determination of the independent or dependent status of each special district on the official list. The status of community development districts shall be independent on the official list of special districts.

Section 70. Subsection (2) of section 190.009, Florida Statutes, is amended to read:

190.009 Disclosure of public financing.—

(2) The Department of *Economic Opportunity* ~~Community Affairs~~ shall keep a current list of districts and their disclosures pursuant to this act and shall make such studies and reports and take such actions as it deems necessary.

Section 71. Section 190.047, Florida Statutes, is amended to read:

190.047 Incorporation or annexation of district.—

(1) Upon attaining the population standards for incorporation contained in s. 165.061 and as determined by the Department of *Economic Opportunity* ~~Community Affairs~~, any district wholly contained within the unincorporated area of a county that also meets the other requirements for incorporation contained in s. 165.061 shall hold a referendum at a general election on the question of whether to incorporate. However, any district contiguous to the boundary of a municipality may be annexed to such municipality pursuant to the provisions of chapter 171.

(2) The Department of *Economic Opportunity* ~~Community Affairs~~ shall annually monitor the status of the district for purposes of carrying out the provisions of this section.

Section 72. Subsection (1) of section 191.009, Florida Statutes, is amended to read:

191.009 Taxes; non-ad valorem assessments; impact fees and user charges.—

(1) AD VALOREM TAXES.—An elected board may levy and assess ad valorem taxes on all taxable property in the district to construct, operate, and maintain district facilities and services, to pay the principal of, and interest on, general obligation bonds of the district, and to provide for any sinking or other funds established in connection with such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, may not exceed 3.75 mills unless a higher amount has been previously authorized by law, subject to a referendum as required by the State Constitution and this act. The ballot question on such referendum shall state the currently authorized millage rate and the year of its approval by referendum. The levy of ad valorem taxes pursuant to this section must be approved by referendum called by the board when the proposed levy of ad valorem taxes exceeds the amount authorized by prior special act, general law of local application, or county ordinance approved by referendum. Nothing in this act shall require a referendum on the levy of ad valorem taxes in an amount previously authorized by special act, general law of local application, or county ordinance approved by referendum. Such tax shall be assessed, levied, and collected in the same manner as county taxes. The levy of ad valorem taxes approved by referendum shall be reported within 60 days after the vote to the Department of *Economic Opportunity Community Affairs*.

Section 73. Section 191.015, Florida Statutes, is amended to read:

191.015 Codification.—Each fire control district existing on the effective date of this section, by December 1, 2004, shall submit to the Legislature a draft codified charter, at its expense, so that its special acts may be codified into a single act for reenactment by the Legislature, if there is more than one special act for the district. The Legislature may adopt a schedule for individual district codification. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, shall provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the Department of *Economic Opportunity Community Affairs* pursuant to s. 189.418(2).

Section 74. Paragraph (a) of subsection (1) of section 202.37, Florida Statutes, is amended to read:

202.37 Special rules for administration of local communications services tax.—

(1)(a) Except as otherwise provided in this section, all statutory provisions and administrative rules applicable to the communications services tax imposed by s. 202.12 apply to any local communications services tax imposed under s. 202.19, and the department shall administer, collect, and enforce all taxes imposed under s. 202.19, including interest and penalties attributable thereto, in accordance with the same procedures used in the administration, collection, and enforcement of the communications services tax imposed by s. 202.12. Audits performed by the department shall include a determination of the dealer's compliance with the jurisdictional siting of its customers' service addresses and a determination of whether the rate collected for the local tax pursuant to ss. 202.19 and 202.20 is correct. The person or entity designated by a local government pursuant to s. 213.053(8) ~~s. 213.053(9)(\*)~~ may provide evidence to the department demonstrating a specific person's failure to fully or correctly report taxable communications services sales within the jurisdiction. The department may request additional information from the designee to assist in any review. The department shall inform the designee of what action, if any, the department intends to take regarding the person.

Section 75. Paragraphs (g), (h), (j), and (p) of subsection (5) and paragraph (b) of subsection (15) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(g) *Building materials used in the rehabilitation of real property located in an enterprise zone.—*

1. Building materials used in the rehabilitation of real property located in an enterprise zone are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor at the time the real property is rehabilitated, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable. A single application for a refund may be submitted for multiple, contiguous parcels that were part of a single parcel that was divided as part of the rehabilitation of the property. All other requirements of this paragraph apply to each parcel on an individual basis. The application must include:

- a. The name and address of the person claiming the refund.
- b. An address and assessment roll parcel number of the rehabilitated real property for which a refund of previously paid taxes is being sought.
- c. A description of the improvements made to accomplish the rehabilitation of the real property.
- d. A copy of a valid building permit issued by the county or municipal building department for the rehabilitation of the real property.
- e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to rehabilitate the real property, which lists the building materials used to rehabilitate the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. If a general contractor was not used, the applicant, not a general contractor, shall make the sworn statement required by this sub-subparagraph. Copies of the invoices that evidence the purchase of the building materials used in the rehabilitation and the payment of sales tax on the building materials must be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes is documented by a general contractor or by the applicant in this manner, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.
- f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.
- g. A certification by the local building code inspector that the improvements necessary to rehabilitate the real property are substantially completed.
- h. A statement of whether the business is a small business as defined by s. 288.703(4).
- i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials used in the rehabilitation are paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must file an application that includes the same information required in subparagraph 1. In addition, the application must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were funded by a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the

application to determine if it contains all the information required by subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the required information and are eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification must be in writing, and a copy of the certification shall be transmitted to the executive director of the department. The applicant is responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building code inspector or by November 1 after the rehabilitated property is first subject to assessment.

5. Only one exemption through a refund of previously paid taxes for the rehabilitation of real property is permitted for any single parcel of property unless there is a change in ownership, a new lessor, or a new lessee of the real property. A refund may not be granted unless the amount to be refunded exceeds \$500. A refund may not exceed the lesser of 97 percent of the Florida sales or use tax paid on the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. or \$5,000, or, if at least 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount of refund may not exceed the lesser of 97 percent of the sales tax paid on the cost of the building materials or \$10,000. A refund shall be made within 30 days after formal approval by the department of the application for the refund.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. The department shall deduct an amount equal to 10 percent of each refund granted under this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

8. For the purposes of the exemption provided in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of improvements to real property.

b. "Real property" has the same meaning as provided in s. 192.001(12), except that the term does not include a condominium parcel or condominium property as defined in s. 718.103.

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

9. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(h) *Business property used in an enterprise zone.*—

1. Business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

- a. The name and address of the business claiming the refund.
- b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.
- c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.
- d. The location of the property.
- e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.
- f. Whether the business is a small business as defined by s. 288.703(1).
- g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the tax is due on the business property that is purchased.

5. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$10,000. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval by the department of the application for the refund. A refund may not be granted under this paragraph unless the amount to be refunded exceeds \$100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. Notwithstanding this subparagraph, business property used exclusively in:

- a. Licensed commercial fishing vessels,
- b. Fishing guide boats, or
- c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 379.2353, *Florida Statutes 2010*, are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible

to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

- a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
- b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b);
- c. Building materials as defined in sub-subparagraph (g)8.a.; and
- d. Business property having a sales price of under \$5,000 per unit.

10. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(j) *Machinery and equipment used in semiconductor, defense, or space technology production.*—

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 5. to design, manufacture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

3. In addition to meeting the criteria mandated by subparagraph 1. or subparagraph 2., a business must be certified by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* in order to qualify for exemption under this paragraph.

4. For items purchased tax-exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to the exemption, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

5.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall initially apply to Enterprise Florida, Inc. The original certification is valid for a period of 2 years. In lieu of submitting a new application, the original certification may be renewed biennially by submitting to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* a statement, certified under oath, that there has not been a no material change in the conditions or circumstances entitling the business entity to the original certification. The initial application and the certification renewal statement shall be developed by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* in consultation with Enterprise Florida, Inc.

b. *The Division of Strategic Business Development of the Department of Economic Opportunity Enterprise Florida, Inc.*, shall review each submitted initial application and determine whether or not the appli-

cation is complete within 5 working days. Once complete, *the division Enterprise Florida, Inc.*, shall, within 10 working days, evaluate the application and recommend approval or disapproval to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*.

c. Upon receipt of the initial application and recommendation from *the division Enterprise Florida, Inc.*, or upon receipt of a certification renewal statement, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant, *Enterprise Florida, Inc.*, and the department of the original certification or certification renewal. If the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* finds that the applicant does not meet the requirements, it shall notify the applicant and Enterprise Florida, Inc., within 10 working days that the application for certification has been denied and the reasons for denial. The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* has final approval authority for certification under this section.

d. The initial application and certification renewal statement must indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, the total investment made in real and tangible personal property over the preceding calendar year, and the total value of tax-exempt purchases and taxes exempted during the previous year. The department shall assist the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* in evaluating and verifying information provided in the application for exemption.

e. The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* may use the information reported on the initial application and certification renewal statement for evaluation purposes only.

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption. To receive these funds, the institution must agree to match the funds with equivalent cash, programs, services, or other in-kind support on a one-to-one basis for research and development projects requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Semiconductor technology products" means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; semiconductor lasers; optoelectronic elements; and related semiconductor technology products as determined by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*.

b. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

c. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

d. "Space technology products" means products that are specifically designed or manufactured for application in space activities, including, but not limited to, space launch vehicles, space flight vehicles, missiles, satellites or research payloads, avionics, and associated control systems and processing systems and components of any of the foregoing. The term does not include products that are designed or manufactured for

general commercial aviation or other uses even though those products may also serve an incidental use in space applications.

(p) *Community contribution tax credit for donations.*—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is \$10.5 million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and \$3.5 million annually for all other projects.

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

- (I) Cash or other liquid assets;
- (II) Real property;
- (III) Goods or inventory; or

(IV) Other physical resources as identified by the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone designated pursuant to s. 290.0065. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s. 1009.983;

(X) An enterprise zone development agency created under s. 290.0056;

(XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6), unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-

income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the *Department of Economic Opportunity office* shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-paragraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity office* shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the *Department of Economic Opportunity office* shall grant the tax credits for those applications on a pro rata basis.

### 3. Application requirements.—

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the *Department of Economic Opportunity office* which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the *Department of Economic Opportunity office* for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the *Department of Economic Opportunity office* that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

### 4. Administration.—

a. The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the *Department of Economic Opportunity office* must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the *Department of Economic Opportunity office* shall transmit a copy of the decision to the Department of Revenue.

c. The *Department of Economic Opportunity office* shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The *Department of Economic Opportunity office* shall, in consultation with the *Department of Community Affairs* and the statewide

and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.—This paragraph expires June 30, 2015; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

### (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

(b) To receive this exemption, a business must file an application, with the enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, on a form provided by the department for the purposes of this subsection and s. 166.231(8). The application shall be made under oath and shall include:

1. The name and location of the business.
2. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.
3. The date on which electrical service is to be first initiated to the business.
4. The name and mailing address of the entity from which electrical energy is to be purchased.
5. The date of the application.
6. The name of the city in which the business is located.
7. If applicable, the name and address of each permanent employee of the business including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.
8. Whether the business is a small business as defined by s. 288.703(4).

Section 76. Paragraph (b) of subsection (2) of section 212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

### (2)

(b) The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone pursuant to s. 290.004(6), in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for \$4 above the hourly federal minimum wage rate; 41 percent for \$5 above the hourly federal minimum wage rate; 42 percent for \$6 above the hourly federal minimum wage rate; 43 percent for \$7 above the hourly federal minimum wage rate; and 44 percent for \$8 above the hourly federal minimum wage rate. For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax. The credit shall be allowed for up to 24 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

Section 77. Paragraphs (a) and (e) of subsection (1) and subsections (4), (6), (7), (10), (11), and (16) of section 212.097, Florida Statutes, are amended to read:

### 212.097 Urban High-Crime Area Job Tax Credit Program.—

- (1) As used in this section, the term:

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(e) "Qualified high-crime area" means an area selected by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* in the following manner: every third year, the *Department of Economic Opportunity Office* shall rank and tier those areas nominated under subsection (7), according to the following prioritized criteria:

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;
2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;
3. Highest percentage of reported index crimes that are violent in nature;
4. Highest overall index crime volume for the area; and
5. Highest overall index crime rate for the geographic area.

Tier-one areas are ranked 1 through 5 and represent the highest crime areas according to this ranking. Tier-two areas are ranked 6 through 10 according to this ranking. Tier-three areas are ranked 11 through 15. Notwithstanding this definition, "qualified high-crime area" also means an area that has been designated as a federal Empowerment Zone pursuant to the Taxpayer Relief Act of 1997. Such a designated area is ranked in tier three until the areas are reevaluated by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*.

(4) For any new eligible business receiving a credit pursuant to subsection (2), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. For any existing eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition program participant. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the *Department of Revenue*.

(6) Any county or municipality, or a county and one or more municipalities together, may apply to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* for the des-

ignation of an area as a high-crime area after the adoption by the governing body or bodies of a resolution that:

(a) Finds that a high-crime area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

(b) Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such a high-crime area is necessary in the interest of the health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

(c) Determines that the revitalization of such a high-crime area can occur if the public sector or private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(7) The governing body of the entity nominating the area shall provide to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* the following:

- (a) The overall index crime rate for the geographic area;
- (b) The overall index crime volume for the area;
- (c) The percentage of reported index crimes that are violent in nature;
- (d) The reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and
- (e) The arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

(10)(a) In order to claim this credit, an eligible business must file under oath with the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* a statement that includes the name and address of the eligible business and any other information that is required to process the application.

(b) Applications shall be reviewed and certified pursuant to s. 288.061.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million, of which \$1 million shall be exclusively reserved for tier-one areas. The Department of Revenue, in conjunction with the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*, shall notify the governing bodies in areas designated as urban high-crime areas when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(11) If the application is insufficient to support the credit authorized in this section, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

(16) The *Department of Revenue* shall adopt rules governing the manner and form of applications for credit and may establish guidelines concerning the requisites for an affirmative showing of qualification for the credit under this section.

Section 78. Paragraphs (a) and (c) of subsection (1) and subsections (6) and (7), of section 212.098, Florida Statutes, are amended to read:

212.098 Rural Job Tax Credit Program.—

(1) As used in this section, the term:

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); SIC 7996 (amusement parks); and a targeted industry eligible for the qualified target industry business tax refund under s. 288.106. A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

(c) "Qualified area" means any area that is contained within a rural area of critical economic concern designated under s. 288.0656, a county that has a population of fewer than 75,000 persons, or a county that has a population of 125,000 or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall rank and tier the state's counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.
2. Lowest per capita income for the most recent 36-month period.
3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.
4. Average weekly manufacturing wage, based upon the most recent data available.

(6)(a) In order to claim this credit, an eligible business must file under oath with the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* a statement that includes the name and address of the eligible business, the starting salary or hourly wages paid to the new employee, and any other information that the Department of Revenue requires.

(b) Pursuant to the incentive review process under s. 288.061, the *Department of Economic Opportunity* Within 30 working days after receipt of an application for credit, the *Office of Tourism, Trade, and Economic Development* shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million. The Department of Revenue, in conjunction with the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*, shall notify the governing bodies in areas designated as qualified counties when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

(d) A business may not receive more than \$500,000 of tax credits under this section during any one calendar year.

(7) If the application is insufficient to support the credit authorized in this section, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall deny the credit and notify the business of that fact. The business may reapply for this credit within 3 months after such notification.

Section 79. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3409 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

- a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their ob-

ligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided for in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

7. All other proceeds must remain in the General Revenue Fund.

Section 80. Subsection (4), paragraph (a) of subsection (7), paragraphs (k) through (cc) of subsection (8), and subsections (19), (20), and (21) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, are amended, to read:

213.053 Confidentiality and information sharing.—

(4) The department, while providing unemployment tax collection services under contract with the *Department of Economic Opportunity Agency for Workforce Innovation* through an interagency agreement pursuant to s. 443.1316, may release unemployment tax rate information to the agent of an employer, which agent provides payroll services for more than 100 500 employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain unemployment tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.

(7)(a) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available to the following in performance of their official duties:

1. The Auditor General or his or her authorized agent;
2. The director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent;
3. The Chief Financial Officer or his or her authorized agent;
4. The Director of the Office of Insurance Regulation of the Financial Services Commission or his or her authorized agent;
5. A property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1); ☞

6. Designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 1011.62(2); and-

7. *The executive director of the Department of Economic Opportunity or his or her authorized agent.*

(8) Notwithstanding any other provision of this section, the department may provide:

~~(k)1. Payment information relative to chapters 199, 201, 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration of the tax refund program for qualified defense contractors and space flight business contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.~~

~~2. Information relative to tax credits taken by a business under s. 220.101 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.101 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).~~

~~3. Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097; 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185; 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99; 290.007; 376.30781; 420.5092; 420.5099; 550.0951; 550.26352; 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, for use in the administration or evaluation of such programs.~~

~~(k)4. Information relative to chapter 212 and the Bill of Lading Program to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of its official duties.~~

~~(l)1. Information relative to chapter 198 to the Agency for Health Care Administration in the conduct of its official business relating to ss. 409.901-409.9101.~~

~~(m)1. Information contained in returns, reports, accounts, or declarations to the Board of Accountancy in connection with a disciplinary proceeding conducted pursuant to chapter 473 when related to a certified public accountant participating in the certified audits project, or to the court in connection with a civil proceeding brought by the department relating to a claim for recovery of taxes due to negligence on the part of a certified public accountant participating in the certified audits project. In any judicial proceeding brought by the department, upon motion for protective order, the court shall limit disclosure of tax information when necessary to effectuate the purposes of this section.~~

~~(n)1. Information relative to ss. 376.70 and 376.75 to the Department of Environmental Protection in the conduct of its official business and to the facility owner, facility operator, and real property owners as defined in s. 376.301.~~

~~(o)1. Information relative to ss. 220.1845 and 376.30781 to the Department of Environmental Protection in the conduct of its official business.~~

~~(p)1. Names, addresses, and sales tax registration information to the Division of Consumer Services of the Department of Agriculture and Consumer Services in the conduct of its official duties.~~

~~(q)1. Information relative to the returns required by ss. 175.111 and 185.09 to the Department of Management Services in the conduct of its official duties. The Department of Management Services is, in turn, authorized to disclose payment information to a governmental agency or the agency's agent for purposes related to budget preparation, auditing, revenue or financial administration, or administration of chapters 175 and 185.~~

(r)(s) Names, addresses, and federal employer identification numbers, or similar identifiers, to the Department of Highway Safety and Motor Vehicles for use in the conduct of its official duties.

~~(t) Information relative to the tax exemptions under ss. 212.031, 212.06, and 212.08 for those persons qualified under s. 288.1258 to the Office of Film and Entertainment. The Department of Revenue shall provide the Office of Film and Entertainment with information in the aggregate.~~

(s)(u) Information relative to ss. 211.0251, 212.1831, 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of Education and the Division of Alcoholic Beverages and Tobacco in the conduct of official business.

(t)(v) Information relative to chapter 202 to each local government that imposes a tax pursuant to s. 202.19 in the conduct of its official duties as specified in chapter 202. Information provided under this paragraph may include, but is not limited to, any reports required pursuant to s. 202.231, audit files, notices of intent to audit, tax returns, and other confidential tax information in the department's possession relating to chapter 202. A person or an entity designated by the local government in writing to the department as requiring access to confidential taxpayer information shall have reasonable access to information provided pursuant to this paragraph. Such person or entity may disclose such information to other persons or entities with direct responsibility for budget preparation, auditing, revenue or financial administration, or legal counsel. Such information shall only be used for purposes related to budget preparation, auditing, and revenue and financial administration. Any confidential and exempt information furnished to a local government, or to any person or entity designated by the local government as authorized by this paragraph may not be further disclosed by the recipient except as provided by this paragraph.

~~(w) Tax registration information to the Agency for Workforce Innovation for use in the conduct of its official duties, which information may not be redisclosed by the Agency for Workforce Innovation.~~

(u)(x) Rental car surcharge revenues authorized by s. 212.0606, reported according to the county to which the surcharge was attributed to the Department of Transportation.

(v)(y) Information relative to ss. 212.08(7)(ccc) and 220.192 to the Department of Agriculture and Consumer Services ~~Florida Energy and Climate Commission~~ for use in the conduct of its official business.

(w)(z) Taxpayer names and identification numbers for the purposes of information-sharing agreements with financial institutions pursuant to s. 213.0532.

(x)(aa) Information relative to chapter 212 to the Department of Environmental Protection in the conduct of its official duties in the administration of s. 253.03(7)(b) and (11).

~~(bb) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.~~

(y)(ee) Information relative to ss. 253.03(8) and 253.0325 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

~~(19) The department may disclose information relative to tax credits taken by a taxpayer pursuant to s. 288.9916 to the Office of Tourism, Trade, and Economic Development or its employees or agents. Such employees must be identified in writing by the office to the department. All information disclosed under this subsection is subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department.~~

(19)(20)(a) The department may publish a list of taxpayers against whom the department has filed a warrant, notice of lien, or judgment

lien certificate. The list may include the name and address of each taxpayer; the amounts and types of delinquent taxes, fees, or surcharges, penalties, or interest; and the employer identification number or other taxpayer identification number.

(b) The department shall update the list at least monthly to reflect payments for resolution of deficiencies and to otherwise add or remove taxpayers from the list.

(c) The department may adopt rules to administer this subsection.

~~(20)(21)~~ The department may disclose information relating to taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. Such information includes the name and address of the taxpayer, the actions taken, the amounts and types of liabilities, and the amount of any collections made.

Section 81. Subsection (1) of section 215.5588, Florida Statutes, is amended to read:

215.5588 Florida Disaster Recovery Program.—

(1) The Department of ~~Economic Opportunity Community Affairs~~ shall implement the 2006 Disaster Recovery Program from funds provided through the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, for the purpose of assisting local governments in satisfying disaster recovery needs in the areas of low-income housing and infrastructure, with a primary focus on the hardening of single-family and multifamily housing units, not only to ensure that affordable housing can withstand the effects of hurricane-force winds, but also to mitigate the increasing costs of insurance, which may ultimately render existing affordable homes unaffordable or uninsurable. This section does not create an entitlement for local governments or property owners or obligate the state in any way to fund disaster recovery needs.

Section 82. Paragraph (b) of subsection (8) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(b) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Pre-kindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

Section 83. Paragraph (a) of subsection (6) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing unemployment tax collection services under contract with the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316.

Section 84. Subsection (1) of section 216.231, Florida Statutes, is amended to read:

216.231 Release of certain classified appropriations.—

(1)(a) Any appropriation to the Executive Office of the Governor which is classified as an "emergency," as defined in s. 252.34(3), may be released only with the approval of the Governor. The state agency, or the judicial branch, desiring the use of the emergency appropriation shall submit to the Executive Office of the Governor application ~~therefor~~ in

writing setting forth the facts from which the alleged need arises. The Executive Office of the Governor shall, at a public hearing, review such application promptly and approve or disapprove the applications as the circumstances may warrant. All actions of the Executive Office of the Governor shall be reported to the legislative appropriations committees, and the committees may advise the Executive Office of the Governor relative to the release of such funds.

(b) The release of appropriated funds classified as “emergency” shall be approved only ~~if when~~ an act or circumstance caused by an act of God, civil disturbance, natural disaster, or other circumstance of an emergency nature threatens, endangers, or damages the property, safety, health, or welfare of the state or its ~~residents~~ citizens, which condition has not been provided for in appropriation acts of the Legislature. Funds allocated for this purpose may be used to pay overtime pay to personnel of agencies called upon to perform extra duty because of any civil disturbance or other emergency as defined in s. 252.34(9) and to provide the required state match for federal grants under the federal Disaster Relief Act.

Section 85. Subsection (2) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Information Program of the Department of ~~Economic Opportunity Community Affairs~~ showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term “long-term debt” means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 86. Paragraph (g) of subsection (1) of section 218.37, Florida Statutes, is amended to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the State Board of Administration, with respect to both general obligation bonds and revenue bonds, shall:

(g) By January 1 each year, provide the Special District Information Program of the Department of ~~Economic Opportunity Community Affairs~~ with a list of special districts that are not in compliance with the requirements in s. 218.38.

Section 87. Paragraph (a) of subsection (3) of section 218.64, Florida Statutes, is amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to \$2 million annually of the local government half-cent sales tax allocated to that county for funding for any of the following applicants:

(a) A certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. It is the Legislature’s intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(8),

shall apply to an applicant’s facility to be funded by local government as provided in this subsection.

Section 88. Paragraph (ff) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(ff) “Job” means a full-time position, as consistent with terms used by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from business operations in this state. The term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 212.096. The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

Section 89. Paragraph (a) of subsection (1) and paragraph (g) of subsection (2) of section 220.181, Florida Statutes, are amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) There shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which demonstrates to the department that, on the date of application, the total number of full-time jobs is greater than the total was 12 months ~~before~~ prior to that date. The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, as defined under s. 220.03(1)(ee), unless the business is located in a rural enterprise zone, pursuant to s. 290.004(6), in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located in a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid, for a period of up to 24 consecutive months. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for \$4 above the hourly federal minimum wage rate; 41 percent for \$5 above the hourly federal minimum wage rate; 42 percent for \$6 above the hourly federal minimum wage rate; 43 percent for \$7 above the hourly federal minimum wage rate; and 44 percent for \$8 above the hourly federal minimum wage rate.

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(g) Whether the business is a small business as defined by s. 288.703(4).

Section 90. Subsection (13) of section 220.182, Florida Statutes, is amended to read:

220.182 Enterprise zone property tax credit.—

(13) When filing for an enterprise zone property tax credit, a business shall indicate whether the business is a small business as defined by s. 288.703(4).

Section 91. Paragraph (d) of subsection (1), paragraphs (b), (c), and (d) of subsection (2), and subsections (3), and (4) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(d) All proposals for the granting of the tax credit shall require the prior approval of the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*.

(2) ELIGIBILITY REQUIREMENTS.—

(b)1. All community contributions must be reserved exclusively for use in projects as defined in s. 220.03(1)(t).

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credit shall be granted in full if the tax credit applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

3. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the office shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications on a pro rata basis.

(c) The project must be undertaken by an “eligible sponsor,” defined here as:

1. A community action program;
2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;
3. A neighborhood housing services corporation;
4. A local housing authority, created pursuant to chapter 421;
5. A community redevelopment agency, created pursuant to s. 163.356;
6. The Florida Industrial Development Corporation;
7. An historic preservation district agency or organization;
8. A regional workforce board;
9. A direct-support organization as provided in s. 1009.983;

10. An enterprise zone development agency created pursuant to s. 290.0056;

11. A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

12. Units of local government;

13. Units of state government; or

14. Such other agency as the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Florida Community pursuant to s. 20.18(6). Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph. This section does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. Any project designed to provide increased access to high-speed broadband capabilities which includes coverage of a rural enterprise zone may locate the project's infrastructure in any area of a rural county.

(3) APPLICATION REQUIREMENTS.—

(a) Any eligible sponsor wishing to participate in this program must submit a proposal to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

(b) Any business wishing to participate in this program must submit an application for tax credit to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*, which application sets forth the sponsor; the project; and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit.

(c) The business firm must submit a separate application for tax credit for each individual contribution that it makes to each individual project.

(4) ADMINISTRATION.—

(a) The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section, including rules for the approval or disapproval of proposals by business firms.

(b) The decision of the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall be in writing, and, if approved, the notification must state the maximum credit allowable to the business firm. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.

(c) The *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less often than once every 2 years.

(d) The Department of Revenue has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(e) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall, in consultation with the ~~Department of Community Affairs~~, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

Section 92. Section 220.1895, Florida Statutes, is amended to read:

220.1895 Rural Job Tax Credit and Urban High-Crime Area Job Tax Credit.—There shall be allowed a credit against the tax imposed by this chapter amounts approved by the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ pursuant to the Rural Job Tax Credit Program in s. 212.098 and the Urban High-Crime Area Job Tax Credit Program in s. 212.097. A corporation that uses its credit against the tax imposed by this chapter may not take the credit against the tax imposed by chapter 212. If any credit granted under this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

Section 93. Section 220.1896, Florida Statutes, is amended to read:

220.1896 Jobs for the Unemployed Tax Credit Program.—

(1) As used in this section, the term:

(a) “Eligible business” means any target industry business as defined in s. 288.106(2) which is subject to the tax imposed by this chapter. The eligible business does not have to be certified to receive the Qualified Target Industry Tax Refund Incentive under s. 288.106 in order to receive the tax credit available under this section.

~~(b) “Office” means the Office of Tourism, Trade, and Economic Development.~~

~~(b)(c)~~ “Qualified employee” means a person:

1. Who was unemployed at least 30 days immediately ~~before~~ ~~prior to~~ being hired by an eligible business.

2. Who was hired by an eligible business on or after July 1, 2010, and had not previously been employed by the eligible business or its parent or an affiliated corporation.

3. Who performed duties connected to the operations of the eligible business on a regular, full-time basis for an average of at least 36 hours per week and for at least 12 months before an eligible business is awarded a tax credit.

4. Whose employment by the eligible business has not formed the basis for any other claim to a credit pursuant to this section.

(2) A certified business shall receive a \$1,000 tax credit for each qualified employee, pursuant to limitation in subsection (5).

(3)(a) In order to become a certified business, an eligible business must file under oath with the ~~Department of Economic Opportunity office~~ an application that includes:

1. The name, address and NAICS identifying code of the eligible business.

2. Relevant employment information.

3. A sworn affidavit, signed by each employee, attesting to his or her previous unemployment for whom the eligible business is seeking credits under this section.

4. Verification that the wages paid by the eligible business to each of its qualified employees exceeds the wage eligibility levels for Medicaid and other public assistance programs.

5. Any other information necessary to process the application.

(b) The ~~Department of Economic Opportunity office~~ shall process applications to certify a business in the order in which the applications are received, without regard as to whether the applicant is a new or an existing business. The ~~Department of Economic Opportunity office~~ shall review and approve or deny an application within 10 days after receiving a completed application. The ~~Department of Economic Opportunity office~~ shall notify the applicant in writing as to the ~~department’s office’s~~ decision.

(c)1. The ~~Department of Economic Opportunity office~~ shall submit a copy of the letter of certification to the Department of Revenue within 10 days after the ~~Department of Economic Opportunity office~~ issues the letter of certification to the applicant.

2. If the application of an eligible business is not sufficient to certify the applicant business, the ~~Department of Economic Opportunity office~~ must deny the application and issue a notice of denial to the applicant.

3. If the application of an eligible business does not contain sufficient documentation of the number of qualified employees, the ~~Department of Economic Opportunity office~~ shall approve the application with respect to the employees for whom the ~~Department of Economic Opportunity office~~ determines are qualified employees. The ~~Department of Economic Opportunity office~~ must deny the application with respect to persons for whom the ~~Department of Economic Opportunity office~~ determines are not qualified employees or for whom insufficient documentation has been provided. A business may not submit a revised application for certification or for the determination of a person as a qualified employee more than 3 months after the issuance of a notice of denial with respect to the business or a particular person as a qualified employee.

(4) The applicant for a tax credit under this section has the responsibility to affirmatively demonstrate to the satisfaction of the ~~Department of Economic Opportunity office~~ and the Department of Revenue that the applicant and the persons claimed as qualified employees meet the requirements of this section.

(5) The total amount of tax credits under this section which may be approved by the ~~Department of Economic Opportunity office~~ for all applicants is \$10 million, with \$5 million available to be awarded in the 2011-2012 fiscal year and \$5 million available to be awarded in the 2012-2013 fiscal year.

(6) A tax credit amount that is granted under this section which is not fully used in the first year for which it becomes available may be carried forward to the subsequent taxable year. The carryover credit may be used in the subsequent year if the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(7) A person who fraudulently claims a credit under this section is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit. Such person also commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The ~~Department of Economic Opportunity office~~ may adopt rules governing the manner and form of applications for the tax credit. The ~~Department of Economic Opportunity office~~ may establish guidelines for making an affirmative showing of qualification for the tax credit under this section.

(9) The Department of Revenue may adopt rules to administer this section, including rules relating to the creation of forms to claim a tax credit and examination and audit procedures required to administer this section.

(10) This section expires June 30, 2012. However, a taxpayer that is awarded a tax credit in the second year of the program may carry forward any unused credit amount to the subsequent tax reporting period. Rules adopted by the Department of Revenue to administer this section shall remain valid as long as a taxpayer may use a credit against its corporate income tax liability.

Section 94. Subsection (1) of section 220.1899, Florida Statutes, is amended to read:

220.1899 Entertainment industry tax credit.—

(1) There shall be a credit allowed against the tax imposed by this chapter in the amounts awarded by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* under the entertainment industry financial incentive program in s. 288.1254.

Section 95. Paragraphs (e), (f), (g), and (h) of subsection (1), paragraph (a) of subsection (3), and subsections (5) and (6) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(e) “Jobs” means full-time equivalent positions, as that term is consistent with terms used by the *Department of Economic Opportunity Agency for Workforce Innovation* and the United States Department of Labor for purposes of unemployment tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

~~(f) “Office” means the Office of Tourism, Trade, and Economic Development.~~

~~(f)(g)~~ “Qualifying business” means a business which establishes a qualifying project in this state and which is certified by the *Department of Economic Opportunity office* to receive tax credits pursuant to this section.

~~(g)(h)~~ “Qualifying project” means a facility in this state meeting one or more of the following criteria:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the *Department of Economic Opportunity office* pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries. *However, between July 1, 2011, and June 30, 2014, the requirement that a facility be in a high-impact sector is waived for any otherwise eligible business from another state which locates all or a portion of its business to a Disproportionally Affected County. For purposes of this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.*

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(2) ~~or 288.106(2)(c)~~ and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(2), and make a cumulative capital investment of at least \$100 million ~~after July 1, 2005~~. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter ~~may~~ shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years, ~~or~~

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual private sector wage, as published by the *Department of Economic Opportunity Agency for Workforce Innovation or its successor*, and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least \$250 million.

(3)(a) Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to subparagraph (1)(g)(h)3., in an amount equal to the lesser of \$15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business and as further

provided in paragraph (c). The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.

(5) Applications shall be reviewed and certified pursuant to s. 288.061. The *Department of Economic Opportunity office*, upon a recommendation by Enterprise Florida, Inc., shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(6) The *Department of Economic Opportunity office*, in consultation with Enterprise Florida, Inc., is authorized to develop the necessary guidelines and application materials for the certification process described in subsection (5).

Section 96. Subsection (2) of section 222.15, Florida Statutes, is amended to read:

222.15 Wages or unemployment compensation payments due deceased employee may be paid spouse or certain relatives.—

(2) It is also lawful for the *Department of Economic Opportunity Agency for Workforce Innovation*, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 97. Subsections (3) and (4) of section 250.06, Florida Statutes, are amended to read:

250.06 Commander in chief.—

(3) The Governor may, in order to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, respond to an emergency as defined in s. 252.34(3) or imminent danger thereof, or, in case of the calling of all or any portion of the militia of *this state Florida* into the services of the United States, may increase the Florida National Guard and organize it in accordance with rules and regulations governing the Armed Forces of the United States. Such organization and increase may be pursuant to or in advance of any call made by the President of the United States. If the Florida National Guard is activated into service of the United States, another organization may not be designated as the Florida National Guard.

(4) The Governor may, in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34(3) or imminent danger thereof, or respond to any need for emergency aid to civil authorities as specified in s. 250.28, order into state active duty all or any part of the militia which he or she deems proper.

Section 98. Subsection (2) of section 252.34, Florida Statutes, is amended to read:

252.34 Definitions.—As used in *this part ss. 252.31-252.60*, the term:

(2) “Division” means the Division of Emergency Management *within the Executive Office of the Governor of the Department of Community Affairs*, or the successor to that division.

Section 99. Paragraphs (j), (s), and (t) of subsection (2) of section 252.35, Florida Statutes, are amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties ~~under ss. 252.31-252.90~~, the division shall:

(j) *In cooperation with The Division of Emergency Management and the Department of Education, shall coordinate with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited*

English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(s) ~~By January 1, 2007, the Division of Emergency Management shall~~ Complete an inventory of portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which each generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division of ~~Emergency Management~~ during a declared emergency.

(t) ~~The division shall~~ Maintain an inventory list of generators owned by the state and local governments. In addition, the division may keep a list of private entities, along with appropriate contact information, which offer generators for sale or lease. The list of private entities shall be available to the public for inspection in written and electronic formats.

Section 100. Subsection (2) of section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice.—

(2) The ~~division~~ ~~Department of Community Affairs~~ shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

Section 101. Section 252.371, Florida Statutes, is amended to read:

252.371 Emergency Management, Preparedness, and Assistance Trust Fund.—There is created the Emergency Management, Preparedness, and Assistance Trust Fund to be administered by the ~~division~~ ~~Department of Community Affairs~~.

Section 102. Subsections (1) and (2) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the ~~division~~ ~~Department of Community Affairs~~ for the following purposes:

(a) To implement and administer state and local emergency management programs, including administration, training, and operations.

(b) For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(c) To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

(2) The ~~division~~ ~~department~~ shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(b), that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

(b) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount.

(c) Specifying match requirements.

(d) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements.

Section 103. Subsection (5) of section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

(5) The wing commander of the Florida Wing of the Civil Air Patrol shall biennially furnish the ~~division~~ ~~Bureau of Emergency Management~~ a 2-year projection of the goals and objectives of the Civil Air Patrol which shall be reported in the division's biennial report submitted pursuant to s. 252.35.

Section 104. Subsection (4) of section 252.60, Florida Statutes, is amended to read:

252.60 Radiological emergency preparedness.—

(4) POWERS AND DUTIES.—In implementing the requirements of this section, the ~~director of the division~~ ~~secretary of the department~~, or the ~~director's~~ ~~secretary's~~ designated representative, shall:

(a) Negotiate and enter into such additional contracts and arrangements among the division, appropriate counties, and each operator to provide for the level of funding and the respective roles of each in the development, preparation, testing, and implementation of the plans.

(b) Evaluate and determine the adequacy of the plans based upon consultations with the United States Nuclear Regulatory Commission and other agencies, as appropriate, and upon the results of such tests as may be conducted.

(c) Limited to such funding as is available based upon the requirements of subsection (5), require the participation of appropriate counties and operators in the development, preparation, testing, or implementation of the plans as needed.

(d) Determine the reasonableness and adequacy of the provisions, terms, and conditions of the plans and, in the event the appropriate counties and the operators cannot agree, resolve such differences and require compliance by the appropriate counties and the operators with the plans. In resolving such differences, the ~~director~~ ~~secretary~~ shall consider:

1. The requirements and parameters placed on the operators by federal law and agencies;

2. The reasonableness and adequacy of the funding for appropriate counties from any sources of funds other than local revenue sources; and

3. The reasonableness and appropriateness of the costs to the appropriate counties likely to be incurred in complying with provisions, terms, and conditions of the plans.

(e) Receive, expend, and disburse such funds as are made available by each licensee pursuant to this section.

(f) Limited to such funding as is available based upon the requirements of subsection (5), coordinate all activities undertaken pursuant to this section or required of appropriate counties and operators by any federal or state agency.

Section 105. Section 252.61, Florida Statutes, is amended to read:

252.61 List of persons for contact relating to release of toxic substances into atmosphere.—The ~~Division of Emergency Management~~ ~~De-~~

~~partment of Community Affairs shall maintain a list of contact persons after the survey pursuant to s. 403.771 is completed.~~

Section 106. Section 252.82, Florida Statutes, is amended to read:

252.82 Definitions.—As used in this part:

(1) “Commission” means the State Hazardous Materials Emergency Response Commission created pursuant to s. 301 of EPCRA.

(2) “Committee” means any local emergency planning committee established in the state pursuant to s. 301 of EPCRA.

(3) “Division” means the Division of Emergency Management within the Executive Office of the Governor ~~“Department” means the Department of Community Affairs.~~

(4) “Facility” means facility as defined in s. 329 of EPCRA. Vehicles placarded according to title 49 Code of Federal Regulations ~~are shall not be~~ considered a facility except for purposes of s. 304 of EPCRA.

(5) “Hazardous material” means any hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of EPCRA.

(6) “EPCRA” means the Emergency Planning and Community Right-to-Know Act of 1986, title III of the Superfund Amendments and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-329, 42 U.S.C. ss. 11001 et seq.; and federal regulations adopted thereunder.

(7) “Trust fund” means the Operating Trust Fund of the ~~division Department of Community Affairs.~~

Section 107. Section 252.83, Florida Statutes, is amended to read:

252.83 Powers and duties of the ~~division department~~.—

(1) The ~~division department~~ shall have the authority:

(a) To coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities under part I of this chapter, and activities and with the related activities of other agencies, keeping separate accounts for all activities supported or partially supported from the Operating Trust Fund.

(b) To make rules, with the advice and consent of the commission, to implement this part.

(2) The ~~division department~~ shall provide administrative support, including staff, facilities, materials, and services, to the commission and shall provide funding to the committees to enable the commission and the committees to perform their functions under EPCRA and this part.

(3) The ~~division department~~ and the commission, to the extent possible, shall use the emergency planning capabilities of local governments to reduce duplication and paperwork to achieve the intent of this part. It is the intent of the Legislature that this part be implemented in the most cost-efficient manner possible, with the least possible financial impact on local government and the community.

Section 108. Subsections (1), (3), (4), and (5) of section 252.85, Florida Statutes, are amended to read:

252.85 Fees.—

(1) Any owner or operator of a facility required under s. 302 or s. 312 of EPCRA, or by s. 252.87, to submit a notification or an annual inventory form to the commission shall be required to pay an annual registration fee. The fee for any company, including all facilities under common ownership or control, shall not be less than \$25 nor more than \$2,000. The ~~division department~~ shall establish a reduced fee, of not less than \$25 nor more than \$500, applicable to any owner or operator regulated under part I of chapter 368, chapter 527, or s. 376.303, which does not have present any extremely hazardous substance, as defined by EPCRA, in excess of a threshold planning quantity, as established by EPCRA. The ~~division department~~ shall establish a reduced fee of not less than \$25 nor more than \$1,000, applicable to any owner or operator of a facility with a Standard Industrial Classification Code of 01, 02, or 07, which is eligible for the “routine agricultural use” exemption provided in ss. 311 and 312 of EPCRA. The fee under this subsection shall be based

on the number of employees employed within the state at facilities under the common ownership or control of such owner or operator, which number shall be determined, to the extent possible, in accordance with data supplied by the Department of *Economic Opportunity or its tax collection service provider* ~~Labor and Employment Security~~. In order to avoid the duplicative reporting of seasonal and temporary agricultural employees, fees applicable to owners or operators of agricultural facilities, which are eligible for the “routine agricultural use” reporting exemption provided in ss. 311 and 312 of EPCRA, shall be based on employee data which most closely reflects such owner or operator’s permanent nonseasonal workforce. The ~~division department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection without regard to the number of facilities under common ownership or control. The ~~division department~~ may require owners or operators of multiple facilities to demonstrate common ownership or control for purposes of this subsection.

(3) Any owner or operator of a facility that is required to submit a report or filing under s. 313 of EPCRA shall pay an annual reporting fee not to exceed \$150 for those s. 313 EPCRA listed substances in effect on January 1, 2005. The ~~division department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection.

(4)(a) The ~~division department~~ may assess a late fee for the failure to submit a report or filing that substantially complies with the requirements of EPCRA or s. 252.87 by the specified date or for failure to pay any fee, including any late fee, required by this section. This late fee shall be in addition to the fee otherwise imposed pursuant to this section. If the ~~division department~~ elects to impose a late fee, it shall provide the owner or operator with a written notice that identifies the specific requirements which have not been met and advises of its intent to assess a late fee.

(b) The ~~division department~~ may impose a late fee, subject to the limitations set forth below:

1. If the report, filing, or fee is submitted within 30 days after the receipt of the ~~division’s department’s~~ notice, no late fee may be assessed.

2. If the report, filing, or fee is not submitted within 30 days after the receipt of the ~~division’s department’s~~ notice, the ~~division department~~ may impose a late fee in an amount equal to the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed \$2,000.

3. If the report, filing, or fee is not submitted within 90 days after the receipt of the ~~division’s department’s~~ notice, the ~~division department~~ may issue a second notice. If the report, filing, or fee is not submitted within 30 days after receipt of the ~~division’s department’s~~ second notice, the ~~division department~~ may assess a second late fee in an amount equal to twice the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed \$4,000.

4. The ~~division department~~ may consider, but is not limited to considering, the following factors in assessing late fees: good faith attempt to comply; history of noncompliance; ability to pay or continue in business; threat to health and safety posed by noncompliance; and degree of culpability.

(5) The ~~division department~~ shall establish by rule the dates by which the fee is to be paid, as well as a formula or method of determining the facility registration fee and late fee.

Section 109. Subsections (1) and (3) of section 252.86, Florida Statutes, are amended to read:

252.86 Penalties and remedies.—

(1) The owner or operator of a facility, an employer, or any other person submitting written information pursuant to EPCRA or this part to the commission, a committee, or a fire department shall be liable for a civil penalty of \$5,000 for each item of information in the submission that is false, if such person knew or should have known the information was false or if such person submitted the information with reckless disregard of its truth or falsity. The ~~division department~~ may institute a civil action in a court of competent jurisdiction to impose and recover a

civil penalty for the amount indicated in this subsection. However, the court may receive evidence in mitigation.

(3) Any provision of s. 325 or s. 326 of EPCRA which creates a federal cause of action shall create a corresponding cause of action under state law, with jurisdiction in the circuit courts. Any provision of s. 325 or s. 326 of EPCRA which imposes or authorizes the imposition of a civil penalty by the Administrator of the Environmental Protection Agency, or which creates a liability to the United States, shall impose or authorize the imposition of such a penalty by the ~~division department~~ or create such a liability to and for the benefit of the state, to be paid into the Operating Trust Fund. Venue shall be proper in the county where the violation occurred or where the defendant has its principal place of business.

Section 110. Subsections (4) and (7) of section 252.87, Florida Statutes, are amended to read:

252.87 Supplemental state reporting requirements.—

(4) Each employer that owns or operates a facility in this state at which hazardous materials are present in quantities at or above the thresholds established under ss. 311(b) and 312(b) of EPCRA shall comply with the reporting requirements of ss. 311 and 312 of EPCRA. Such employer shall also be responsible for notifying the ~~division department~~, the local emergency planning committee, and the local fire department in writing within 30 days if there is a discontinuance or abandonment of the employer's business activities that could affect any stored hazardous materials.

(7) The ~~division department~~ shall avoid duplicative reporting requirements by ~~using~~ utilizing the reporting requirements of other state agencies that regulate hazardous materials to the extent feasible and shall request the information authorized under EPCRA. With the advice and consent of the State Emergency Response Commission for Hazardous Materials, the ~~division department~~ may require by rule that the maximum daily amount entry on the chemical inventory report required under s. 312 of EPCRA provide for reporting in estimated actual amounts. The ~~division department~~ may also require by rule an entry for the Federal Employer Identification Number on this report. To the extent feasible, the ~~division department~~ shall encourage and accept required information in a form initiated through electronic data interchange and shall describe by rule the format, manner of execution, and method of electronic transmission necessary for using such form. To the extent feasible, the Department of Financial Services, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, the ~~Department of Labor and Employment Security~~, and other state agencies which regulate hazardous materials shall coordinate with the ~~division department~~ in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the ~~division department~~ in informing the facility owner or operator of the requirements of this part. The ~~division department~~ shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 111. Subsection (4) of section 252.88, Florida Statutes, is amended to read:

252.88 Public records.—

(4) The ~~division department~~, the commission, and the committees shall furnish copies of public records submitted under EPCRA or this part, and may charge a fee of \$1 per page per person per year for over 25 pages of materials copied.

Section 112. Subsections (3), (8), (9), and (19) of section 252.936, Florida Statutes, are amended to read:

252.936 Definitions.—As used in this part, the term:

(3) "Audit" means a review of information at, ~~a stationary source subject to s. 112(r)(7)~~, or submitted by, a stationary source subject to s. 112(r)(7), to determine whether that stationary source is in compliance with ~~the requirements of~~ this part and rules adopted to ~~administer im-~~

~~plement~~ this part. Audits must include a review of the adequacy of the stationary source's Risk Management Plan, may consist of reviews of information submitted to the ~~division department~~ or the United States Environmental Protection Agency to determine whether the plan is complete or whether revisions to the plan are needed, and the reviews may be conducted at the stationary source to confirm that information onsite is consistent with reported information.

(8) "~~Division~~" means the *Division of Emergency Management in the Executive Office of the Governor* "~~Department~~" means the *Department of Community Affairs*.

(9) "Inspection" means a review of information at a stationary source subject to s. 112(r)(7), including documentation and operating practices and access to the source and to any area where an accidental release could occur, to determine whether the stationary source is in compliance with ~~the requirements of~~ this part or rules adopted to ~~administer im-~~ ~~plement~~ this part.

(19) "Trust fund" means the *Operating Trust Fund of the division established in the department's Division of Emergency Management*.

Section 113. Section 252.937, Florida Statutes, is amended to read:

252.937 ~~Division Department~~ powers and duties.—

(1) The ~~division department~~ has the power and duty to:

(a)1. Seek delegation from the United States Environmental Protection Agency to implement the Accidental Release Prevention Program under s. 112(r)(7) of the Clean Air Act and the federal implementing regulations for specified sources subject to s. 112(r)(7) of the Clean Air Act. Implementation for all other sources subject to s. 112(r)(7) of the Clean Air Act ~~shall will~~ be performed by the United States Environmental Protection Agency; and

2. Ensure the timely submission of Risk Management Plans and any subsequent revisions of Risk Management Plans.

(b) Adopt, modify, and repeal rules, with the advice and consent of the commission, necessary to obtain delegation from the United States Environmental Protection Agency and to administer the s. 112(r)(7) Accidental Release Prevention Program in this state for the specified stationary sources with no expansion or addition of the regulatory program.

(c) Make and execute contracts and other agreements necessary or convenient to the ~~administration implementation~~ of this part.

(d) Coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities and activities under parts I, II, and III of this chapter and with the related activities of other state and local agencies, keeping separate accounts for all activities conducted under this part which are supported or partially supported from the trust fund.

(e) Establish, with the advice and consent of the commission, a technical assistance and outreach program ~~on or before January 31, 1999~~, to assist owners and operators of specified stationary sources subject to s. 112(r)(7) in complying with the reporting and fee requirements of this part. This program is designed to facilitate and ensure timely submission of proper certifications or compliance schedules and timely submission and registration of Risk Management Plans and revised registrations and Risk Management Plans ~~if when~~ required for these sources.

(f) Make a quarterly report to the State Emergency Response Commission on income and expenses for the state's Accidental Release Prevention Program under this part.

(2) To ensure that this program is self-supporting, the ~~division department~~ shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and ~~shall~~ provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the ~~division department~~ which specifically

outlines how each agency's staff, facilities, materials, and services will be used ~~utilized~~ to support implementation. ~~At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management, and the Department of Labor and Employment Security's Division of Safety.~~ It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

(3) To prevent the duplication of investigative efforts and resources, the ~~division department~~, on behalf of the commission, shall coordinate with any federal agencies or agents thereof, including the federal Chemical Safety and Hazard Investigation Board, or its successor, which are performing accidental release investigations for specified stationary sources, and may coordinate with any agencies of the state which are performing accidental release investigations. This accidental release investigation coordination is not intended to limit or take the place of any individual agency accidental release investigation under separate authority.

(4) To promote efficient administration of this program and specified stationary sources, ~~the only the division agency which~~ may seek delegation from the United States Environmental Protection Agency for this program is the Florida Department of Community Affairs. Further, the ~~division may Florida Department of Community Affairs shall~~ not delegate this program to any local environmental agency.

Section 114. Section 252.943, Florida Statutes, is amended to read:

252.943 Public records.—

(1) The ~~division Department of Community Affairs~~ shall protect records, reports, or information or particular parts thereof, other than release or emissions data, contained in a risk management plan from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the ~~division department~~ are confidential and exempt from the ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to an order of court.

(2) The ~~division department~~ shall protect records, reports, or information or particular parts thereof, other than release or emissions data, obtained from an investigation, inspection, or audit from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the ~~division department~~ are confidential and exempt from the ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to a ~~court an order of court~~.

Section 115. Section 252.946, Florida Statutes, is amended to read:

252.946 Public records.—With regard to information submitted to the United States Environmental Protection Agency under this part or s. 112(r)(7), the ~~division Department of Community Affairs~~, the State Hazardous Materials Emergency Response Commission, and any local emergency planning committee may assist persons in electronically accessing such information held by the United States Environmental Protection Agency in its centralized database. If requested, the ~~division department~~, the commission, or a committee may furnish copies of such United States Environmental Protection Agency records.

Section 116. Subsections (3) and (4) of section 255.042, Florida Statutes, are amended to read:

255.042 Shelter in public buildings.—

(3) The ~~Division of Emergency Management Department of Community Affairs~~ shall, in those cases in which the architect-engineer firm does not possess the specialized training required for the inclusion of fallout protection in building design and upon request from the architect-engineer concerned or the responsible state or local agency, provide, at no cost to the architect-engineer or agency, professional development service to increase fallout protection through shelter slanting and cost-reduction techniques.

(4) Nothing in this ~~section establishes act shall be construed as establishing~~ a mandatory requirement for the incorporation of fallout shelter in the construction of, modification of, or addition to the public buildings concerned. It is mandatory, however, that the incorporation of such protection be given every consideration through acceptable shelter slanting and cost-reduction techniques. The responsible state or local official shall determine whether cost, or other related factors, precludes or makes impracticable the incorporation of fallout shelter in public buildings. Further, the ~~Division of Emergency Management Department of Community Affairs~~ may waive the requirement for consideration of shelter in those cases where presently available shelter spaces equal or exceed the requirements of the area concerned.

Section 117. Paragraph (b) of subsection (1) of section 255.099, Florida Statutes, is amended to read:

255.099 Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(b) A contractor required to employ state residents must contact the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ to post the contractor's employment needs in the state's job bank system.

Section 118. Subsection (4) of section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(4) The Division of Recreation and Parks shall provide consultation assistance to the ~~Department of Community Affairs~~ and to local governing units as to the protection, organization, and administration of local recreation systems and the planning and design of local recreation areas and facilities.

Section 119. Paragraph (b) of subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council.

(b) The ~~four five~~ remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, ~~and the secretary of the Department of Community Affairs~~, or their respective designees.

Section 120. Paragraphs (c) and (j) of subsection (3) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be dis-

tributed by the Department of Environmental Protection in the following manner:

(c) Twenty-one percent to the Department of *Environmental Protection Community Affairs* for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(j) Two and five-tenths percent to the Department of *Environmental Protection Community Affairs* for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida communities trust pursuant to s. 380.5105.

Section 121. Paragraph (d) of subsection (1) of section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of ~~20~~ 24 members, consisting of:

(d) The ~~9~~ 10 remaining members shall include:

1. The Secretary of Environmental Protection or a designee.
2. The executive director of the Fish and Wildlife Conservation Commission or a designee.
- ~~3. The Secretary of Community Affairs or a designee.~~
- 3.4. The Secretary of Transportation or a designee.
- ~~4.5.~~ The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee.
- ~~5.6.~~ The director of the Division of Historical Resources of the Department of State or a designee.
- 6.7. A representative of the water management districts. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation.
- 7.8. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate

federal agency and request designation of a representative from the agency to serve on the council.

~~8.9.~~ A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection ~~in consultation with the Secretary of Community Affairs~~. Membership on the council shall rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation.

~~9.10.~~ A representative of local governments to be appointed by the Secretary of Environmental Protection ~~in consultation with the Secretary of Community Affairs~~. Membership shall alternate between a county representative and a municipal representative.

Section 122. Paragraph (b) of subsection (4) of section 267.0625, Florida Statutes, is amended to read:

267.0625 Abrogation of offensive and derogatory geographic place names.—

(4) The division shall:

(b) Notify the Department of Transportation, the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~, the Department of Management Services, and any other entity that compiles information for or develops maps or markers for the state of the name change so that it may be reflected on subsequent editions of any maps, informational literature, or markers produced by those entities.

Section 123. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—~~Enterprise Florida, Inc., The Florida Commission on Tourism~~ shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.

Section 124. Paragraph (a) of subsection (4) of section 282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A state e-mail system that includes the delivery and support of e-mail, messaging, and calendaring capabilities is established as an enterprise information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(4) All agencies must be completely migrated to the statewide e-mail service as soon as financially and operationally feasible, but no later than June 30, 2015.

(a) The following statewide e-mail service implementation schedule is established for state agencies:

1. Phase 1.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2012: the Agency for Enterprise Information Technology; ~~the Department of Community Affairs, including the Division of Emergency Management~~; the Department of Corrections; the Department of Health; the Department of Highway Safety and Motor Vehicles; the Department of Management Services, including the Division of Administrative Hearings, the Division of Retirement, the Commission on Human Relations, and the Public Employees Relations Commission; the Southwood Shared Resource Center; and the Department of Revenue.

2. Phase 2.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2013: the Department of Business and Professional Regulation; the Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans' Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.

3. Phase 3.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2014: the Agency for Health Care Administration; ~~the Agency for Workforce Innovation~~; the Department of Financial Services, including the Office of Financial Regulation and the Office of Insurance Regulation; the Department of Agriculture and Consumer Services; the Executive Office of the Governor, including the *Division of Emergency Management*; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Agency for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.

4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Elderly Affairs; *the Department of Economic Opportunity*; and the Department of Legal Affairs.

Section 125. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 282.709, Florida Statutes, are amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(1) The department may acquire and administer a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, establish policies, procedures, and standards to be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(d) The department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

1. In implementing such powers and duties, the department shall consult and act in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

2. The department may make the mutual aid channels available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security.

(4) The department may create and administer an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The office may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The department may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The department, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction

with the Department of Law Enforcement and the Division of Emergency Management ~~of the Department of Community Affairs~~, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 126. Subsection (2) of section 287.0931, Florida Statutes, is amended to read:

287.0931 Minority business enterprises; participation in bond underwriting.—

(2) To meet such participation requirement, the minority firm must have full-time employees located in this state, must have a permanent place of business located in this state, and must be a firm which is at least 51-percent-owned by minority persons as defined in s. 288.703(3). However, for the purpose of bond underwriting only, the requirement that the minority person be a permanent resident of this state ~~does shall~~ not apply.

Section 127. Paragraph (e) of subsection (2) of section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of minority business enterprises.—

(2)

(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:

1. Link ownership by a minority person; as defined in s. 288.703(3), or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to demonstrated expertise or licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified. Businesses must comply with all state licensing requirements ~~before prior to~~ becoming certified as a minority business enterprise.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement ~~does shall~~ not apply to minority persons who are otherwise eligible who take a 51-percent-or-greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified. A transfer made within a related immediate family group from a nonminority person to a minority person in order to establish ownership by a minority person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subparagraph, the term “related immediate family group” means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

3. Require that prospective certified minority business enterprises be currently performing or seeking to perform a useful business function. A “useful business function” is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term “acting as a conduit” means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer’s representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.

Section 128. Paragraph (n) of subsection (4) of section 287.09451, Florida Statutes, is amended to read:

287.09451 Office of Supplier Diversity; powers, duties, and functions.—

(4) The Office of Supplier Diversity shall have the following powers, duties, and functions:

(n)1. To develop procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which shall be based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2), or approved joint ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic-Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic-Americans, 1 percent for Asian-Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic-Americans, 0.5 percent for Asian-Americans, 0.5 percent for Native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic-Americans, 1 percent for Asian-Americans, 0.5 percent for Native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, *the terms "minority business enterprise" and "minority person" have the same meanings as provided in s. 288.703(3).* ~~the Department of Transportation, the terms "minority business enterprise" and "minority person" have the same meanings as provided in s. 288.703(3).~~ In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the department, with the assistance of the Office of Supplier Diversity, shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1996.

3. In determining the base amounts for assessing compliance with this paragraph, the Office of Supplier Diversity may develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Office of Supplier Diversity, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

4. To determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of minority businesses in state contracting. These guidelines shall include consideration of:

- a. Size and complexity of the project.
- b. The concentration of transactions with minority business enterprises for the commodity or contractual services in question in prior agency contracting.
- c. The specificity and definition of work allocated to participating minority business enterprises.

d. The capacity of participating minority business enterprises to complete the tasks identified in the project.

e. The available pool of minority business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. To determine guidelines for use of joint ventures to meet minority business enterprises spending goals. For purposes of this section, "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines shall allow transactions with joint ventures to be eligible for credit against the minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration shall be by verifiable documents and sworn statements and may be reviewed by the Office of Supplier Diversity at or before the time a contract bid, proposal, or reply is submitted. An agency may count toward its minority business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified minority business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

Section 129. Subsections (1) and (5) of section 287.0947, Florida Statutes, are amended to read:

287.0947 Florida Advisory Council on Small and Minority Business Development; creation; membership; duties.—

(1) ~~On or after October 1, 1996, the Secretary of Management Services, the Department of Labor and Employment Security may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of "minority person" in s. 288.703(3), considering also gender and nationality subgroups, and shall consist of the following:~~

(a) Four members consisting of representatives of local and federal small and minority business assistance programs or community development programs.

(b) Eight members composed of representatives of the minority private business sector, including certified minority business enterprises and minority supplier development councils, among whom at least two shall be women and at least four shall be minority persons.

(c) Two representatives of local government, one of whom shall be a representative of a large local government, and one of whom shall be a representative of a small local government.

(d) Two representatives from the banking and insurance industry.

(e) Two members from the private business sector, representing the construction and commodities industries.

(f) ~~A member from the board of directors of Enterprise Florida, Inc. The chairperson of the Florida Black Business Investment Board or the chairperson's designee.~~

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(21) ~~187.201(22)~~, requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

Section 130. Section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida ~~international foreign~~ offices; *state protocol officer; protocol manual.*—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida ~~international foreign~~ offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between *private businesses and state entities, local entities, and international governmental foreign entities, and private businesses.*

(1) The ~~department Office of Tourism, Trade, and Economic Development~~ is authorized to:

(a) Establish and operate offices in ~~other foreign~~ countries for the purpose of promoting ~~the~~ trade and economic development *opportunities* of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in ~~other foreign~~ countries *which contain containing provisions that which may be in* conflict with the general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in *another country's foreign* currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of *another country's foreign* currency by the ~~department Office of Tourism, Trade, and Economic Development~~ to meet such obligations shall be subject only to s. 216.311.

(2) Each ~~international foreign~~ office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the ~~department Office of Tourism, Trade, and Economic Development~~. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the ~~foreign country or area~~ in which *an international a foreign* office is located.

(c) Provisions for access to information for Florida businesses *related to through the Florida Trade Data Center. Each foreign office shall obtain and forward* trade leads and inquiries *to the center on a regular basis.*

(d) Identification of new and emerging market opportunities for Florida businesses. ~~Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to Enterprise Florida, Inc., the Florida Commission on Tourism, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information. This information shall~~

be provided ~~to such offices and entities~~ either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to ~~the services of the Florida Trade Data Center~~, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified by the ~~department Office of Tourism, Trade, and Economic Development~~.

(f) Qualitative and quantitative performance measures for each office, including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of ~~international foreign~~ buyers and importers contacted, and the amount and type of marketing conducted.

(3) By October 1 of each year, each ~~international foreign~~ office shall submit to the ~~department Office of Tourism, Trade, and Economic Development~~ a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by Enterprise Florida, Inc., the report must set forth information on:

- (a) The number of Florida companies assisted.
- (b) The number of inquiries received about investment opportunities in this state.
- (c) The number of trade leads generated.
- (d) The number of investment projects announced.
- (e) The estimated U.S. dollar value of sales confirmations.
- (f) The number of representation agreements.
- (g) The number of company consultations.
- (h) Barriers or other issues affecting the effective operation of the office.
- (i) Changes in office operations which are planned for the current fiscal year.
- (j) Marketing activities conducted.
- (k) Strategic alliances formed with organizations in the country in which the office is located.
- (l) Activities conducted with *Florida's other Florida international foreign* offices.
- (m) Any other information that the office believes would contribute to an understanding of its activities.

(4) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~, in connection with the establishment, operation, and management of any of its offices located in ~~another a foreign~~ country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) The ~~department Office of Tourism, Trade, and Economic Development~~ may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified ~~international foreign~~ office, such action shall constitute continuing authority for the ~~department Office of Tourism, Trade, and Economic Development~~ to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term “plan of operation” means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the ~~department Office of Tourism, Trade, and Economic Development~~ shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(5) Where feasible and appropriate, ~~international and subject to s. 288.1224(9), foreign~~ offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, ~~and subject to s. 288.1224(9),~~ such offices may also be collocated with other ~~international foreign~~ offices of the state.

(6) The ~~department Office of Tourism, Trade, and Economic Development~~ is authorized to make and to enter into contracts with Enterprise Florida, Inc., ~~and the Florida Commission on Tourism~~ to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., ~~and the Florida Commission on Tourism~~ to the same degree and subject to the same conditions as applied to the ~~department Office of Tourism, Trade, and Economic Development~~. To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between ~~private businesses and state entities, international, foreign entities, and local governmental entities, and private businesses~~ to operate ~~international foreign~~ offices.

(7) *The Governor may designate a state protocol officer. The state protocol officer shall be housed within the Executive Office of the Governor. In consultation with the Governor and other governmental officials, the state protocol officer shall develop, maintain, publish, and distribute the state protocol manual.*

Section 131. Subsections (1) and (3) of section 288.017, Florida Statutes, are amended to read:

288.017 Cooperative advertising matching grants program.—

(1) *Enterprise Florida, Inc., The Florida Commission on Tourism* is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the tourism advantages of the state. The ~~department Office of Tourism, Trade, and Economic Development~~, based on recommendations from *Enterprise Florida, Inc. the Florida Commission on Tourism*, shall have final approval of grants awarded through this program. *Enterprise Florida, Inc., The commission* may contract with its direct-support organization to administer the program.

(3) *Enterprise Florida, Inc., The Florida Commission on Tourism* shall conduct an annual competitive selection process for the award of grants under the program. In determining its recommendations for the grant awards, the commission shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant’s proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the commission deems appropriate. In evaluating grant applications, the ~~department Office~~ shall consider recommendations from *Enterprise Florida, Inc. the Florida Commission on Tourism*. The ~~department Office~~, however, has final approval authority for any grant under this section.

Section 132. Section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The ~~department Office of Tourism, Trade, and Economic Development~~ is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an

organization may receive in any year will be \$35,000, or \$100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, the ~~department Office of Tourism, Trade, and Economic Development~~ shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) The ~~department Office of Tourism, Trade, and Economic Development~~ may also contract for the development of an enterprise zone web portal or websites for each enterprise zone which will be used to market the program for job creation in disadvantaged urban and rural enterprise zones. Each enterprise zone web page should include downloadable links to state forms and information, as well as local message boards that help businesses and residents receive information concerning zone boundaries, job openings, zone programs, and neighborhood improvement activities.

(4) The ~~department Office of Tourism, Trade, and Economic Development~~ may expend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section. The ~~department Office of Tourism, Trade, and Economic Development~~ may contract with Enterprise Florida, Inc., for the administration of the purposes specified in this section. Funds released to Enterprise Florida, Inc., for this purpose shall be released quarterly and shall be calculated based on the applications in process.

Section 133. Subsection (4) of section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.—Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2) to resources available throughout the state.

(4) For existing programs, the modified evaluation criteria and scoring procedure must be delivered to the ~~department Office of Tourism, Trade, and Economic Development~~ for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state’s resources.

Section 134. Subsection (1) of section 288.021, Florida Statutes, is amended to read:

288.021 Economic development liaison.—

(1) The heads of the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department, ~~the Department of Labor and Employment Security, the Department of Education, the Department of Community Affairs, the Department of Management Services, the Department of Revenue, the Fish and Wildlife Conservation Commission, each water management district, and each Department of Transportation District~~ office shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the

state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency with the ~~department Office of Tourism, Trade, and Economic Development~~ on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

Section 135. Section 288.0251, Florida Statutes, is amended to read:

288.0251 International development outreach activities in Latin America and Caribbean Basin.—The ~~department Office of Tourism, Trade, and Economic Development~~ may contract for the implementation of Florida's international volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean Basin. The entity contracted under this section must require that such activities be conducted by qualified volunteers who are citizens of the state. The contracting agency must have a statewide focus and experience in coordinating international volunteer programs.

Section 136. Subsection (1) of section 288.035, Florida Statutes, is amended to read:

288.035 Economic development activities.—

(1) The Florida Public Service Commission may authorize public utilities to recover reasonable economic development expenses. For purposes of this section, recoverable "economic development expenses" are those expenses described in subsection (2) which are consistent with criteria to be established by rules adopted by the ~~department of Commerce as of June 30, 1996, or as those criteria are later modified by the Office of Tourism, Trade, and Economic Development.~~

Section 137. Section 288.037, Florida Statutes, is amended to read:

288.037 Department of State; agreement with county tax collector.—In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the ~~Department of State's department's~~ agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the Department of State.

Section 138. Subsection (3) of section 288.041, Florida Statutes, is amended to read:

288.041 Solar energy industry; legislative findings and policy; promotional activities.—

(3) By January 15 of each year, the Department of Environmental Protection shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the impact of the solar energy industry on the economy of this state and shall make any recommendations on initiatives to further promote the solar energy industry as the Department of Environmental Protection deems appropriate.

Section 139. Subsections (9) and (10) of section 288.047, Florida Statutes, are amended to read:

288.047 Quick-response training for economic development.—

(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the private sector support of Enterprise Florida, Inc., under s. 288.904 ~~s. 288.9015(5)(d).~~

(10) Workforce Florida, Inc., and Enterprise Florida, Inc., shall ensure maximum coordination and cooperation in administering this section, in such a manner that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires about or applies for funding under this section. ~~The organiza-~~

~~tions shall provide such~~ A business shall be provided with a single point of contact for information and assistance.

Section 140. Section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(1) ~~The Department of Economic Opportunity may Office of Tourism, Trade, and Economic Development is authorized to make, and based on a recommendation from Enterprise Florida, Inc., to~~ approve, expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body. ~~Each application shall be reviewed and certified pursuant to s. 288.061. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall provide the Department of Transportation, and the Department of Environmental Protection, and the Department of Community Affairs with an opportunity to formally review and comment on recommended transportation projects, although the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development has final approval authority for any project under this section.~~

(2) Any contract with a governmental body for construction of any transportation project executed by the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall:

(a) Specify and identify the transportation project to be constructed for a new or expanding business and the number of full-time permanent jobs that will result from the project.

(b) Require that the appropriate governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or regulations unless the project can be constructed with existing local government employees within the contract period specified by the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development.~~

(c) Require that the appropriate governmental body provide the ~~department Office of Tourism, Trade, and Economic Development~~ with quarterly progress reports. Each quarterly progress report shall contain a narrative description of the work completed according to the project schedule, a description of any change orders executed by the appropriate governmental body, a budget summary detailing planned expenditures versus actual expenditures, and identification of minority business enterprises used as contractors and subcontractors. Records of all progress payments made for work in connection with such transportation projects, and any change orders executed by the appropriate governmental body and payments made pursuant to such orders, shall be maintained by that governmental body in accordance with accepted governmental accounting principles and practices and shall be subject to financial audit as required by law. In addition, the appropriate governmental body, upon completion and acceptance of the transportation project, shall make certification to the ~~department Office of Tourism, Trade, and Economic Development~~ that the project has been completed in compliance with the terms and conditions of the contractual agreements between the ~~department Office of Tourism, Trade, and Economic Development~~ and the appropriate governmental body and meets minimum construction standards established in accordance with s. 336.045.

(d) Specify that the ~~department Office of Tourism, Trade, and Economic Development~~ shall transfer funds upon receipt of a request for funds from the local government, on no more than a quarterly basis, consistent with project needs. A contract totaling less than \$200,000 is exempt from this transfer requirement. ~~The department may Office of Tourism, Trade, and Economic Development shall not transfer any funds unless construction has begun on the facility of the business on whose behalf the award was made. Local governments shall expend funds in a timely manner.~~

(e) Require that program funds be used only on those transportation projects that have been properly reviewed and approved in accordance with the criteria set forth in this section.

(f) Require that the governing board of the appropriate local governmental body agree by resolution to accept future maintenance and other attendant costs occurring after completion of the transportation project if the project is construction on a county or municipal system.

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the ~~department Office of Tourism, Trade, and Economic Development~~ to facilitate the economic development and growth of the state. ~~Except for applications received prior to July 1, 1996,~~ Such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The ~~department Office of Tourism, Trade, and Economic Development~~ shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the ~~department Office of Tourism, Trade, and Economic Development~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than \$10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

(4) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ may contact any agency it deems appropriate for additional input regarding the approval of projects.

(5) ~~A No project is not eligible for funding unless it that has not been specified and identified by the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development in accordance with subsection (4) before prior to the initiation of construction shall be eligible for funding.~~

(6) The Department of Transportation shall review the proposed projects to ensure proper coordination with transportation projects included in the adopted work program and may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the Department of *Environmental Protection* may advise and assist it or plan and construct other such transportation projects for it.

(7) For the purpose of this section, Space Florida may serve as the local government or as the contracting agency for transportation projects within spaceport territory as defined by s. 331.304.

(8) Each local government receiving funds under this section shall submit to the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ a financial audit of the local entity conducted by an independent certified public accountant. The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.

(9) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall monitor on site each grant recipient, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.

(10) In addition to the other provisions of this section, projects that the Legislature deems necessary to facilitate the economic development and growth of the state may be designated and funded in the General Appropriations Act. Such transportation projects create new employment opportunities, expand transportation infrastructure, improve mobility, or increase transportation innovation. The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall enter into contracts with, and make expenditures to, the appropriate entities for the costs of transportation projects designated in the General Appropriations Act.

Section 141. Subsections (1), (2), and (3) of section 288.065, Florida Statutes, are amended to read:

#### 288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established *within the department in the Office of Tourism, Trade, and Economic Development* to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2)(a) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern.

(b) Requests for loans shall be made by application to the ~~department Office of Tourism, Trade, and Economic Development~~. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the ~~department Office of Tourism, Trade, and Economic Development~~. The loans shall be the legal obligations of the applicant.

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of critical economic concern designated by the Governor, and upon approval by the ~~department Office of Tourism, Trade, and Economic Development~~, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

(3) The ~~department Office of Tourism, Trade, and Economic Development~~ shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The ~~department Office of Tourism, Trade, and Economic Development~~ shall have final approval authority for any loan under this section.

Section 142. Subsections (1), (2), (3), and (4) of section 288.0655, Florida Statutes, are amended to read:

#### 288.0655 Rural Infrastructure Fund.—

(1) There is created within the ~~department Office of Tourism, Trade, and Economic Development~~ the Rural Infrastructure Fund to facilitate the planning, preparing, and financing of infrastructure projects in rural communities which will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development.

(2)(a) Funds appropriated by the Legislature shall be distributed by the *department Office* through grant programs that maximize the use of federal, local, and private resources, including, but not limited to, those available under the Small Cities Community Development Block Grant Program.

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the *department Office* may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, the *department Office* may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, the *department Office* may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs; up to \$150,000 for an employment project with a business committed to create at least 300 jobs; and up to \$300,000 for a project in a rural area of critical economic concern. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, the *department Office* shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) ~~The department~~ ~~By September 1, 1999, the Office~~ shall participate in ~~pursue execution of~~ a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the *United States Department of Agriculture* a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the *department Office* may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed

\$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, the *department office* shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The *department office*, in consultation with Enterprise Florida, Inc., ~~the Florida Tourism Industry Marketing Corporation VISIT Florida~~, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit of the projects and their long-term viability. The *department office* shall have final approval for any grant under this section.

(4) By September 1, 2012 ~~1999~~, the *department office* shall, in consultation with the organizations listed in subsection (3), and other organizations, ~~reevaluate existing develop~~ guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The *department office* shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration ~~and level of~~ local public and private commitment, ~~whether the project is located location of the project~~ in an enterprise zone, ~~the location of the project~~ in a community development corporation service area, ~~or in an urban high-crime area as the location of the project in a county~~ designated under s. 212.097, the unemployment rate of the county in which the project would be located ~~surrounding area~~, and the poverty rate of the community.

Section 143. Paragraph (b) of subsection (1), paragraphs (b) and (e) of subsection (2), paragraph (a) of subsection (6), and paragraphs (b) and (c) of subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(b) The Rural Economic Development Initiative, known as “REDI,” is created within the ~~department Office of Tourism, Trade, and Economic Development~~, and the participation of state and regional agencies in this initiative is authorized.

(2) As used in this section, the term:

(b) “Catalyst site” means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the ~~department Office of Tourism, Trade, and Economic Development~~ for the purposes of locating a catalyst project.

(e) “Rural community” means:

1. A county with a population of 75,000 or fewer.
2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (c) and verified by the ~~department Office of Tourism, Trade, and Economic Development~~.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

- ~~1. The Department of Community Affairs.~~
- 1.2. The Department of Transportation.
- ~~2.3. The Department of Environmental Protection.~~
- 3.4. The Department of Agriculture and Consumer Services.
- ~~4.5. The Department of State.~~
- 5.6. The Department of Health.
- 6.7. The Department of Children and Family Services.
- ~~7.8. The Department of Corrections.~~
- ~~9. The Agency for Workforce Innovation.~~
- 8.10. The Department of Education.
- 9.11. The Department of Juvenile Justice.
- ~~10.12. The Fish and Wildlife Conservation Commission.~~
- ~~11.13. Each water management district.~~
- ~~12.14. Enterprise Florida, Inc.~~
- ~~13.15. Workforce Florida, Inc.~~
- ~~14.16. The Florida Commission on Tourism or VISIT Florida.~~
- 15.17. The Florida Regional Planning Council Association.
- ~~16.18. The Agency for Health Care Administration.~~
- ~~17.19. The Institute of Food and Agricultural Sciences (IFAS).~~

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the *executive* director of the ~~department Office of Tourism, Trade, and Economic Development.~~

(7)

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the ~~department Office of Tourism, Trade, and Economic Development~~; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and confirmed as a catalyst project by the ~~department Office of Tourism, Trade, and Economic Development~~. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

Section 144. Subsections (2) and (3) of section 288.06561, Florida Statutes, are amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2).

(2) Agencies and organizations shall ensure that all proposals are submitted to the ~~department Office of Tourism, Trade, and Economic Development~~ for review by the REDI agencies.

(3) These proposals shall be delivered to the ~~department Office of Tourism, Trade, and Economic Development~~ for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

Section 145. Subsections (2) and (4) of section 288.0657, Florida Statutes, are amended to read:

288.0657 Florida rural economic development strategy grants.—

(2) The ~~department Office of Tourism, Trade, and Economic Development~~ may accept and administer moneys appropriated to the ~~department office~~ for providing grants to assist rural communities to develop and implement strategic economic development plans.

(4) ~~The department Enterprise Florida, Inc., and VISIT Florida,~~ shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. ~~The department International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida,~~ shall review each application for a grant and shall submit annually to the Office for approval a list of all applications that are recommended by the board and VISIT Florida, arranged in order of priority. The ~~department office~~ may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 146. Section 288.0658, Florida Statutes, is amended to read:

288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.—The Florida Fish and Wildlife Conservation Commission is directed to assist *Enterprise Florida, Inc.* ~~the Florida Commission on Tourism~~; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term "nature-based recreation" means leisure activities related to the state's lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 147. Section 288.0659, Florida Statutes, is amended to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within the ~~department Office of Tourism, Trade, and Economic Development~~. The purpose of the program is to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

(2) As used in this section, the term:

(a) "Local government" means a county or municipality.

~~(b) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(b)(c)~~ "Qualified business assistance" means economic incentives provided by a local government for the purpose of attracting or retaining a specific business, including, but not limited to, suspensions, waivers, or reductions of impact fees or permit fees; direct incentive payments; expenditures for onsite or offsite improvements directly benefiting a specific business; or construction or renovation of buildings for a specific business.

(3) The ~~department Office~~ may accept and administer moneys appropriated by the Legislature to the ~~Office~~ for providing grants to match expenditures by local governments to attract or retain businesses in this state.

(4) A local government may apply for grants to match qualified business assistance made by the local government for the purpose of attracting or retaining a specific business. A local government may apply for no more than one grant per targeted business. A local government may only have one application pending with the ~~department Office~~. Additional applications may be filed after a previous application has been approved or denied.

(5) To qualify for a grant, the business being targeted by a local government must create at least 15 full-time jobs, must be new to this state, must be expanding its operations in this state, or would otherwise leave the state absent state and local assistance, and the local government applying for the grant must expedite its permitting processes for the target business by accelerating the normal review and approval timelines. In addition to these requirements, the ~~department office~~ shall review the grant requests using the following evaluation criteria, with priority given in descending order:

(a) The presence and degree of pervasive poverty, unemployment, and general distress as determined pursuant to s. 290.0058 in the area where the business will locate, with priority given to locations with greater degrees of poverty, unemployment, and general distress.

(b) The extent of reliance on the local government expenditure as an inducement for the business's location decision, with priority given to higher levels of local government expenditure.

(c) The number of new full-time jobs created, with priority given to higher numbers of jobs created.

(d) The average hourly wage for jobs created, with priority given to higher average wages.

(e) The amount of capital investment to be made by the business, with priority given to higher amounts of capital investment.

(6) In evaluating grant requests, the ~~department Office~~ shall take into consideration the need for grant assistance as it relates to the local government's general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the ~~department Office~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local government pursuant to other state or federal incentive programs.

(8) Within 30 days after the ~~department Office~~ receives an application for a grant, the ~~department Office~~ shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated qualified business assistance or \$50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. The ~~department Office~~ may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

(a) Preliminary grant allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(b) Recipients of preliminary grant allocations shall promptly report to the ~~department Office~~ the date on which the local government's permitting and approval process is completed and the date on which all qualified business assistance is completed.

(9) The ~~department Office~~ shall make a final grant award to a local government within 30 days after receiving information from the local government sufficient to demonstrate actual qualified business assistance. An awarded grant amount shall equal 50 percent of the amount of the qualified business assistance or \$50,000, whichever is less, and may not exceed the preliminary grant allocation. The amount by which a preliminary grant allocation exceeds a final grant award shall be immediately available for reallocation.

(10) Up to 2 percent of the funds appropriated annually by the Legislature for the program may be used by the ~~department Office~~ for direct administrative costs associated with implementing this section.

Section 148. Paragraph (a) of subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Economic development agency" means:

1. ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development;~~

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

3. Space Florida created in part II of chapter 331;

4. The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

5. Any research and development authority created in accordance with part V of chapter 159; or

6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

Section 149. Paragraphs (c), (h), (p), and (r) of subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g) of subsection (5), paragraphs (a), (b), and (c) of subsection (6), and subsections (7) and (8) of section 288.1045, Florida Statutes, are amended, and present paragraphs (i) through (u) of subsection (1) are redesignated as paragraphs (h) through (s), respectively, to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(1) DEFINITIONS.—As used in this section:

(c) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the ~~department Agency for Workforce Innovation~~ for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the ~~department Agency for Workforce Innovation~~ as a reporting unit.

(h) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(p) "Office" means the Office of Tourism, Trade, and Economic Development.

(p)(~~r~~) "Qualified applicant" means an applicant that has been approved by the ~~department director~~ to be eligible for tax refunds pursuant to this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the ~~department director~~ which were paid by such qualified

applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(d) Contingent upon an annual appropriation by the Legislature, the ~~department director~~ may approve not more in tax refunds than the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5) and s. 288.095.

(e) For the first 6 months of each fiscal year, the ~~department director~~ shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may:

1. Receive refunds from the account for corporate income taxes due and paid pursuant to chapter 220 by that business beginning with the first taxable year of the business which begins after entering into the agreement.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Intangible personal property taxes paid pursuant to chapter 199.

c. Emergency excise taxes paid pursuant to chapter 221.

d. Excise taxes paid on documents pursuant to chapter 201.

e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

f. State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the ~~department Office~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section. ~~The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The Office may make supplemental tax refund payments to allow for tax refunds for communications services taxes paid by an eligible qualified defense contractor after October 1, 2001.~~

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the ~~department Office of Tourism, Trade, and Economic Development~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the ~~department Office~~ which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the

applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, after a proposal has been submitted for a new space flight business contract in this state, after the applicant has made the decision to consolidate an existing space flight business contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the ~~department Office~~ as prescribed by the ~~department Office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the ~~department Office~~.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the ~~department Office~~ as prescribed by the ~~department Office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of net new full-time equivalent Florida jobs included in the nondefense production project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the *department Office*.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the *department Office* as prescribed by the *department office* and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the *department office* that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

8. The total number of full-time equivalent employees employed by the applicant in this state.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. ~~Before~~ ~~Prior to~~ the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the *department Office*.

(e) To qualify for review by the *department Office*, the application of an applicant must, at a minimum, establish the following to the satisfaction of the *department office*:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6., subparagraph (c)6., or subparagraph (j)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract or the space flight business contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant's last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant's facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) must be submitted to the *department office* for a determination of eligibility. The *department Office* shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan ~~prepared by the department~~ ~~adopted by Enterprise Florida, Inc.~~, taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry or space flight business.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) Applications shall be reviewed and certified pursuant to s. 288.061. If appropriate, the *department director* shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(h) The *department director* may not certify any applicant as a qualified applicant when the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). A letter of certification that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor for each fiscal year and the total amount of tax refunds for all fiscal years.

(i) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(j) Applications for certification based upon a new space flight business contract or the consolidation of a space flight business contract must be submitted to the *department office* as prescribed by the *department office* and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the space flight business facility in this state where the project is or will be located.

3. The new space flight business contract number, the space flight business contract numbers of the contract to be consolidated, or the request-for-proposal number of a proposed space flight business contract.

4. The date the contract was executed and the date the contract is due to expire, is expected to expire, or was canceled.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from space flight business contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located which recommends the applicant be approved as a qualified applicant and indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be

provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the *department office*.

(4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the *department Office* containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of a refund that the qualified applicant is eligible to receive for each fiscal year, based on the job creation or retention and maintenance schedule specified in subparagraph 1.

3. An agreement with the *department Office* allowing the *department Office* to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date by which, in each fiscal year, the qualified applicant may file a claim pursuant to subsection (5) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the *department director*, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or the *department Office* grants the qualified applicant an economic-stimulus exemption.

1. A qualified applicant may submit, in writing, a request to the *department Office* for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the *department director* shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the *department director* shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with the *department Office* to, at a minimum, ensure that the terms of the agreement comply with current law and the *Office* procedures of the *department* governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the *department Office* shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, the *department Office* may extend the duration of the agreement for a period not to exceed 2 years.

~~4. A qualified applicant may submit a request for an economic stimulus exemption to the Office in lieu of any tax refund claim scheduled to be submitted after January 1, 2005, but before July 1, 2006.~~

4.5. A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement shall be signed by the *executive* director and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

“This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.1045, Florida Statutes.”

(5) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, qualified applicants who have entered into a written agreement with the *department Office* pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, entered into a valid new space flight business contract, commenced the consolidation of a space flight business contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to non-defense production jobs, or entered into a valid contract for reuse of a defense-related facility must apply by January 31 of each fiscal year to the *department Office* for tax refunds scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The *department Office* may, upon written request, grant a 30-day extension of the filing date. The application must include a notarized signature of an officer of the applicant.

(d) The *department director*, with assistance from ~~the Office~~, the Department of Revenue, ~~and the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submitting the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified applicant for the annual tax refund. The *department Office* may grant an extension of this date upon the request of the qualified applicant for the purpose of filing additional information in support of the claim.

(e) The total amount of tax refunds approved by the *department director* under this section in any fiscal year may not exceed the amount authorized under s. 288.095(3).

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the *department director* that it has achieved at least 80 percent of its projected employment and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(6) ADMINISTRATION.—

(a) The *department Office* may adopt rules pursuant to chapter 120 for the administration of this section.

(b) The *department Office* may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the *department Agency for Workforce Innovation*, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the *department Office* may provide a list of qualified applicants to the Department of Revenue, ~~to the Agency for Workforce Innovation~~, or to any local government or authority. The *department Office* may request the assistance of said entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (2).

~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the Office may approve a waiver of the local financial support requirement for a business located in any of the following counties in which businesses received emergency loans administered by the Office in response to the named hurricanes of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler, Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee, Martin, Okaloosa, Okcechobee, Orange, Osceola, Palm Beach, Polk, Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A waiver may be granted only if the Office determines that the local financial support cannot be provided or that doing so would effect a demonstrable hardship on the unit of local government providing the local financial support. If the Office grants a waiver of the local financial support requirement, the state shall pay 100 percent of the refund due to an eligible business. The waiver shall apply for tax refund applications made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

(7)(8) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2014. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 150. Paragraphs (d), (f), (n), (p), (r), and (t) of subsection (2), paragraphs (a), (b), (e), and (f) of subsection (3), subsection (4), paragraphs (a), (b), and (c) of subsection (5), paragraphs (a), (c), (f), and (g) of subsection (6), and subsection (7) are amended, present paragraphs (g) through (u) of subsection (2) are redesignated as paragraphs (f) through (n), respectively, and subsection (8) is created in section 288.106, Florida Statutes, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(d) “Business” means an employing unit, as defined in s. 443.036, that is registered for unemployment compensation purposes with the state agency providing unemployment tax collection services under ~~contract with the Agency for Workforce Innovation through an inter-agency agreement pursuant to s. 443.1316, or a subcategory or division of an employing unit that is accepted by the state agency providing unemployment tax collection services as a reporting unit.~~

(f) “Director” means the Director of the Office of Tourism, Trade, and Economic Development.

(n) “Office” means the Office of Tourism, Trade, and Economic Development.

(n)(p) “Qualified target industry business” means a target industry business approved by the *department Office* to be eligible for tax refunds under this section.

~~(q) “Return on investment” means the gain in state revenues as a percentage of the state’s investment. The state’s investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.~~

(o)(r) “Rural city” means a city having a population of 10,000 or fewer, or a city having a population of greater than 10,000 but fewer than 20,000 that has been determined by the *department Office* to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city’s employment base in agriculture-related industries.

(q)(t) “Target industry business” means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the *department Office* in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to

the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or services.

2. *Stability.*—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.

3. *High wage.*—The industry should pay relatively high wages compared to statewide or area averages.

4. *Market and resource independent.*—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. *Industrial base diversification and strengthening.*—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. *Positive economic impact benefits.*—The industry is expected to have strong positive *economic* impacts on or benefits to the state or regional economies.

The term does not include any business engaged in retail industry activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the *department Office*, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

### (3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the *department Office* that were paid by the business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b)1. Upon approval by the *department Office*, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to \$6,000 multiplied by the number of jobs if the project is located in a rural community or an enterprise zone.

2. A qualified target industry business shall be allowed additional tax refund payments equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to \$2,000 multiplied by

the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the local financial support is equal to that of the state's incentive award under subparagraph 1.

4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to \$2,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the business:

a. Falls within one of the high-impact sectors designated under s. 288.108; or

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(e) However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption previously granted to that business for any of the taxes listed in paragraph (d). If a refund for such taxes is provided by the *department Office*, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the *department Office* within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(f) Refunds made available under this section may not be expended in connection with the relocation of a business from one community to another community in the state unless the *department Office* determines that, without such relocation, the business will move outside the state or determines that the business has a compelling economic rationale for relocation and that the relocation will create additional jobs.

### (4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the *department Office* before the business decides to locate in this state or before the business decides to expand its existing operations in this state. The application must include, but need not be limited to, the following information:

1. The applicant's federal employer identification number and, if applicable, state sales tax registration number.

2. The proposed permanent location of the applicant's facility in this state at which the project is to be located.

3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President, and updated periodically.

4. The proposed number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.

6. The anticipated commencement date of the project.

7. A brief statement explaining the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

10. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that the project be approved as a qualified target industry business and specifies that the commitments of local financial support necessary for the target industry business exist. Before the passage of such resolution, the *department office* may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subparagraph, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing board.

11. Any additional information requested by the *department Office*.

(b) To qualify for review by the *department Office*, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the *department office*:

1.a. The jobs proposed to be created under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The governing board of the *local governmental entity providing the local financial support of the jurisdiction county* where the qualified target industry business is to be located shall notify the *department Office* and Enterprise Florida, Inc., which calculation of the average private sector wage in the area must be used as the basis for the business's wage commitment. In determining the average annual wage, the *department Office* shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. The *department Office* may waive the average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The *department Office* may waive the wage requirement for a project located in a brownfield area designated under s. 376.80, in a rural city, in a rural community, in an enterprise zone, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located, only if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing, and the specific justification for the waiver recommendation must be explained. If the *department Office* elects to waive the wage requirement, the waiver must be stated in writing, and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at the project and, in the case of an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. At the request of the local governing body recommending the project and Enterprise Florida, Inc., the *department Office* may waive this requirement for a business in a rural community or enterprise zone if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, the request must be transmitted in writing, and the specific justification for the request must be explained. If the *department Office* elects to grant the request, the grant must be stated in writing, and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project must be within an industry identified by the *department Office* as a target industry business that contributes to the economic growth of the state and

the area in which the business is located, that produces a higher standard of living for residents of this state in the new global economy, or that can be shown to make an equivalent contribution to the area's and state's economic progress.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the *department Office* for determination of eligibility. The *department Office* shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state's economy, consistent with the state strategic economic development plan prepared by the *department adopted by Enterprise Florida, Inc.*

2. The *economic benefits return on investment* of the proposed award of tax refunds under this section and the *economic benefits of return on investment* for state incentives proposed for the project. The term "economic benefits" has the same meaning as in s. 288.005. The Office of Economic and Demographic Research shall review and evaluate the methodology and model used to calculate the *economic benefits return on investment* and shall report its findings by September 1 of every 3rd year, beginning September 1, 2010, to the President of the Senate and the Speaker of the House of Representatives.

3. The amount of capital investment to be made by the applicant in this state.

4. The local financial commitment and support for the project.

5. The effect of the project on the unemployment rate in the county where the project will be located.

6. The effect of the award on the viability of the project and the probability that the project would be undertaken in this state if such tax refunds are granted to the applicant.

7. The expected long-term commitment of the applicant to economic growth and employment in this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. This subparagraph does not require the disclosure of confidential information.

(d) Applications shall be reviewed and certified pursuant to s. 288.061. The *department Office* shall include in its review projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year. If appropriate, the *department Office* shall enter into a written agreement with the qualified target industry business pursuant to subsection (5).

(e) The *department Office* may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the *department office* may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (3)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(f) This section does not create a presumption that an applicant will receive any tax refunds under this section. However, the *department Office* may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

(5) TAX REFUND AGREEMENT.—

(a) Each qualified target industry business must enter into a written agreement with the *department Office* that specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of tax refunds that the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive for each fiscal year, based on the job creation and maintenance schedule specified in subparagraph 1.

3. That the *department Office* may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date by which, in each fiscal year, the qualified target industry business may file a claim under subsection (6) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support will be annually available and will be paid to the account. The *department Office* may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing body within 90 days after the *department Office* has issued the letter of certification under subsection (4).

6. That the *department Office* may conduct a review of the business to evaluate whether the business is continuing to contribute to the area's or state's economy.

7. That in the event the business does not complete the agreement, the business will provide the *department Office* with the reasons the business was unable to complete the agreement.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the *department Office* of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (6)(e) or the *department Office* grants the business an economic recovery extension.

1. A qualified target industry business may submit a request to the *department Office* for an economic recovery extension. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, the effects of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the *department Office* has 45 days to notify the requesting business, in writing, whether its extension has been granted or denied. In determining whether an extension should be granted, the *department Office* shall consider the extent to which negative economic conditions in the requesting business's industry have occurred in the state or the effects of a named hurricane or tropical storm or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement. The *department Office* shall consider current employment statistics for this state by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an extension shall be granted.

3. As a condition for receiving a prorated refund under paragraph (6)(e) or an economic recovery extension under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the *department Office* to, at a minimum, ensure that the terms of the agreement comply with current law and the *department's Office* procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic recovery extension, the *department Office* shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic re-

covery extension, the *department Office* may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic recovery extension to the *department Office* in lieu of any tax refund claim scheduled to be submitted after January 1, 2009, but before July 1, 2012.

5. A qualified target industry business that receives an economic recovery extension may not receive a tax refund for the period covered by the extension.

(c) The agreement must be signed by the *executive* director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (4), but not before passage and receipt of the resolution of local financial support. The *department Office* may grant an extension of this period at the written request of the qualified target industry business.

#### (6) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with the *department Office* under subsection (5) must apply by January 31 of each fiscal year to the *department Office* for the tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The *department Office* may, upon written request, grant a 30-day extension of the filing date.

(c) The *department Office* may waive the requirement for proof of taxes paid in future years for a qualified target industry business that provides the office with proof that, in a single year, the business has paid an amount of state taxes from the categories in paragraph (3)(d) that is at least equal to the total amount of tax refunds that the business may receive through successful completion of its tax refund agreement.

(f) The *department Office*, with such assistance as may be required from the Department of Revenue or the Agency for Workforce Innovation, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified target industry business for the annual tax refund. The *department Office* may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

(g) The total amount of tax refund claims approved by the *department Office* under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

#### (7) ADMINISTRATION.—

(a) The *department Office* may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this section, the *department Office* may provide a list of qualified target industry businesses to the Department of Revenue, ~~to the Agency for Workforce Innovation,~~ or to any local government or authority. The *department Office* may request the assistance of those entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (3).

(c) Funds specifically appropriated for tax refunds for qualified target industry businesses under this section may not be used by the *department Office* for any purpose other than the payment of tax refunds authorized by this section.

(d) Beginning with tax refund agreements signed after July 1, 2010, the *department Office* shall attempt to ascertain the causes for any business's failure to complete its agreement and shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall be submitted by December 1 of each year beginning in 2011.

(8) *SPECIAL INCENTIVES.*—If the department determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may, between July 1, 2011, and June 30, 2014, waive any or all wage or local financial support eligibility requirements and allow a qualified target industry business from another state which relocates all or a portion of its business to a Disproportionally Affected County to receive a tax refund payment of up to \$6,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. over the term of the agreement. Prior to granting such waiver, the executive director of the department shall file with the Governor a written statement of the conditions and circumstances constituting the reason for the waiver. Such business shall be eligible for the additional tax refund payments specified in subparagraph (3)(b)4. if it meets the criteria. As used in this section, the term “Disproportionally Affected County” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

Section 151. Paragraphs (d), (e), (f), (g) and (h) of subsection (1), subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of subsection (4), and subsection (5) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) DEFINITIONS.—As used in this section:

~~(d) “Director” means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(d)(e) “Eligible business” means:~~

1. A qualified target industry business as defined in s. 288.106(2); or
2. A business that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, or at least \$500,000 in brownfield areas that do not require site cleanup, and that provides benefits to its employees.

~~(e)(f) “Jobs” means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.~~

~~(g) “Office” means The Office of Tourism, Trade, and Economic Development.~~

~~(f)(h) “Project” means the creation of a new business or the expansion of an existing business as defined in s. 288.106.~~

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds shall be approved by the ~~department Office~~ as specified in the final order and allowed from the account as follows:

(a) A bonus refund of \$2,500 shall be allowed to any qualified target industry business as defined in s. 288.106 for each new Florida job created in a brownfield area that is claimed on the qualified target industry business’s annual refund claim authorized in s. 288.106(6).

(b) A bonus refund of up to \$2,500 shall be allowed to any other eligible business as defined in ~~subparagraph (1)(d)2. subparagraph (1)(e) 2.~~ for each new Florida job created in a brownfield area that is claimed under an annual claim procedure similar to the annual refund claim authorized in s. 288.106(6). The amount of the refund shall be equal to 20 percent of the average annual wage for the jobs created.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield area, a business must have been certified as a qualified target industry business under s. 288.106 or eligible business as defined in ~~paragraph (1)(d) paragraph (1)(e)~~ and must have indicated

on the qualified target industry business tax refund application form submitted in accordance with s. 288.106(4) or other similar agreement for other eligible business as defined in ~~paragraph (1)(d) paragraph (1)(e)~~ that the project for which the application is submitted is or will be located in a brownfield area and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry business tax refund agreement with the ~~department Office~~ that indicates that the business has been certified as a qualified target industry business located in a brownfield area and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the ~~department Office~~ which indicates the location of the brownfield, the address of the business facility’s brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 or other eligible business as defined in ~~paragraph (1)(d) paragraph (1)(e)~~ and the administrative rules and policies for that section.

(f) Applications shall be reviewed and certified pursuant to s. 288.061. The ~~department Office~~ shall review all applications submitted under s. 288.106 or other similar application forms for other eligible businesses as defined in ~~paragraph (1)(d) paragraph (1)(e)~~ which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) The ~~department Office~~ shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) The ~~department director~~, with such assistance as may be required from ~~the Office and~~ the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the ~~department office~~.

(i) The total amount of the bonus refunds approved by the ~~department director~~ under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the ~~department Office~~ for brownfield redevelopment bonus refunds under this section in a fiscal year, the ~~department Office~~ shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, the ~~department Office~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(5) ADMINISTRATION.—

(a) The ~~department Office~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, ~~the Agency for Workforce Innovation~~, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the ~~department Office~~ may provide a list of qualified target industry businesses to the Department of Revenue, ~~to the Agency for Workforce Innovation~~, to the Department of Environmental Protection, or to any local government authority. The ~~department office~~ may request the assistance of those entities with respect to monitoring the payment of the taxes listed in s. 288.106(3).

Section 152. Subsection (2), paragraphs (b), (d), and (e) of subsection (3), subsection (4), paragraphs (a) and (c) of subsection (5), and subsections (6) and (7) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

(2) DEFINITIONS.—As used in this section, the term:

(c)(a) “Eligible high-impact business” means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the ~~department Office of Tourism, Trade, and Economic Development~~ as provided in subsection (5), which is making a cumulative investment in the state of at least \$50 million and creating at least 50 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least \$25 million and creating at least 25 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(f)(b) “Qualified high-impact business” means a business in one of the high-impact sectors that has been certified by the ~~department office~~ as a qualified high-impact business to receive a high-impact sector performance grant.

(e) “Office” means the ~~Office of Tourism, Trade, and Economic Development~~.

(d) “Director” means the ~~director of the Office of Tourism, Trade, and Economic Development~~.

(b)(e) “Cumulative investment” means the total investment in buildings and equipment made by a qualified high-impact business since the beginning of construction of such facility.

(d)(f) “Fiscal year” means the fiscal year of the state.

(e)(g) “Jobs” means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

(a)(b) “Commencement of operations” means that the qualified high-impact business has begun to actively operate the principal function for which the facility was constructed as determined by the ~~department of~~ ~~fee~~ and specified in the qualified high-impact business agreement.

(g)(t) “Research and development” means basic and applied research in science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not mean market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities or technical services.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(b) The ~~department Office~~ may, ~~in consultation with Enterprise Florida, Inc.~~, negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the ~~department Office~~ shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5).

1. A qualified high-impact business making a cumulative investment of \$50 million and creating 50 jobs may be eligible for a total qualified high-impact business performance grant of \$500,000 to \$1 million.

2. A qualified high-impact business making a cumulative investment of \$100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of \$1 million to \$2 million.

3. A qualified high-impact business making a cumulative investment of \$800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of \$10 million to \$12 million.

4. A qualified high-impact business engaged in research and development making a cumulative investment of \$25 million and creating 25 jobs may be eligible for a total qualified high-impact business performance grant of \$700,000 to \$1 million.

5. A qualified high-impact business engaged in research and development making a cumulative investment of \$75 million, and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of \$2 million to \$3 million.

6. A qualified high-impact business engaged in research and development making a cumulative investment of \$150 million, and creating 150 jobs may be eligible for a qualified high-impact business performance grant of \$3.5 million to \$4.5 million.

(d) The balance of the performance grant award shall be paid to the qualified high-impact business upon the business’s certification that full operations have commenced and that the full investment and employment goals specified in the qualified high-impact business agreement have been met and verified by the ~~department Office of Tourism, Trade, and Economic Development~~. The verification must occur not later than 60 days after the qualified high-impact business has provided the certification specified in this paragraph.

(e) The ~~department office~~ may, upon a showing of reasonable cause for delay and significant progress toward the achievement of the investment and employment goals specified in the qualified high-impact business agreement, extend the date for commencement of operations, not to exceed an additional 2 years beyond the limit specified in paragraph (2)(a), but in no case may any high-impact sector performance grant payment be made to the business until the scheduled goals have been achieved.

(4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE GRANTS.—~~

(a) The total amount of active performance grants scheduled for payment by the ~~department office~~ in any single fiscal year may not exceed the lesser of \$30 million or the amount appropriated by the Legislature for that fiscal year for qualified high-impact business performance grants. If the scheduled grant payments are not made in the year for which they were scheduled in the qualified high-impact business agreement and are rescheduled as authorized in paragraph (3)(e), they are, for purposes of this paragraph, deemed to have been paid in the year in which they were originally scheduled in the qualified high-impact business agreement.

(b) If the Legislature does not appropriate an amount sufficient to satisfy the qualified high-impact business performance grant payments scheduled for any fiscal year, the ~~department Office~~ shall, not later than July 15 of that year, determine the proportion of each grant payment which may be paid by dividing the amount appropriated for qualified high-impact business performance grant payments for the fiscal year by the total performance grant payments scheduled in all performance grant agreements for the fiscal year. The amount of each grant scheduled for payment in that fiscal year must be multiplied by the resulting quotient. All businesses affected by this calculation must be notified by August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, the ~~department Office~~ shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(a) ~~The department shall review an application pursuant to s. 288.061 which is received from any eligible business, as defined in subsection (2), shall apply to Enterprise Florida, Inc., for consideration as a qualified high-impact business before the business has made a decision to locate or expand a facility in this state. The business must provide application, developed by the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., must include, but is not limited to, the following information:~~

1. A complete description of the type of facility, business operations, and product or service associated with the project.

2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.

3. The cumulative amount of investment to be dedicated to this project within 3 years.

4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.

5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.

6. Any additional information requested by ~~the department Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.~~

(c) The ~~department director~~ and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

#### (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, by January 1, of every third year, beginning January 1, 2011, initiate the process of reviewing and, if appropriate, selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with the ~~department office~~, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.

(b) The ~~department Office~~ has authority, ~~only~~ after recommendation from Enterprise Florida, Inc., to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, Enterprise Florida, Inc., shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas of the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long-term expectations for the industry on a global level and in the state. If Enterprise Florida, Inc., finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that Enterprise Florida, Inc., may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (c), Enterprise Florida, Inc., shall develop and consult with a network of sector businesses. While this network may include non-Florida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross-section of Florida sector businesses may form the core of this network.

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during ~~at least one the meeting per calendar year of leaders in business, government, education, workforce development, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision~~ ~~required in s. 14.2015(2)(e).~~

(f) If after consideration of the completed study required in paragraph (c) and the input derived from consultation with the sector-business network in paragraph (d) and the ~~quarterly~~ meeting as required in paragraph (e), the board of directors of Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, the board of directors of Enterprise Florida, Inc., may recommend that the ~~department office~~ consider the designation of the sector as a high-impact business sector.

(g) Upon receiving a recommendation from the board of directors of Enterprise Florida, Inc., together with the study required in paragraph (c) and a summary of the findings and recommendations of the sector-business network required in paragraph (d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the ~~quarterly~~ meeting as required in paragraph (e), the ~~department Office~~ shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of Enterprise Florida, Inc., and designate the sector as a high-impact business sector or notify Enterprise Florida, Inc., that it does not concur and deny the board's request for designation or return the recommendation and study to Enterprise Florida, Inc., for further evaluation. In any case, the ~~department's director's~~ decision must be in writing and justify the reasons for the decision.

(h) If the ~~department Office~~ designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material provided by Enterprise Florida, Inc., and the ~~department's Office of Tourism, Trade, and Economic Development's~~ evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

(i) For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

(7) RULEMAKING.—The ~~department Office~~ may adopt rules necessary to carry out the provisions of this section.

Section 153. Subsections (1), (2), (4), (5), (6), and (9) of section 288.1083, Florida Statutes, are amended to read:

288.1083 Manufacturing and Spaceport Investment Incentive Program.—

(1) The Manufacturing and Spaceport Investment Incentive Program is created within the ~~department office of Tourism, Trade, and Economic Development~~. The purpose of the program is to encourage capital investment and job creation in manufacturing and spaceport activities in this state.

(2) As used in this section, the term:

(a) “Base year purchases” means the total cost of eligible equipment purchased and placed into service in this state by an eligible entity in its tax year that began in 2008.

~~(b) “Department” means the Department of Revenue.~~

~~(b)(c)~~ (b)(e) “Eligible entity” means an entity that manufactures, processes, compounds, or produces items for sale of tangible personal property or engages in spaceport activities. The term also includes an entity that engages in phosphate or other solid minerals severance, mining, or processing operations. The term does not include electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm that does not manufacture, process, compound, or produce for sale items of tangible personal property or that does not use such machinery and equipment in spaceport activities.

~~(c)(d)~~ (c)(e) “Eligible equipment” means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities, and that is located and placed into service in this state. A building and its structural components are not eligible equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not eligible equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption of such parts and accessories is consistent with the provisions of this paragraph.

~~(d)(e)~~ (d)(e) “Eligible equipment purchases” means the cost of eligible equipment purchased and placed into service in this state in a given state fiscal year by an eligible entity in excess of the entity’s base year purchases.

~~(f) “Office” means The Office of Tourism, Trade, and Economic Development.~~

~~(e)(g)~~ (e)(g) “Refund” means a payment to an eligible entity for the amount of state sales and use tax actually paid on eligible equipment purchases.

(4) To receive a refund, a business entity must first apply to the *department office* for a tax refund allocation. The entity shall provide such information in the application as reasonably required by the *department office*. Further, the business entity shall provide such information as is required by the *department office* to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

(a) Within 30 days after the *department office* receives an application for a refund, the *department office* shall approve or disapprove the application.

(b) Refund allocations made during the 2010-2011 fiscal year shall be awarded in the same order in which applications are received. Eligible entities may apply to the *department office* beginning July 1, 2010, for refunds attributable to eligible equipment purchases made during the 2010-2011 fiscal year. For the 2010-2011 fiscal year, the *department office* shall allocate the maximum amount of \$50,000 per entity until the entire \$19 million available for refund in state fiscal year 2010-2011 has been allocated. If the total amount available for allocation during the 2010-2011 fiscal year is allocated, the *department office* shall continue taking applications. Each applicant shall be informed of its place in the queue and whether the applicant received an allocation of the eligible funds.

(c) Refund allocations made during the 2011-2012 fiscal year shall first be given to any applicants remaining in the queue from the prior fiscal year. The *department office* shall allocate the maximum amount of

\$50,000 per entity, first to those applicants that remained in the queue from 2010-2011 for eligible purchases in 2010-2011, then to applicants for 2011-2012 in the order applications are received for eligible purchases in 2011-2012. The *department office* shall allocate the maximum amount of \$50,000 per entity until the entire \$24 million available to be allocated for refund in the 2011-2012 fiscal year is allocated. If the total amount available for refund in 2011-2012 has been allocated, the *department office* shall continue to accept applications from eligible entities in the 2011-2012 fiscal year for refunds attributable to eligible equipment purchases made during the 2011-2012 fiscal year. Refund allocations made during the 2011-2012 fiscal year shall be awarded in the same order in which applications are received. Upon submitting an application, each applicant shall be informed of its place in the queue and whether the applicant has received an allocation of the eligible funds.

(5) Upon completion of eligible equipment purchases, a business entity that received a refund allocation from the *department office* must apply to the *department office* for certification of a refund. For eligible equipment purchases made during the 2010-2011 fiscal year, the application for certification must be made no later than September 1, 2011. For eligible equipment purchases made during the 2011-2012 fiscal year, the application for certification must be made no later than September 1, 2012. The application shall provide such documentation as is reasonably required by the *department office* to calculate the refund amount, including documentation necessary to confirm the cost of eligible equipment purchases supporting the claim of the sales and use tax paid thereon. Further, the business entity shall provide such documentation as required by the *department office* to establish the entity’s base year purchases. If, upon reviewing the application, the *department office* determines that eligible equipment purchases did not occur, that the amount of tax claimed to have been paid or remitted on the eligible equipment purchases is not supported by the documentation provided, or that the information provided to the *department office* was otherwise inaccurate, the amount of the refund allocation not substantiated shall not be certified. Otherwise, the *department office* shall determine and certify the amount of the refund to the eligible entity and to the department within 30 days after the *department office* receives the application for certification.

(6) Upon certification of a refund for an eligible entity, the entity shall apply to the Department of Revenue within 30 days for payment of the certified amount as a refund on a form prescribed by the Department of Revenue. The Department of Revenue may request documentation in support of the application and adopt emergency rules to administer the refund application process.

(9) The *department office* shall adopt emergency rules governing applications for, issuance of, and procedures for allocation and certification and may establish guidelines as to the requisites for demonstrating base year purchases and eligible equipment purchases.

Section 154. Subsections (2) and (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.—

~~(2) There is created within the department Office of Tourism, Trade, and Economic Development the Quick Action Closing Fund. Projects eligible for receipt of funds from the Quick Action Closing Fund shall:~~

- (a) Be in an industry as referenced in s. 288.106.
- (b) Have a positive *economic benefit payback* ratio of at least 5 to 1.
- (c) Be an inducement to the project’s location or expansion in the state.
- (d) Pay an average annual wage of at least 125 percent of the area-wide or statewide private sector average wage.
- (e) Be supported by the local community in which the project is to be located.

(3)(a) ~~The department and Enterprise Florida, Inc., shall jointly review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). Waiver of Enterprise Florida, Inc., in consultation with the Office of Tourism,~~

~~Trade, and Economic Development, may waive these criteria may be considered under the following criteria:~~

1. Based on extraordinary circumstances;
2. In order to mitigate the impact of the conclusion of the space shuttle program; or
3. In rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) ~~The department Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:~~

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.
2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.
3. The cumulative amount of investment to be dedicated to the facility within a specified period.
4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.
5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.
6. A report evaluating the quality and value of the company submitting a proposal. The report must include:
  - a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;
  - b. The historical market performance of the company;
  - c. A review of any independent evaluations of the company;
  - d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and
  - e. A review of any other types of audits that are related to the internal and management controls of the company.

(c) ~~1. Within 7 business 22 calendar days after evaluating a project, the department receiving the evaluation and recommendation from Enterprise Florida, Inc., the director of the Office of Tourism, Trade, and Economic Development shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In recommending a project, the department director shall include proposed performance conditions that the project must meet to obtain incentive funds.~~

2. ~~The Governor may approve projects without consulting the Legislature for projects requiring less than \$2 million in funding.~~

3. ~~For projects requiring funding in the amount of \$2 million to \$5 million, the Governor shall provide a written description and evaluation of a project projects recommended for approval to the chair and vice chair of the Legislative Budget Commission at least 10 days prior to President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. At least 14 days before releasing funds for a project, the Executive Office of the Governor shall recommend approval of the project and the release of funds by delivering notice of such action pursuant to the legislative consultation and review requirements set forth in s. 216.177. The re-~~

commendation must include proposed performance conditions that the project must meet in order to obtain funds.

4. If the chair or vice chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives timely advises the Executive Office of the Governor, in writing, that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor shall void the release of funds and instruct the ~~department Office of Tourism, Trade, and Economic Development~~ to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. Notwithstanding such requirement, any project exceeding \$5 million ~~\$2,000,000~~ must be approved by the Legislative Budget Commission prior to the funds being released.

(d) Upon the approval of the Governor, the ~~department director of the Office of Tourism, Trade, and Economic Development~~ and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature.

(e) Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

Section 155. Subsection (1), paragraphs (b), (d), (e), (f), and (o) of subsection (2), and subsections (3) through (9), (11), and (12) of section 288.1089, Florida Statutes, are amended, and present paragraphs (g) through (n) and (p) through (s) of subsection (2) are redesignated as paragraphs (e) through (o), respectively, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, innovation business, and alternative and renewal energy projects.

(2) As used in this section, the term:

(b) "Average private sector wage" means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by the ~~department Agency for Workforce Innovation~~.

(d) "Commission" means the Florida Energy and Climate Commission.

(f) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Office" means the Office of Tourism, Trade, and Economic Development.

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to the ~~department Enterprise Florida, Inc.~~, before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the ~~department office~~ in writing before prior to the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant's projected investment in the project.

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the *department office*, the applicant must, at a minimum, establish the following to the satisfaction of the *department Enterprise Florida, Inc., and the office*:

(a) The jobs created by the project must pay an estimated annual average wage equaling at least 130 percent of the average private sector wage. The *department office* may waive this average wage requirement at the request of Enterprise Florida, Inc., for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. A recommendation for waiver by Enterprise Florida, Inc., must include a specific justification for the waiver and be transmitted to the *department office* in writing. If the *department director* elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

(b) A research and development project must:

1. Serve as a catalyst for an emerging or evolving technology cluster.
2. Demonstrate a plan for significant higher education collaboration.
3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.
4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones.

(c) An innovation business project in this state, other than a research and development project, must:

- 1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or
- b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.
2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.
- 3.a. Have a cumulative investment of at least \$500 million within a 5-year period; or
- b. Have a cumulative investment that exceeds \$250 million within a 10-year period if the project is located in a rural area, brownfield area, or an enterprise zone.

4. Be provided with a one-to-one match from the local community. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones.

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;
2. Provide the state, at a minimum, a break-even return on investment within a 20-year period;
3. Include matching funds provided by the applicant or other available sources. The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones;
4. Be located in this state; and
5. Provide at least 35 direct, new jobs that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage.

(5) ~~The department Enterprise Florida, Inc., shall review evaluate proposals pursuant to s. 288.061 for all three categories of innovation incentive awards and transmit recommendations for awards to the office. Before making a recommendation to the executive director, the department its recommendations on alternative and renewable energy projects, Enterprise Florida, Inc., shall solicit comments and recommendations from the Department of Agriculture and Consumer Services Florida Energy and Climate Commission. For each project, the evaluation and recommendation to the department office must include, but need not be limited to:~~

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.
2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.
3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.
4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.
5. A description of the project's impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The *Department of Agriculture and Consumer Services* ~~commission~~ shall give greater preference to projects that provide such matching funds or other in-kind contributions.
2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.
3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.
4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.
5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.
6. The degree to which a project demonstrates efficient use of energy and material resources.
7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.
8. The ability to administer a complete project.
9. Project duration and timeline for expenditures.
10. The geographic area in which the project is to be conducted in relation to other projects.
11. The degree of public visibility and interaction.

(6) ~~In consultation with Enterprise Florida, Inc.,~~ The *department office* may negotiate the proposed amount of an award for any applicant meeting the requirements of this section. In negotiating such award, the *department office* shall consider the amount of the incentive needed to cause the applicant to locate or expand in this state in conjunction with other relevant applicant impact and cost information and analysis as described in this section. Particular emphasis shall be given to the potential for the project to stimulate additional private investment and high-quality employment opportunities in the area.

(7) Upon receipt of the evaluation and recommendation from ~~Enterprise Florida, Inc.,~~ the *department, director* ~~shall recommend to the Governor shall approve or deny the approval or disapproval of an award.~~ In recommending approval of an award, the *department director* shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon review and approval of an award by the Legislative Budget Commission, the Executive Office of the Governor shall release the funds.

(8)(a) After the conditions set forth in subsection (7) have been met, the *department director* shall issue a letter certifying the applicant as qualified for an award. The *department office* and the award recipient shall enter into an agreement that sets forth the conditions for payment of the incentive funds. The agreement must include, at a minimum:

1. The total amount of funds awarded.
2. The performance conditions that must be met in order to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment.
3. Demonstration of a baseline of current service and a measure of enhanced capability.
4. The methodology for validating performance.
5. The schedule of payments.
6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) Additionally, agreements signed on or after July 1, 2009, must include the following provisions:

1. Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry's annual average wage or at least 130 percent of the average private sector wage, whichever is greater.
2. A reinvestment requirement. Each recipient of an award shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable discoveries conceived or reduced to practice using its facilities in Florida or its Florida-based employees, in whole or in part, and to which the recipient of the grant becomes entitled during the 20 years following the effective date of its agreement with the *department office*. Each recipient of an award also shall reinvest up to 15 percent of the gross revenues it receives from naming opportunities associated with any facility it builds in this state. Reinvestment payments shall commence no later than 6 months after the recipient of the grant has received the final disbursement under the contract and shall continue until the maximum reinvestment, as specified in the contract, has been paid. Reinvestment payments shall be remitted to the *department office* for deposit in the Biomedical Research Trust Fund for companies specializing in biomedicine or life sciences, or in the Economic Development Trust Fund for companies specializing in fields other than biomedicine or the life sciences. If these trust funds no longer exist at the time of the reinvestment, the state's share of reinvestment shall be deposited in their successor trust funds as determined by law. Each recipient of an award shall annually submit a schedule of the shares of stock held by it as payment of the royalty required by this paragraph and report on any trades or activity concerning such stock. Each recipient's reinvestment obligations survive the expiration or termination of its agreement with the state.
3. Requirements for the establishment of internship programs or other learning opportunities for educators and secondary, post-secondary, graduate, and doctoral students.
4. A requirement that the recipient submit quarterly reports and annual reports related to activities and performance to the *department office*, according to standardized reporting periods.
5. A requirement for an annual accounting to the *department Office* of the expenditure of funds disbursed under this section.
6. A process for amending the agreement.

(9) ~~The department Enterprise Florida, Inc., shall validate assist the Office in validating~~ the performance of an innovation business, a research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, ~~the department Enterprise Florida, Inc.,~~ shall, within 90 days, submit a report to the Governor, the President of the Senate, and the Speaker of the House of

Representatives detailing whether the recipient of the innovation incentive grant achieved its specified outcomes.

(11)(a) ~~The department Beginning January 5, 2010, and every year thereafter, the office~~ shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, *as part of the annual report*, a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation ~~by the office~~ of whether the recipients are catalysts for additional direct and indirect economic development in Florida.

(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General's Office, shall release a report evaluating the Innovation Incentive Program's progress toward creating clusters of high-wage, high-skilled, complementary industries that serve as catalysts for economic growth specifically in the regions in which they are located, and generally for the state as a whole. Such report should include critical analyses of quarterly and annual reports, annual audits, and other documents prepared by the Innovation Incentive Program awardees; relevant economic development reports prepared by the ~~department office~~, Enterprise Florida, Inc., and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.

(12) The ~~department office~~ may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature's Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.

Section 156. Paragraph (b) of subsection (4) of section 288.109, Florida Statutes, is amended to read:

288.109 One-Stop Permitting System.—

(4) The One-Stop Permitting System must initially provide access to the following state agencies, water management districts and counties, with other agencies and counties that agree to participate:

(b) The Department of *Economic Opportunity* ~~Community Affairs~~.

Section 157. Section 288.1095, Florida Statutes, is amended to read:

288.1095 Information concerning the One-Stop Permitting System.—~~The department Office of Tourism, Trade, and Economic Development~~ shall develop literature that explains the One-Stop Permitting System and identifies those counties that have been designated as Quick Permitting Counties. The literature must be updated at least once each year. To the maximum extent feasible, state agencies and Enterprise Florida, Inc., shall distribute such literature and inform the public of the One-Stop Permitting System and the Quick Permitting Counties. In addition, Enterprise Florida, Inc., shall provide this information to prospective, new, expanding, and relocating businesses seeking to conduct business in this state, municipalities, counties, economic-development organizations, and chambers of commerce.

Section 158. Subsections (1) and (2), paragraphs (d) and (e) of subsection (4), paragraph (a) of subsection (6), and subsection (8) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; duties.—

(1) ~~The department Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for state funding under s. 212.20 and for certifying an applicant as a facility for a new or retained professional sports franchise.

(2) ~~The department Office of Tourism, Trade, and Economic Development~~ shall develop rules for the receipt and processing of applications for funding under s. 212.20.

(4) Before certifying an applicant as a facility for a new or retained professional sports franchise, ~~the department Office of Tourism, Trade, and Economic Development~~ must determine that:

(d) The applicant has projections, verified by ~~the department Office of Tourism, Trade, and Economic Development~~, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by ~~the department Office of Tourism, Trade, and Economic Development~~, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed \$2 million annually.

(6)(a) ~~The department Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any facility certified as a facility for a new or retained professional sports franchise. ~~The department Office of Tourism, Trade, and Economic Development~~ shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in the total any facilities certified by the former Department of Commerce before July 1, 1996. ~~The department office~~ may make no more than one certification for any facility.

(8) An applicant is not qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by ~~the department Office of Tourism, Trade, and Economic Development~~ or the former Department of Commerce before any funds were distributed under s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed under s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification are distributed.

Section 159. Paragraph (f) of subsection (1), and subsections (2), (4), (5), (6), (7), and (8) of section 288.11621, Florida Statutes, are amended to read:

288.11621 Spring training baseball franchises.—

(1) DEFINITIONS.—As used in this section, the term:

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, ~~the department Office~~ must verify that:

1. The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) The *department office* shall competitively evaluate applications for state funding of a facility for a spring training franchise. The total number of certifications may not exceed 10 at any time. The evaluation criteria must include, with priority given in descending order to, the following items:

1. The anticipated effect on the economy of the local community where the spring training facility is to be built, including projections on paid attendance, local and state tax collections generated by spring training games, and direct and indirect job creation resulting from the spring training activities. Priority shall be given to applicants who can demonstrate the largest projected economic impact.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought, with priority given to applicants that commit the largest amount of local matching funds relative to the amount of state funding sought.

3. The potential for the facility to serve multiple uses.

4. The intended use of the funds by the applicant, with priority given to the funds being used to acquire a facility, construct a new facility, or renovate an existing facility.

5. The length of time that a spring training franchise has been under an agreement to conduct spring training activities within an applicant's geographic location or jurisdiction, with priority given to applicants having agreements with the same franchise for the longest period of time.

6. The length of time that an applicant's facility has been used by one or more spring training franchises, with priority given to applicants whose facilities have been in continuous use as facilities for spring training the longest.

7. The term remaining on a lease between an applicant and a spring training franchise for a facility, with priority given to applicants having the shortest lease terms remaining.

8. The length of time that a spring training franchise agrees to use an applicant's facility if an application is granted under this section, with priority given to applicants having agreements for the longest future use.

9. The net increase of total active recreation space owned by the applicant after an acquisition of land for the facility, with priority given to applicants having the largest percentage increase of total active recreation space that will be available for public use.

10. The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to applicants having facilities located in these areas.

(c) Each applicant certified on or after July 1, 2010, shall enter into an agreement with the *department office* that:

1. Specifies the amount of the state incentive funding to be distributed.

2. States the criteria that the certified applicant must meet in order to remain certified.

3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.

4. States that the *department office* may recover state incentive funds if the certified applicant is decertified.

5. Specifies information that the certified applicant must report to the *department office*.

6. Includes any provision deemed prudent by the *department office*.

(4) ANNUAL REPORTS.—On or before September 1 of each year, a certified applicant shall submit to the *department office* a report that includes, but is not limited to:

(a) A copy of its most recent annual audit.

(b) A detailed report on all local and state funds expended to date on the project being financed under this section.

(c) A copy of the contract between the certified local governmental entity and the spring training team.

(d) A cost-benefit analysis of the team's impact on the community.

(e) Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(5) DECERTIFICATION.—

(a) The *department office* shall decertify a certified applicant upon the request of the certified applicant.

(b) The *department office* shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise; or

2. Satisfy its commitment to provide local matching funds to the facility.

However, decertification proceedings against a local government certified before July 1, 2010, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the *department office* that it is in active negotiations with a major league spring training franchise, other than the franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from the *department office* to petition the *office's director* for review of the decertification. Within 45 days after receipt of the request for review, the *department director* must notify a certified applicant of the outcome of the review.

(d) The *department office* shall notify the Department of Revenue that a certified applicant is decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section that were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) The *department office* shall order a decertified applicant to repay all of the unencumbered state funds that the local government received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified by the *department* if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) ADDITIONAL CERTIFICATIONS.—If the *department office* decertifies a unit of local government, the *department office* may accept applications for an additional certification. A unit of local government may not be certified for more than one spring training franchise at any time.

(7) STRATEGIC PLANNING.—

(a) The ~~department office~~ shall request assistance from *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~ and the Florida Grapefruit League Association to develop a comprehensive strategic plan to:

1. Finance spring training facilities.
2. Monitor and oversee the use of state funds awarded to applicants.
3. Identify the financial impact that spring training has on the state and ways in which to maintain or improve that impact.
4. Identify opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.
5. Identify efforts made by other states to maintain or develop partnerships with baseball spring training teams.
6. Develop recommendations for the Legislature to sustain or improve this state's spring training tradition.

(b) The ~~department office~~ shall submit a copy of the strategic plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2010.

(8) RULEMAKING.—The ~~department office~~ shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

Section 160. Subsections (1), (2), and (4) of section 288.1168, Florida Statutes, are amended to read:

288.1168 Professional golf hall of fame facility.—

(1) The department of ~~Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.

(2) ~~Before~~ ~~Prior to~~ certifying the professional golf hall of fame facility, the department of ~~Commerce~~ must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(d) There are existing projections that the professional golf hall of fame facility will attract a paid attendance of more than 300,000 annually.

(e) There is an independent analysis or study, using methodology approved by the department, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional golf hall of fame facility will equal or exceed \$2 million annually.

(f) The applicant has submitted an agreement to provide \$2 million annually in national and international media promotion of the professional golf hall of fame facility, Florida, and Florida tourism, through the PGA Tour, Inc., or its affiliates, at the then-current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The ~~department Office of Tourism, Trade, and Economic Development~~ and the PGA Tour, Inc., or its affiliates, must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. The ~~department Office of Tourism, Trade, and Economic Development~~ shall have final approval of all generic advertising. Failure on the part of the PGA Tour, Inc., or its affiliates to annually provide the advertising as provided in this paragraph or subsection (6) shall result in the termination of funding as provided in s. 212.20.

(g) Documentation exists that demonstrates that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(4) Upon determining that an applicant is or is not certifiable, the ~~department Secretary of Commerce~~ shall notify the applicant of his or her status by means of an official letter. If certifiable, the ~~department secretary~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the ~~department Office of Tourism, Trade, and Economic Development~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the ~~department Office of Tourism, Trade, and Economic Development~~ that the professional golf hall of fame facility is open to the public.

Section 161. Subsections (1), (4), and (6) of section 288.1169, Florida Statutes, are amended to read:

288.1169 International Game Fish Association World Center facility.—

(1) The department of ~~Commerce~~ shall serve as the state agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the International Game Fish Association World Center facility. For purposes of this section, “facility” means the International Game Fish Association World Center, and “project” means the International Game Fish Association World Center and new colocated improvements by private sector concerns who have made cash or in-kind contributions to the facility of \$1 million or more.

(4) Upon determining that an applicant is or is not certifiable, the department of ~~Commerce~~ shall notify the applicant of its status by means of an official letter. If certifiable, the department of ~~Commerce~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the facility to the public and notify the department of ~~Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the department of ~~Commerce~~ that the facility is open to the public.

(6) The department of ~~Commerce~~ must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding shall be abated until certification criteria are met. If the project fails to generate \$1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to an amount equal to \$83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is \$1 million. Such reduction remains in effect until revenues generated by the project in a 12-month period equal or exceed \$1 million.

Section 162. Paragraph (d) of subsection (1), and subsections (2) and (3) of section 288.1171, Florida Statutes, are amended, and present paragraphs (e) through (g) of subsection (1) are redesignated as paragraphs (d) through (f), respectively, to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

(1) As used in this section, the term:

(d) “Office” means ~~The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor.~~

(2) The ~~department Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for local option funding under s. 218.64(3) and for certifying an applicant as a motorsports entertainment complex. The ~~department Office~~ shall develop and adopt rules for the receipt and processing of applications for funding under s. 218.64(3). The ~~department Office~~ shall make a determination regarding any application filed by an applicant not later than 120 days after the application is filed.

(3) Before certifying an applicant as a motorsports entertainment complex, the ~~department Office~~ must determine that:

(a) A unit of local government holds title to the land on which the motorsports entertainment complex is located or holds title to the motorsports entertainment complex.

(b) The municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

Section 163. Subsections (2), (4), (5), and (8) of section 288.1175, Florida Statutes, are amended to read:

288.1175 Agriculture education and promotion facility.—

(2) The Department of Agriculture and Consumer Services shall ~~adopt develop~~ rules pursuant to ss. 120.536(1) and 120.54 for the receipt and processing of applications for funding of projects pursuant to this section.

(4) The Department of Agriculture and Consumer Services shall certify a facility as an agriculture education and promotion facility if the Department of Agriculture and Consumer Services determines that:

(a) The applicant is a unit of local government as defined in s. 218.369, or a fair association as defined in s. 616.001(9), which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds title to the property on which such facility is to be developed and located.

(b) The applicant has projections, verified by the Department of Agriculture and Consumer Services, which demonstrate that the agriculture education and promotion facility will serve more than 25,000 visitors annually.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the proposed agriculture education and promotion facility serves a public purpose.

(d) The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than 40 percent of the costs incurred or related to the planning, design, permitting, construction, or renovation of the facility. The applicant may include the value of the land and any improvements thereon in determining its contribution to the development of the facility.

(5) The Department of Agriculture and Consumer Services shall competitively evaluate applications for funding of an agriculture education and promotion facility. If the number of applicants exceeds three, the Department of Agriculture and Consumer Services shall rank the applications based upon criteria developed by the Department of Agriculture and Consumer Services, with priority given in descending order to the following items:

(a) The intended use of the funds by the applicant, with priority given to the construction of a new facility.

(b) The amount of local match, with priority given to the largest percentage of local match proposed.

(c) The location of the facility in a brownfield site as defined in s. 376.79(3), a rural enterprise zone as defined in s. 290.004(6), an agriculturally depressed area as defined in s. 570.242(1), ~~a redevelopment area established pursuant to s. 373.461(5)(g)~~, or a county that has lost its agricultural land to environmental restoration projects.

(d) The net increase, as a result of the facility, of total available exhibition, arena, or civic center space within the jurisdictional limits of the local government in which the facility is to be located, with priority given to the largest percentage increase of total exhibition, arena, or civic center space.

(e) The historic record of the applicant in promoting agriculture and educating the public about agriculture, including, without limitation, awards, premiums, scholarships, auctions, and other such activities.

(f) The highest projection on paid attendance attracted by the agriculture education and promotion facility and the proposed economic impact on the local community.

(g) The location of the facility with respect to an Institute of Food and Agricultural Sciences (IFAS) facility, with priority given to facilities closer in proximity to an IFAS facility.

(8) Applications must be submitted by October 1 of each year. The Department of Agriculture and Consumer Services may not recommend funding for less than the requested amount to any applicant certified as an agriculture education and promotion facility; however, funding of certified applicants shall be subject to the amount provided by the Legislature in the General Appropriations Act for this program.

Section 164. Section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—There is created within the ~~department Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~ the Tourism Promotional Trust Fund. Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations ~~of the Florida Commission on Tourism~~, and ~~the~~ to support tourism promotion and marketing activities, services, functions, and programs administered by Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~ through a contract with the ~~commission's~~ direct-support organization created under s. 288.1226.

Section 165. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—

(1) Responsibility for the welcome centers is assigned to Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~ which shall contract with the Florida Tourism Industry Marketing Corporation ~~commission's direct-support organization~~ to employ all welcome center staff.

(2) Enterprise Florida, Inc., ~~The Florida Commission on Tourism~~, through its ~~direct support organization~~, shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, Enterprise Florida, Inc., ~~the commission~~ shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation.

Section 166. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—Enterprise Florida, Inc., ~~The Commission on Tourism~~ is authorized to establish a convention grants program and, pursuant to that program ~~thereto~~, to recommend to the ~~department Office of Tourism, Trade, and Economic Development~~ expenditures and contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve minority persons, as defined in s. 288.703, who are residents or nonresidents of the state. Enterprise Florida, Inc., ~~The commission~~ shall establish guidelines governing the award of grants and the administration of this program. The ~~department Office of Tourism, Trade, and Economic Development~~ has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed \$40,000.

Section 167. Subsection (1) of section 288.1251, Florida Statutes, is amended to read:

288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is hereby created within the ~~department Office of Tourism, Trade, and Economic Development~~ the Office of Film and Entertainment for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) The ~~department Office of Tourism, Trade, and Economic Development~~ shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The executive director of the ~~department Office of Tourism, Trade, and Economic Development~~ has the responsibility to hire the *film* commissioner. Qualifications for the *film* commissioner include, but are not limited to, the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office of Film and Entertainment;
2. Marketing and promotion experience related to the film and entertainment industries to be served;
3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and
4. Experience working with a variety of state and local governmental agencies.

Section 168. Subsections (1) and (2), and paragraphs (d), (f), (g), and (h) of subsection (5) of section 288.1252, Florida Statutes, are amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is hereby created within the ~~department Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~, for administrative purposes only, the Florida Film and Entertainment Advisory Council.

(2) PURPOSE.—The purpose of the council ~~is shall be~~ to serve as an advisory body to the ~~department Office of Tourism, Trade, and Economic Development~~ and to the Office of Film and Entertainment to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(5) POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(d) Consider and study the needs of the entertainment industry for the purpose of advising the *film* commissioner and the ~~department Office of Tourism, Trade, and Economic Development~~.

(f) Consider all matters submitted to it by the *film* commissioner and the ~~department Office of Tourism, Trade, and Economic Development~~.

(g) Advise and consult with the *film* commissioner and the ~~department Office of Tourism, Trade, and Economic Development~~, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of Film and Entertainment or by the ~~department Office of Tourism, Trade, and Economic Development~~ that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

Section 169. Subsections (1), (2), (3), and (4) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term “travel expenses” means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment, which costs are defined and prescribed by rules adopted by the ~~department Office of Tourism, Trade, and Economic Development~~, subject to approval by the Chief Financial Officer.

(2) Notwithstanding the provisions of s. 112.061, the ~~department Office of Tourism, Trade, and Economic Development~~ shall adopt rules by which it may make expenditures by reimbursement to: the Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment. The rules are subject to approval by the Chief Financial Officer before adoption. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Chief Financial Officer, with any claim for reimbursement.

(3) The ~~department Office of Tourism, Trade, and Economic Development~~ shall prepare an annual report of the expenditures of the Office of Film and Entertainment and provide such report to the Legislature no later than December 30 of each year for the expenditures of the previous fiscal year. The report shall consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

(4) The Office of Film and Entertainment and its employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the office's duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The ~~department Office of Tourism, Trade, and Economic Development~~ shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the office's goals and are in compliance with part III of chapter 112.

Section 170. Paragraph (a) of subsection (1), paragraphs (d) and (f) of subsection (3), paragraphs (c) and (d) of subsection (4), paragraph (a) of subsection (5), and paragraph (b) of subsection (9) of section 288.1254, Florida Statutes, are amended to read:

288.1254 Entertainment industry financial incentive program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Certified production” means a qualified production that has tax credits allocated to it by the ~~department Office of Tourism, Trade, and Economic Development~~ based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the ~~department Office of Tourism, Trade, and Economic Development~~. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by the ~~department Office of Tourism, Trade, and Economic Development~~, unless the production spans more than 1 fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal year.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(d) *Certification*.—The Office of Film and Entertainment shall review the application within 15 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the Office of Film and Entertainment shall qualify the applicant and recommend to the ~~department Office of Tourism, Trade, and Economic Development~~ that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, the ~~department Office of Tourism, Trade, and Economic Development~~ shall reject the recommendation or certify the maximum

recommended tax credit award, if any, to the applicant and to the executive director of the Department of Revenue.

(f) *Verification of actual qualified expenditures.*—

1. The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

a. A certified production to submit, in a timely manner after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation on the net expenditure on equipment and other tangible personal property by the qualified production, to an independent certified public accountant licensed in this state;

b. Such accountant to conduct a compliance audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with the required substantiating data, to the Office of Film and Entertainment; and

c. The Office of Film and Entertainment to review the accountant's submittal and report to the ~~department Office of Tourism, Trade, and Economic Development~~ the final verified amount of actual qualified expenditures made by the certified production.

2. The ~~department Office of Tourism, Trade, and Economic Development~~ shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the incentive program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(4) **TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.**—

(c) *Withdrawal of tax credit eligibility.*—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or after the principal photography or project start date provided in the production's program application. The ~~department Office of Tourism, Trade, and Economic Development~~ shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.

(d) *Election and distribution of tax credits.*—

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by the ~~department Office of Tourism, Trade, and Economic Development~~ after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. The ~~department Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

(5) **TRANSFER OF TAX CREDITS.**—

(a) *Authorization.*—Upon application to the Office of Film and Entertainment and approval by the ~~department Office of Tourism, Trade, and Economic Development~~, a certified production company, or a partner or member that has received a distribution under paragraph (4)(g), may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5

years after the date the credit is awarded, after which period the credit expires and may not be used. The ~~department Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of the election and transfer.

(9) **AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.**—

(b) *Revocation of tax credits.*—The ~~department Office of Tourism, Trade, and Economic Development~~ may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The ~~department Office of Tourism, Trade, and Economic Development~~ shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

Section 171. Section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with Enterprise Florida, Inc., at which point the ~~department office~~ may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in s. 120.54(2), with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(5) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120.

Section 172. Section 288.703, Florida Statutes, is amended to read:

288.703 Definitions.—As used in ss. 288.702-288.706, the term ~~this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:~~

(6)(1) "Small business" means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

(6)(2) "Minority business enterprise" means any small business concern as defined in subsection (6)(1) which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at

least 51-percent-owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subsection, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

(4)(3) "Minority person" means a lawful, permanent resident of Florida who is:

(a) An African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin.

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands ~~before~~ prior to 1778.

(d) A Native American, a person who has origins in any of the Indian Tribes of North America ~~before~~ prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services.

(e) An American woman.

(1)(4) "Certified minority business enterprise" means a business which has been certified by the certifying organization or jurisdiction in accordance with s. 287.0943(1) and (2).

~~(5) "Department" means the Department of Management Services.~~

(5)(6) "Ombudsman" means an office or individual whose responsibilities include coordinating with the Office of Supplier Diversity for the interests of and providing assistance to small and minority business enterprises in dealing with governmental agencies and in developing proposals for changes in state agency rules.

(2)(7) "Financial institution" means any bank, trust company, insurance company, savings and loan association, credit union, federal lending agency, or foundation.

~~(8) "Secretary" means the secretary of the Department of Management Services.~~

Section 173. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute this information to small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the ~~department~~ Agency for Workforce Innovation on the use of the statewide contracts register. The report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

(6) The percentage of service-disabled veteran business enterprises using the service.

Section 174. Subsection (12) of section 288.706, Florida Statutes, is amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(12) The Department of Management Services shall collaborate with ~~Enterprise Florida, Inc., the Florida Black Business Investment Board, Inc., and the department~~ Office of Tourism, Trade, and Economic Development to assist in the development and enhancement of black business enterprises.

Section 175. Subsection (2) of section 288.7094, Florida Statutes, is amended to read:

288.7094 Black business investment corporations.—

(2) A black business investment corporation that meets the requirements of s. 288.7102(4) is eligible to participate in the Black Business Loan Program and shall receive priority consideration by the ~~department~~ Office of Tourism, Trade, and Economic Development for participation in the program.

Section 176. Section 288.7102, Florida Statutes, is amended to read:

288.7102 Black Business Loan Program.—

(1) The Black Business Loan Program is established in the ~~department, which~~ Office of Tourism, Trade, and Economic Development. ~~Under the program, the office~~ shall annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector.

(2) The ~~department~~ office shall establish an application and annual certification process for entities seeking funds to participate in providing loans, loan guarantees, or investments in black business enterprises pursuant to the Florida Black Business Investment Act. The ~~department~~ office shall process all applications and recertifications submitted by June 1 on or before July 31.

(3) If the Black Business Loan Program is appropriated any funding in a fiscal year, the ~~department~~ Office shall distribute an equal amount of the appropriation, calculated as the total annual appropriation divided by the total number of program recipients certified on or before July 31 of that fiscal year.

(4) To be eligible to receive funds and provide loans, loan guarantees, or investments under this section, a recipient must:

(a) Be a corporation registered in the state.

(b) For an existing recipient, annually submit to the ~~department~~ office a financial audit performed by an independent certified public accountant for the most recently completed fiscal year, which audit does not reveal any material weaknesses or instances of material noncompliance.

(c) For a new recipient:

1. Demonstrate that its board of directors includes citizens of the state experienced in the development of black business enterprises.

2. Demonstrate that the recipient has a business plan that allows the recipient to operate in a manner consistent with ~~this section~~ ~~ss. 288.707-288.714~~ and the rules of the ~~department~~ office.

3. Demonstrate that the recipient has the technical skills to analyze and evaluate applications by black business enterprises for loans, loan guarantees, or investments.

4. Demonstrate that the recipient has established viable partnerships with public and private funding sources, economic development agencies, and workforce development and job referral networks.

5. Demonstrate that the recipient can provide a private match equal to 20 percent of the amount of funds provided by the *department office*.

(d) For an existing or new recipient, agree to maintain the recipient's books and records relating to funds received by the *department office* according to generally accepted accounting principles and in accordance with the requirements of s. 215.97(7) and to make those books and records available to the *department office* for inspection upon reasonable notice.

(5) Each eligible recipient must meet the *requirements of this section* ~~provisions of ss. 288.707-288.714~~, the terms of the contract between the recipient and the *department Office*, and any other applicable state or federal laws. An entity may not receive funds ~~under ss. 288.707-288.714~~ unless the entity meets annual certification requirements.

(6) Upon approval by the *department Office* and before release of the funds as provided in this section, the *department Office* shall issue a letter certifying the applicant as qualified for an award. The *department Office* and the applicant shall enter into an agreement that sets forth the conditions for award of the funds. The agreement must include the total amount of funds awarded; the performance conditions that must be met once the funding has been awarded, including, but not limited to, compliance with all of the requirements of this section for eligible recipients of funds under this section; and sanctions for failure to meet performance conditions, including any provisions to recover awards.

(7) The *department Office*, in consultation with the board, shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

(8) A black business investment corporation certified by the *department Office* as an eligible recipient under this section is authorized to use funds appropriated for the Black Business Loan Program in any of the following forms:

(a) Purchases of stock, preferred or common, voting or nonvoting; however, no more than 40 percent of the funds may be used for direct investments in black business enterprises;

(b) Loans or loan guarantees, with or without recourse, in either a subordinated or priority position; or

(c) Technical support to black business enterprises, not to exceed 9 percent of the funds received, and direct administrative costs, not to exceed 12 percent of the funds received.

(9) It is the intent of the Legislature that if any one type of investment mechanism authorized in subsection (8) is held to be invalid, all other valid mechanisms remain available.

(10) All loans, loan guarantees, and investments, and any income related thereto, shall be used to carry out the public purpose ~~of ss. 288.707-288.714, which is~~ to develop black business enterprises. This subsection does not preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 177. Section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(1) Each recipient of state funds under s. 288.7102 shall provide to the *department Office* a quarterly report within 15 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102, including, but not limited to:

(a) The dollar amount of all loans or loan guarantees made to black business enterprises, the percentages of the loans guaranteed, and the names and identification of the types of businesses served.

(b) Loan performance information.

(c) The amount and nature of all other financial assistance provided to black business enterprises.

(d) The amount and nature of technical assistance provided to black business enterprises, including technical assistance services provided in areas in which such services are otherwise unavailable.

(e) A balance sheet for the recipient, including an explanation of all investments and administrative and operational expenses.

(f) A summary of all services provided to nonblack business enterprises, including the dollar value and nature of such services and the names and identification of the types of businesses served.

(g) Any other information as required by policies adopted by the *department Office*.

(2) The *department Office* must compile a summary of all quarterly reports and provide a copy of the summary to the board within 30 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102.

(3) By August 31 of each year, the *department Office* shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the performance of the Black Business Loan Program. The report must include a cumulative summary of quarterly report data required by subsection (1).

~~(4) By August 31 of each year, the board shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the board's performance, including:~~

~~(a) A description of the strategies implemented by the board to increase private investment in black business enterprises.~~

~~(b) A summary of the board's performance of its duties under ss. 288.707-288.712.~~

~~(c) The most recent 5 year projection of the need for capital by black business enterprises.~~

~~(d) Recommendations for legislative or other changes to enhance the development and expansion of black business enterprises in the state.~~

~~(e) A projection of the program's activities during the next 12 months.~~

Section 178. Subsection (1) of section 288.773, Florida Statutes, is amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, Enterprise Florida, Inc., ~~and its boards~~, and other private and public programs and organizations, domestic and foreign, designed to provide export assistance and export-related financing.

Section 179. Paragraph (b) of subsection (3) of section 288.774, Florida Statutes, is amended to read:

288.774 Powers and limitations.—

(3)

(b) In providing assistance, the board shall be guided by the statewide economic development plan adopted by *the department pursuant to s. 288.905*.

Section 180. Paragraph (a) of subsection (1) and paragraph (g) of subsection (3) of section 288.776, Florida Statutes, are amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: the President of Enterprise Florida, Inc., the Chief Financial Officer, the Secretary of State, and a senior official of the United States Department of Commerce, ~~and the chair of the Florida Black Business Investment Board.~~

(3) The board shall:

(g) Consult with Enterprise Florida, Inc., ~~and its boards,~~ or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

Section 181. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.— The corporation shall annually prepare and submit to *the department Enterprise Florida, Inc.*, for inclusion in its annual report required by s. 288.095 a complete and detailed report setting forth:

(1) The report required in s. 288.776(3).

(2) Its assets and liabilities at the end of its most recent fiscal year.

Section 182. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) ~~The state protocol officer Office of Tourism, Trade, and Economic Development~~ shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) ~~The state protocol officer Office of Tourism, Trade, and Economic Development~~ shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. ~~The state protocol officer office~~ shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. ~~The state protocol officer office~~ shall promulgate rules which shall:

(a) Establish a viable system of registration for foreign government officials residing or having jurisdiction in the state. Emphasis shall be placed on maintaining active communication between ~~the state protocol officer Office of Tourism, Trade, and Economic Development~~ and the United States Department of State in order to be currently informed regarding foreign governmental personnel stationed in, or with official responsibilities for, Florida. Active dialogue shall also be maintained with foreign countries which historically have had dealings with Florida in order to keep them informed of the proper procedure for registering with the state.

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

(c) Issue certificates to such foreign governmental officials after verification pursuant to proper investigations through United States Department of State sources and the appropriate foreign government.

(d) Verify entitlement to sales and use tax exemptions pursuant to United States Department of State guidelines and identification methods.

(e) Verify entitlement to issuance of special motor vehicle license plates by the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by ~~the state protocol officer Office of Tourism, Trade, and Economic Development.~~

(3) ~~The state protocol officer Office of Tourism, Trade, and Economic Development~~ shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, ~~the state protocol officer office~~ shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) ~~The state protocol officer Office of Tourism, Trade, and Economic Development~~ shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to Enterprise Florida, Inc. In addition, ~~the state protocol officer office~~ shall serve as liaison with other states with respect to international programs of interest to Florida. ~~The state protocol officer office~~ shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) ~~The state protocol officer Office of Tourism, Trade, and Economic Development~~ shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) ~~The department and Enterprise Florida, Inc., Office of Tourism, Trade, and Economic Development, through membership on the board of~~

~~directors of Enterprise Florida, Inc., shall help to contribute an international perspective to the state's development efforts.~~

Section 183. Paragraph (a) of subsection (1) and subsection (2) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) “Florida Intergovernmental Relations Foundation” means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the ~~state protocol officer~~ ~~Office of Tourism, Trade, and Economic Development~~, to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which the ~~state protocol officer~~ ~~Office of Tourism, Trade, and Economic Development~~, after review, has certified to be operating in a manner consistent with the policies and goals of the ~~state protocol officer office~~.

(2) USE OF PROPERTY.—The ~~state protocol officer~~ ~~Office of Tourism, Trade, and Economic Development~~:

(a) ~~May be authorized to~~ permit the use of property, facilities, and personal services of the ~~Executive Office of the Governor~~ ~~Office of Tourism, Trade, and Economic Development~~ by the foundation, subject to the ~~provisions of this section~~.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department. Such conditions shall provide for budget and audit review and for oversight by the ~~state protocol officer~~ ~~Office of Tourism, Trade, and Economic Development~~.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

Section 184. Subsections (2) through (8) of section 288.8175, Florida Statutes, are renumbered as subsections (1) through (7), respectively, and present subsections (1), (3), (4), and (8) of that section are amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

~~(1) As used in this section, the term “department” means the Department of Education.~~

~~(2)(3)~~ Each institute must be governed by an agreement between the Board of Governors of the State University System for a state university and the State Board of Education for a community college with the counterpart organization in a foreign country. Each institute must report to the Department of *Education* regarding its program activities, expenditures, and policies.

~~(3)(4)~~ Each institute must be co-administered in this state by a university-community college partnership, as designated in subsection (5), and must have a private sector and public sector advisory committee. The advisory committee must be representative of the international education and commercial interests of the state and may have members who are native to the foreign country partner. Six members must be appointed by the Department of *Education*. The Department of *Education* must appoint at least one member who is an international educator. The presidents, or their designees, of the participating university and community college must also serve on the advisory committee.

~~(7)(8)~~ A linkage institute may not be created or funded except upon the recommendation of the Department of *Education* and except by amendment to this section.

Section 185. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—There is hereby established in the State Treasury the Florida International Trade and Promotion Trust Fund. The moneys deposited into this trust fund shall be administered by the ~~department~~ ~~Office of Tourism, Trade, and Economic Development~~ for the operation of Enterprise Florida, Inc., ~~and its boards~~ and for the operation of Florida ~~international foreign~~ offices under s. 288.012.

Section 186. Subsections (2) and (5) of section 288.95155, Florida Statutes, are amended to read:

288.95155 Florida Small Business Technology Growth Program.—

~~(2)(a)~~ Enterprise Florida, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

~~(b) For the 2009-2010 fiscal year only, Enterprise Florida, Inc., shall advance up to \$600,000 from the account to the Institute for Commercialization of Public Research for its operations. This paragraph expires July 1, 2010.~~

(5) Enterprise Florida, Inc., shall prepare for inclusion in the ~~and include in its~~ annual report of the department required by s. 288.095 a report on the financial status of the program. The report must specify the assets and liabilities of the program within the current fiscal year and must include a portfolio update that lists all of the businesses assisted, the private dollars leveraged by each business assisted, and the growth in sales and in employment of each business assisted.

Section 187. Paragraph (e) of subsection (2), paragraph (a) of subsection (4), subsection (7), paragraph (b) of subsection (8), subsection (9), paragraph (1) of subsection (10), and subsection (15) of section 288.955, Florida Statutes, are amended, and present subsections (16) and (17) of that section are renumbered as subsections (15) and (16), respectively, to read:

288.955 Scripps Florida Funding Corporation.—

(2) CREATION.—

~~(e) The department~~ ~~Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the corporation as requested by the corporation. In the event of the dissolution of the corporation, the ~~department office~~ shall be the corporation's successor in interest and shall assume all rights, duties, and obligations of the corporation under any contract to which the corporation is then a party and under law.

(4) BOARD; MEMBERSHIP.—The corporation shall be governed by a board of directors.

(a) The board of directors shall consist of nine voting members, of whom the Governor shall appoint three, the President of the Senate shall appoint three, and the Speaker of the House of Representatives shall appoint three. The executive director of the ~~department~~ ~~Office of Tourism, Trade, and Economic Development~~ or the director's designee shall serve as an ex-officio, nonvoting member of the board of directors.

(7) INVESTMENT OF FUNDS.—The corporation must enter into an agreement with the State Board of Administration under which funds received by the corporation from the ~~department~~ ~~Office of Tourism, Trade, and Economic Development~~ which are not disbursed to the grantee shall be invested by the State Board of Administration on behalf of the corporation. Funds shall be invested in suitable instruments authorized under s. 215.47 and specified in investment guidelines established and agreed to by the State Board of Administration and the corporation.

(8) CONTRACT.—

(b) The contract, at a minimum, must contain provisions:

1. Specifying the procedures and schedules that govern the disbursement of funds under this section and specifying the conditions or deliverables that the grantee must satisfy before the release of each disbursement.
  2. Requiring the grantee to submit to the corporation a business plan in a form and manner prescribed by the corporation.
  3. Prohibiting The Scripps Research Institute or the grantee from establishing other biomedical science or research facilities in any state other than this state or California for a period of 12 years from the commencement of the contract. Nothing in this subparagraph shall prohibit the grantee from establishing or engaging in normal collaborative activities with other organizations.
  4. Governing the ownership of or security interests in real property and personal property, including, but not limited to, research equipment, obtained through the financial support of state or local government, including a provision that in the event of a breach of the contract or in the event the grantee ceases operations in this state, such property purchased with state funds shall revert to the state and such property purchased with local funds shall revert to the local governing authority.
  5. Requiring the grantee to be an equal opportunity employer.
  6. Requiring the grantee to maintain a policy of awarding preference in employment to residents of this state, as defined by law, except for professional scientific staff positions requiring a doctoral degree, post-doctoral training positions, and graduate student positions.
  7. Requiring the grantee to maintain a policy of making purchases from vendors in this state, to the extent it is cost-effective and scientifically sound.
  8. Requiring the grantee to use the Internet-based job-listing system of the ~~department Agency for Workforce Innovation~~ in advertising employment opportunities.
  9. Requiring the grantee to establish accredited science degree programs.
  10. Requiring the grantee to establish internship programs to create learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.
  11. Requiring the grantee to submit data to the corporation on the activities and performance during each fiscal year and to provide to the corporation an annual accounting of the expenditure of funds disbursed under this section.
  12. Establishing that the corporation shall review the activities of the grantee to assess the grantee's financial and operational compliance with the provisions of the contract and with relevant provisions of law.
  13. Authorizing the grantee, when feasible, to use information submitted by it to the Federal Government or to other organizations awarding research grants to the grantee to help meet reporting requirements imposed under this section or the contract, if the information satisfies the reporting standards of this section and the contract.
  14. Requiring the grantee during the first 7 years of the contract to create 545 positions and to acquire associated research equipment for the grantee's facility in this state, and pay for related maintenance of the equipment, in a total amount of not less than \$45 million.
  15. Requiring the grantee to progress in the creation of the total number of jobs prescribed in subparagraph 14. on the following schedule: At least 38 positions in the 1st year, 168 positions in the 2nd year, 280 positions in the 3rd year, 367 positions in the 4th year, 436 positions in the 5th year, 500 positions in the 6th year, and 545 positions in the 7th year. The board may allow the grantee to deviate downward from such employee levels by 25 percent in any year, to allow the grantee flexibility in achieving the objectives set forth in the business plan provided to the corporation; however, the grantee must have no fewer than 545 positions by the end of the 7th year.
  16. Requiring the grantee to allow the corporation to retain an independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of the grantee in order to audit the expenditure of funds disbursed to the grantee. The independent certified public accountant shall not disclose any confidential or proprietary scientific information of the grantee.
  17. Requiring the grantee to purchase liability insurance and governing the coverage level of such insurance.
    - (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include a provision that the grantee, in cooperation with the ~~department Office of Tourism, Trade, and Economic Development~~, shall report to the corporation on performance expectations that reflect the aspirations of the Governor and the Legislature for the benefits accruing to this state as a result of the funds appropriated pursuant to this section. These shall include, but are not limited to, performance expectations addressing:
      - (a) The number and dollar value of research grants obtained from the Federal Government or sources other than this state.
      - (b) The percentage of total research dollars received by The Scripps Research Institute from sources other than this state which is used to conduct research activities by the grantee in this state.
      - (c) The number or value of patents obtained by the grantee.
      - (d) The number or value of licensing agreements executed by the grantee.
      - (e) The extent to which research conducted by the grantee results in commercial applications.
      - (f) The number of collaborative agreements reached and maintained with colleges and universities in this state and with research institutions in this state, including agreements that foster participation in research opportunities by public and private colleges and universities and research institutions in this state with significant minority populations, including historically black colleges and universities.
      - (g) The number of collaborative partnerships established and maintained with businesses in this state.
      - (h) The total amount of funding received by the grantee from sources other than the State of Florida.
      - (i) The number or value of spin-off businesses created in this state as a result of commercialization of the research of the grantee.
      - (j) The number or value of businesses recruited to this state by the grantee.
      - (k) The establishment and implementation of policies to promote supplier diversity using the guidelines developed by the Office of Supplier Diversity under s. 287.09451 and to comply with the ordinances, including any small business ordinances, enacted by the county and which are applicable to the biomedical research institution and campus located in this state.
      - (l) The designation by the grantee of a representative to coordinate with the Office of Supplier Diversity.
      - (m) The establishment and implementation of a program to conduct workforce recruitment activities at public and private colleges and universities and community colleges in this state which request the participation of the grantee.
- The contract shall require the grantee to provide information to the corporation on the progress in meeting these performance expectations on an annual basis. It is the intent of the Legislature that, in fulfilling its obligation to work with Florida's public and private colleges and universities, Scripps Florida work with such colleges and universities regardless of size.
- (10) DISBURSEMENT CONDITIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include disbursement conditions that must be satisfied by the grantee as a condition for the continued disbursement of funds under this section. These disbursement conditions shall be negotiated between the corporation and the grantee and shall not be designed

to impede the ability of the grantee to attain full operational status. The disbursement conditions may be appropriately varied as to timeframes, numbers, values, and percentages. The disbursement conditions shall include, but are not limited to, the following areas:

(l) Beginning June 2004, the grantee shall commence collaboration efforts with the ~~department Office of Tourism, Trade, and Economic Development~~ by complying with reasonable requests for cooperation in economic development efforts in the biomed/biotech industry. No later than July 2004, the grantee shall designate a person who shall be charged with assisting in these collaborative efforts.

~~(15) PROGRAM EVALUATION.—~~

~~(a) Before January 1, 2007, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the Office of Tourism, Trade, and Economic Development and the corporation relating to the provisions of this section. The audit shall assess the implementation and outcomes of activities under this section. At a minimum, the audit shall address:~~

~~1. Performance of the Office of Tourism, Trade, and Economic Development in disbursing funds appropriated under this section.~~

~~2. Performance of the corporation in managing and enforcing the contract with the grantee.~~

~~3. Compliance by the corporation with the provisions of this section and the provisions of the contract.~~

~~4. Economic activity generated through funds disbursed under the contract.~~

~~(b) Before January 1, 2010, the Office of Program Policy Analysis and Government Accountability shall update the report required under this subsection. In addition to addressing the items prescribed in paragraph (a), the updated report shall include a recommendation on whether the Legislature should retain the statutory authority for the corporation.~~

~~A report of each audit's findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In completing the performance audits required under this subsection, the Office of Program Policy Analysis and Government Accountability shall maximize the use of reports submitted by the grantee to the Federal Government or to other organizations awarding research grants to the grantee.~~

Section 188. Subsection (2) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(2) The Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by Enterprise Florida, Inc., and one of the directors shall be an economic development specialist. ~~The chairperson of the Florida Black Business Investment Board shall be an ex officio member of the board of the corporation.~~

Section 189. Paragraph (v) of subsection (2) of section 288.9605, Florida Statutes, is amended to read:

288.9605 Corporation powers.—

(2) The corporation is authorized and empowered to:

(v) Enter into investment agreements with *Enterprise Florida, Inc.*, ~~the Florida Black Business Investment Board~~ concerning the issuance of bonds and other forms of indebtedness and capital ~~for the purposes of ss. 288.707-288.714.~~

Section 190. Subsection (1) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(1) When authorized by a public agency pursuant to s. 163.01(7), the corporation has power in its corporate capacity, in its discretion, to issue revenue bonds or other evidences of indebtedness which a public agency has the power to issue, from time to time to finance the undertaking of any purpose of this act ~~and ss. 288.707-288.714~~, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has the power to issue refunding bonds for the payment or retirement of bonds previously issued. Bonds issued pursuant to this section shall bear the name "Florida Development Finance Corporation Revenue Bonds." The security for such bonds may be based upon such revenues as are legally available. In anticipation of the sale of such revenue bonds, the corporation may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issuance of the original note. Such notes shall be paid from any revenues of the corporation available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness issued pursuant to this act shall mature no later than the end of the 30th fiscal year after the fiscal year in which the bond, note, or other form of indebtedness was issued.

Section 191. Subsection (1) of section 288.9624, Florida Statutes, are amended to read:

288.9624 Florida Opportunity Fund; creation; duties.—

(1)(a) Enterprise Florida, Inc., shall facilitate the creation of the Florida Opportunity Fund, a private, not-for-profit corporation organized and operated under chapter 617. Enterprise Florida, Inc., shall be the fund's sole shareholder or member. The fund is not a public corporation or instrumentality of the state. The fund shall manage its business affairs and conduct business consistent with its organizational documents and the purposes set forth in this section. Notwithstanding the powers granted under chapter 617, the corporation may not amend, modify, or repeal a bylaw or article of incorporation without the express written consent of Enterprise Florida, Inc.

(b) *The board of directors of the Florida Opportunity Fund shall have five members, appointed by vote of the board of directors of Enterprise Florida, Inc. Board members shall serve terms as provided in the fund's organizational documents. Within 90 days before an anticipated vacancy by expiration of the term of a board member, the board of directors of the fund shall submit a list of three eligible nominees, which may include the incumbent, to the board of directors of Enterprise Florida, Inc. The board of directors of Enterprise Florida, Inc., may appoint a board member from the nominee list or may request and appoint from a new list of three nominees not included on the previous list. The vice chair of Enterprise Florida, Inc., shall select from among its sitting board of directors a five-person appointment committee. The appointment committee shall select five initial members of a board of directors for the fund.*

(c) ~~The persons appointed elected to the initial board of directors by the appointment committee shall include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management of investment funds and other areas of expertise as considered appropriate by the appointment committee.~~

~~(d) After election of the initial board of directors, vacancies on the board shall be filled by vote of the board of directors of Enterprise Florida, Inc., and board members shall serve terms as provided in the fund's organizational documents.~~

~~(d)(e) Members of the board are subject to any restrictions on conflicts of interest specified in the organizational documents and may not have an interest in any venture capital investment selected by the fund under ss. 288.9621-288.9624.~~

~~(e)(f) Members of the board shall serve without compensation, but members, the president of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined and approved by the board pursuant to s. 112.061.~~

~~(f)(g)~~ The fund shall have all powers granted under its organizational documents and shall indemnify members to the broadest extent permissible under the laws of this state.

Section 192. Subsections (3), (4), (5), and (6) of section 288.9625, Florida Statutes, are amended to read:

288.9625 Institute for the Commercialization of Public Research.— There is established *at a public university or research center in this state* the Institute for the Commercialization of Public Research.

(3) The articles of incorporation of the institute must be approved in a written agreement with ~~the department Enterprise Florida, Inc.~~ The agreement and the articles of incorporation shall:

(a) Provide that the institute shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status;

(b) Provide that the institute is subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution;

(c) Provide that all officers, directors, and employees of the institute shall be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(d) Provide that members of the board of directors of the institute are responsible for the prudent use of all public and private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) Provide that the fiscal year of the institute is from July 1 to June 30.

(4) The affairs of the institute shall be managed by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. The board of directors shall consist of the following five members:

(a) The ~~executive director of the department chair of Enterprise Florida, Inc.~~, or the ~~director's chair's~~ designee.

(b) The president of the university where the institute is located or the president's designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.

(c) Three directors appointed by the Governor to 3-year staggered terms, to which the directors may be reappointed.

(5) The board of directors shall provide a copy of the institute's annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~Enterprise Florida, Inc.~~, and the president of the university at which the institute is located.

(6) ~~The department Enterprise Florida, Inc.~~, the president and the board of trustees of the university where the institute is located, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail or supplemental data relative to the operation of the institute.

Section 193. Subsections (3), (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(3) No later than 6 months after the designation of a military base for closure by the Federal Government, each host local government shall notify the ~~department secretary of the Department of Community Affairs and the director of the Office of Tourism, Trade, and Economic Development~~ in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, the ~~department Office of Tourism, Trade, and Economic Development~~ shall coordinate a pre-submission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments; the Department of Environmental Protection; the ~~department Office of Tourism, Trade, and Economic Development; the Department of Community Affairs;~~ the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it shall, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; the ~~department Office of Tourism, Trade, and Economic Development; the Department of Community Affairs;~~ the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils, or

(b) Petition the ~~department secretary of the Department of Community Affairs~~ for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The ~~department secretary of the Department of Community Affairs~~ may grant extensions to the required submission date of the reuse plan.

Section 194. Paragraph (b) of subsection (1), paragraphs (a) and (c) of subsection (2) and subsections (3), (4), (5), (6), (7), and (9) of section 288.980, Florida Statutes, are amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for ~~Enterprise Florida~~ defense-related activity of *Enterprise Florida, Inc.* The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the ~~department Office of Tourism, Trade, and Economic Development.~~

(2)(a) ~~The department Office of Tourism, Trade, and Economic Development~~ is authorized to award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(c), the amount of any grant provided to an applicant may not exceed \$250,000. ~~The department Office of Tourism, Trade, and Economic Development~~ shall require that an applicant:

1. Represent a local government with a military installation or military installations that could be adversely affected by federal base realignment or closure.

2. Agree to match at least 30 percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community and the adverse impacts such realignment or closure will have on the applicant's community.

(3) The Florida Economic Reinvestment Initiative is established to respond to the need for this state and defense-dependent communities in this state to develop alternative economic diversification strategies to lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse. The initiative shall consist of the following ~~two~~ **three** distinct grant programs to be administered by the ~~department Office of Tourism, Trade, and Economic Development~~:

(a) The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed \$250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4) The Defense Infrastructure Grant Program is created. The ~~department director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for projects that benefit both the local community and the military installation. It is not the intent, however, to fund on-base military construction projects. Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement the purpose of this subsection.

(5)(a) The Defense-Related Business Adjustment Program is hereby created. The ~~department Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) The ~~department Office~~ shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the *United States Department of Defense* in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(6) The Retention of Military Installations Program is created. The ~~department Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and implement this program. ~~The sum of \$1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for war-fighting experimentation, testing, and training which employs at least 500 civilian and military employees and has been operating in the state for a period of more than 10 years.~~

(7) The ~~department director~~ may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

(9) The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 195. Paragraphs (a), (e), and (f) of subsection (2) of section 288.984, Florida Statutes, are amended to read:

288.984 Florida Council on Military Base and Mission Support.—The Florida Council on Military Base and Mission Support is established. The council shall provide oversight and direction for initiatives, claims, and actions taken on behalf of the state, its agencies, and political subdivisions under this part.

(2) MEMBERSHIP.—

(a) The council shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, and the Governor shall each appoint three members as follows:

1. The President of the Senate shall appoint one member of the Senate, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

2. The Speaker of the House of Representatives shall appoint one member of the House of Representatives, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

3. The Governor shall appoint the *executive director of the department or the director's designee, a board member of Enterprise Florida, Inc., director or designee of the Office of Tourism, Trade, and Economic Development, the vice chairperson or designee of Enterprise Florida, Inc.*, and one at-large member.

(e) The ~~department Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the council.

(f) ~~The Secretary of Community Affairs or his or her designee, the Secretary of Environmental Protection or his or her designee, the Secretary of Transportation or his or her designee, the Adjutant General of the state or his or her designee, and the executive director of the Department of Veterans' Affairs or his or her designee shall attend meetings held by the council and provide assistance, information, and support as requested by the council.~~

Section 196. Subsections (2) and (5) and paragraph (b) of subsection (9) of section 288.9913, Florida Statutes, are amended, and present subsections (3) through (10) of that section are renumbered as subsections (2) through (8), respectively, to read:

288.9913 Definitions.—As used in ss. 288.991-288.9922, the term:

~~(2) "Department" means the Department of Revenue.~~

~~(5) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(7)(9) "Qualified investment" means an equity investment in, or a long-term debt security issued by, a qualified community development entity that:~~

(b) Is designated by the qualified community development entity as a qualified investment under this paragraph and is approved by the *department office* as a qualified investment.

Section 197. Subsections (1), (2), and (3), paragraphs (a) and (b) of subsection (4), and subsection (6) of section 288.9914, Florida Statutes, are amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(1) ELIGIBLE INDUSTRIES.—

(a) The *department office*, in consultation with Enterprise Florida, Inc., shall designate industries using the North American Industry Classification System which are eligible to receive low-income community investments. The designated industries must be those industries that have the greatest potential to create strong positive impacts on or benefits to the state, regional, and local economies.

(b) A qualified community development entity may not make a qualified low-income community investment in a business unless the principal activities of the business are within an eligible industry. The *department office* may waive this limitation if the *department office* determines that the investment will have a positive impact on a community.

(2) APPLICATION.—A qualified community development entity must submit an application to the *department Office* to approve a proposed investment as a qualified investment. The application must include:

(a) The name, address, and tax identification number of the qualified community development entity.

(b) Proof of certification as a qualified community development entity under 26 U.S.C. s. 45D.

(c) A copy of an allocation agreement executed by the entity, or its controlling entity, and the Community Development Financial Institutions Fund, which authorizes the entity to serve businesses in this state.

(d) A verified statement by the chief executive officer of the entity that the allocation agreement remains in effect.

(e) A description of the proposed amount, structure, and purchaser of an equity investment or long-term debt security.

(f) The name and tax identification number of any person authorized to claim a tax credit earned as a result of the purchase of the proposed qualified investment.

(g) A detailed explanation of the proposed use of the proceeds from a proposed qualified investment.

(h) A nonrefundable application fee of \$1,000, payable to the *department office*.

(i) A statement that the entity will invest only in the industries designated by the *department office*.

(j) The entity's plans for the development of relationships with community-based organizations, local community development offices and organizations, and economic development organizations. The entity must also explain steps it has taken to implement its plans to develop these relationships.

(k) A statement that the entity will not invest in a qualified active low-income community business unless the business will create or retain jobs that pay an average wage of at least 115 percent of the federal poverty income guidelines for a family of four.

(3) REVIEW.—

(a) The *department office* shall review applications to approve an investment as a qualified investment in the order received. The *department office* shall approve or deny an application within 30 days after receipt.

(b) If the *department office* intends to deny the application, the *department office* shall inform the applicant of the basis of the proposed denial. The applicant shall have 15 days after it receives the notice of the intent to deny the application to submit a revised application to the *department office*. The *department office* shall issue a final order approving or denying the revised application within 30 days after receipt.

(c) The *department office* may not approve a cumulative amount of qualified investments that may result in the claim of more than \$97.5 million in tax credits during the existence of the program or more than \$20 million in tax credits in a single state fiscal year. However, the potential for a taxpayer to carry forward an unused tax credit may not be considered in calculating the annual limit.

(4) APPROVAL.—

(a) The *department office* shall provide a copy of the final order approving an investment as a qualified investment to the qualified community development entity and to the Department of Revenue. The notice shall include the identity of the taxpayers who are eligible to claim the tax credits and the amount that may be claimed by each taxpayer.

(b) The *department office* shall approve an application for part of the amount of the proposed investment if the amount of tax credits available is insufficient.

(6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The qualified community development entity must provide the *department office* with evidence of the receipt of the cash in exchange for the qualified investment within 30 business days after receipt.

Section 198. Subsection (2) of section 288.9916, Florida Statutes, is amended to read:

288.9916 New markets tax credit.—

(2) A tax credit earned under this section may not be sold or transferred, except as provided in this subsection.

(a) A partner, member, or shareholder of a partnership, limited liability company, S-corporation, or other "pass-through" entity may claim the tax credit pursuant to an agreement among the partners, members, or shareholders. Any change in the allocation of a tax credit under the agreement must be reported to the *department office* and to the Department of Revenue.

(b) Eligibility to claim a tax credit transfers to subsequent purchasers of a qualified investment. Such transfers must be reported to the *department office* and to the Department of Revenue along with the identity, tax identification number, and tax credit amount allocated to a taxpayer pursuant to paragraph (a). The notice of transfer also must state whether unused tax credits are being transferred and the amount of unused tax credits being transferred.

Section 199. Section 288.9917, Florida Statutes, is amended to read:

288.9917 Community development entity reporting after a credit allowance date; certification of tax credit amount.—

(1) A qualified community development entity that has issued a qualified investment shall submit the following to the *department office* within 30 days after each credit allowance date:

(a) A list of all qualified active low-income community businesses in which a qualified low-income community investment was made since the last credit allowance date. The list shall also describe the type and amount of investment in each business and the address of the principal location of each business. The list must be verified by the chief executive officer of the community development entity.

(b) Bank records, wire transfer records, or similar documents that provide evidence of the qualified low-income community investments made since the last credit allowance date.

(c) A verified statement by the chief financial or accounting officer of the community development entity that no redemption or principal repayment was made with respect to the qualified investment since the previous credit allowance date.

(d) Information relating to the recapture of the federal new markets tax credit since the last credit allowance date.

(2) The *department office* shall certify in writing to the qualified community development entity and to the Department of Revenue the amount of the tax credit authorized for each taxpayer eligible to claim the tax credit in the tax year containing the last credit allowance date.

Section 200. Section 288.9918, Florida Statutes, is amended to read:

288.9918 Annual reporting by a community development entity.—A community development entity that has issued a qualified investment shall submit an annual report to the *department office* by April 30 after the end of each year which includes a credit allowance date. The report shall include:

(1) The entity's annual financial statements for the preceding tax year, audited by an independent certified public accountant.

(2) The identity of the types of industries, identified by the North American Industry Classification System Code, in which qualified low-income community investments were made.

(3) The names of the counties in which the qualified active low-income businesses are located which received qualified low-income community investments.

(4) The number of jobs created and retained by qualified active low-income community businesses receiving qualified low-income community investments, including verification that the average wages paid meet or exceed 115 percent of the federal poverty income guidelines for a family of four.

(5) A description of the relationships that the entity has established with community-based organizations and local community development offices and organizations and a summary of the outcomes resulting from those relationships.

(6) Other information and documentation required by the *department office* to verify continued certification as a qualified community development entity under 26 U.S.C. s. 45D.

Section 201. Section 288.9919, Florida Statutes, is amended to read:

288.9919 Audits and examinations; penalties.—

(1) AUDITS.—A community development entity that issues an investment approved by the *department office* as a qualified investment shall be deemed a recipient of state financial assistance under s. 215.97, the Florida Single Audit Act. However, an entity that makes a qualified investment or receives a qualified low-income community investment is not a subrecipient for the purposes of s. 215.97.

(2) EXAMINATIONS.—The *department office* may conduct examinations to verify compliance with the New Markets Development Program Act.

Section 202. Section 288.9920, Florida Statutes, is amended to read:

288.9920 Recapture and penalties.—

(1) Notwithstanding s. 95.091, the *department office* shall direct the Department of Revenue, at any time before December 31, 2022, to recapture all or a portion of a tax credit authorized pursuant to the New Markets Development Program Act if one or more of the following occur:

(a) The Federal Government recaptures any portion of the federal new markets tax credit. The recapture by the Department of Revenue shall equal the recapture by the Federal Government.

(b) The qualified community development entity redeems or makes a principal repayment on a qualified investment before the final allowance date. The recapture by the Department of Revenue shall equal the redemption or principal repayment divided by the purchase price and multiplied by the tax credit authorized to a taxpayer for the qualified investment.

(c)1. The qualified community development entity fails to invest at least 85 percent of the purchase price in qualified low-income community investments within 12 months after the issuance of a qualified investment; or

2. The qualified community development entity fails to maintain 85 percent of the purchase price in qualified low-income community investments until the last credit allowance date for a qualified investment.

For the purposes of this paragraph, an investment by a qualified community development entity includes principal recovered from an investment for 12 months after its recovery or principal recovered after the sixth credit allowance date. Principal held for longer than 12 months or recovered before the sixth credit allowance date is not an investment unless it is reinvested in a qualified low-income community investment.

(d) The qualified community development entity fails to provide the *department office* with information, reports, or documentation required by the New Markets Development Program Act.

(e) The *department office* determines that a taxpayer received tax credits to which the taxpayer was not entitled.

(2) The *department office* shall provide notice to the qualified community development entity and the Department of Revenue of a proposed recapture of a tax credit. The entity shall have 6 months following the receipt of the notice to cure a deficiency identified in the notice and avoid recapture. The *department office* shall issue a final order of recapture if the entity fails to cure a deficiency within the 6-month period. The final order of recapture shall be provided to the entity, the Department of Revenue, and a taxpayer otherwise authorized to claim the tax credit. Only one correction is permitted for each qualified equity investment during the 7-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

(3) An entity that submits fraudulent information to the *department office* is liable for the costs associated with the investigation and prosecution of the fraudulent claim plus a penalty in an amount equal to double the tax credits claimed by investors in the entity's qualified investments. This penalty is in addition to any other penalty that may be imposed by law.

Section 203. Section 288.9921, Florida Statutes, is amended to read:

288.9921 Rulemaking.—The *Department of Economic Opportunity Office* and the Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.

Section 204. Section 290.004, Florida Statutes, is amended to read:

290.004 Definitions relating to Florida Enterprise Zone Act.—As used in ss. 290.001-290.016:

(1) "Community investment corporation" means a black business investment corporation, a certified development corporation, a small business investment corporation, or other similar entity incorporated under Florida law that has limited its investment policy to making investments solely in minority business enterprises.

(2) “Department” means the Department of Economic Opportunity.

~~(2) “Director” means the director of the Office of Tourism, Trade, and Economic Development.~~

(3) “Governing body” means the council or other legislative body charged with governing the county or municipality.

(4) “Minority business enterprise” has the same meaning as *provided* in s. 288.703.

~~(5) “Office” means the Office of Tourism, Trade, and Economic Development.~~

~~(5)(6)~~ “Rural enterprise zone” means an enterprise zone that is nominated by a county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer which is contiguous to a county having a population of 75,000 or fewer, or by a municipality in such a county, or by such a county and one or more municipalities. An enterprise zone designated in accordance with s. 290.0065(5)(b) ~~or s. 279.2353~~ is considered to be a rural enterprise zone.

~~(6)(7)~~ “Small business” has the same meaning as *provided* in s. 288.703.

Section 205. Subsection (1) and paragraphs (a) and (b) of subsection (6) of section 290.0055, Florida Statutes, are amended to read:

290.0055 Local nominating procedure.—

(1) If, pursuant to s. 290.0065, an opportunity exists for designation of a new enterprise zone, any county or municipality, or a county and one or more municipalities together, may apply to the ~~department office~~ for the designation of an area as an enterprise zone after completion of the following:

(a) The adoption by the governing body or bodies of a resolution which:

1. Finds that an area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

2. Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

3. Determines that the revitalization of such area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(b) The creation of an enterprise zone development agency pursuant to s. 290.0056.

(c) The creation and adoption of a strategic plan pursuant to s. 290.0057.

(6)(a) The ~~department office~~ may approve a change in the boundary of any enterprise zone which was designated pursuant to s. 290.0065. A boundary change must continue to satisfy the requirements of subsections (3), (4), and (5).

(b) Upon a recommendation by the enterprise zone development agency, the governing body of the jurisdiction which authorized the application for an enterprise zone may apply to the ~~department Office~~ for a change in boundary once every 3 years by adopting a resolution that:

1. States with particularity the reasons for the change; and

2. Describes specifically and, to the extent required by the ~~department office~~, the boundary change to be made.

Section 206. Paragraph (h) of subsection (8) and subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(8) The enterprise zone development agency shall have the following powers and responsibilities:

(h) To work with ~~the department and~~ Enterprise Florida, Inc., ~~and the office~~ to ensure that the enterprise zone coordinator receives training on an annual basis.

(11) ~~Before~~ ~~Prior~~ to December 1 of each year, the agency shall submit to the ~~department Office of Tourism, Trade, and Economic Development~~ a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan or measurable goals, and any updates to the strategic plan or measurable goals.

(c) The number and type of businesses assisted by the agency during the fiscal year.

(d) The number of jobs created within the enterprise zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by the ~~department office~~.

(12) In the event that the nominated area selected by the governing body is not designated a state enterprise zone, the governing body may dissolve the agency after receiving notification from the ~~department office~~ that the area was not designated as an enterprise zone.

Section 207. Subsections (1) and (5) of section 290.0058, Florida Statutes, are amended to read:

290.0058 Determination of pervasive poverty, unemployment, and general distress.—

(1) In determining whether an area suffers from pervasive poverty, unemployment, and general distress, for purposes of ss. 290.0055 and 290.0065, the governing body and the ~~department office~~ shall use data from the most current decennial census, and from information published by the Bureau of the Census and the Bureau of Labor Statistics. The data shall be comparable in point or period of time and methodology employed.

(5) In making the calculations required by this section, the local government and the ~~department office~~ shall round all fractional percentages of one-half percent or more up to the next highest whole percentage figure.

Section 208. Subsections (2), (4), and (5), paragraph (a) of subsection (6), and subsection (7) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State designation of enterprise zones.—

(2) If, pursuant to subsection (4), the ~~department office~~ does not redesignate an enterprise zone, a governing body of a county or municipality or the governing bodies of a county and one or more municipalities jointly, pursuant to s. 290.0055, may apply for designation of an enterprise zone to take the place of the enterprise zone not redesignated and request designation of an enterprise zone. The ~~department Office, in consultation with Enterprise Florida, Inc.,~~ shall determine which areas nominated by such governing bodies meet the criteria outlined in s. 290.0055 and are the most appropriate for designation as state enterprise zones. Each application made pursuant to s. 290.0055 shall be ranked competitively based on the pervasive poverty, unemployment, and general distress of the area; the strategic plan, including local fiscal and regulatory incentives, prepared pursuant to s. 290.0057; and the prospects for new investment and economic development in the area. Pervasive poverty, unemployment, and general distress shall be weighted 35 percent; strategic plan and local fiscal and regulatory incentives shall be weighted 40 percent; and prospects for new investment and economic development in the area shall be weighted 25 percent.

(4)(a) Notwithstanding s. 290.0055, the ~~department office~~ may redesignate any state enterprise zone having an effective date on or before

January 1, 2005, as a state enterprise zone upon completion and submittal to the office by the governing body for an enterprise zone of the following:

1. An updated zone profile for the enterprise zone based on the most recent census data that complies with s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

2. A resolution passed by the governing body for that enterprise zone requesting redesignation and explaining the reasons the conditions of the zone merit redesignation.

3. Measurable goals for the enterprise zone developed by the enterprise zone development agency, which may be the goals established in the enterprise zone's strategic plan.

The governing body may also submit a request for a boundary change in an enterprise zone in the same application to the *department office* as long as the new area complies with the requirements of s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

(b) In consultation with Enterprise Florida, Inc., the *department office* shall, based on the enterprise zone profile and the grounds for redesignation expressed in the resolution, determine whether the enterprise zone merits redesignation. The *department office* may also examine and consider the following:

1. Progress made, if any, in the enterprise zone's strategic plan.
2. Use of enterprise zone incentives during the life of the enterprise zone.

If the *department office* determines that the enterprise zone merits redesignation, the *department office* shall notify the governing body in writing of its approval of redesignation.

(c) If the enterprise zone is redesignated, the *department office* shall determine if the measurable goals submitted are reasonable. If the *department office* determines that the goals are reasonable, it shall notify the governing body in writing that the goals have been approved.

(d) If the *department office* denies redesignation of an enterprise zone, it shall notify the governing body in writing of the denial. Any county or municipality having jurisdiction over an area denied redesignation as a state enterprise zone pursuant to this subsection may not apply for designation of that area for 1 year following the date of denial.

(5) Notwithstanding s. 290.0055, an area designated as a federal empowerment zone or enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 1999 Agricultural Appropriations Act shall be designated a state enterprise zone as follows:

(a) An area designated as an urban empowerment zone or urban enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993, the Taxpayer Relief Act of 1997, or the 2000 Community Renewal Tax Relief Act shall be redesignated a state enterprise zone by the *department office* upon completion of the requirements set out in paragraph (d), except in the case of a county as defined in s. 125.011(1) which, notwithstanding s. 290.0055, may incorporate and include such designated urban empowerment zone or urban enterprise community areas within the boundaries of its state enterprise zones without any limitation as to size.

(b) An area designated as a rural empowerment zone or rural enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993 or the 1999 Agricultural Appropriations Act shall be redesignated a state rural enterprise zone by the *department office* upon completion of the requirements set out in paragraph (d) and may incorporate and include such designated rural empowerment zone or rural enterprise community within the boundaries of its state enterprise zones without any limitation as to size.

(c) Any county or municipality having jurisdiction over an area redesignated as a state enterprise zone pursuant to this subsection, other

than a county defined in s. 125.011(1), may not apply for designation of another area.

(d) ~~Before~~ ~~Prior to~~ redesignating such areas as state enterprise zones, the *department office* shall ensure that the governing body having jurisdiction over the zone submits the information required under paragraph (4)(a) for redesignation to the *department office*.

(6)(a) ~~The *department office*, in consultation with Enterprise Florida, Inc.,~~ may develop guidelines necessary for the approval of areas under this section by the *executive director*.

(7) Upon approval by the ~~*department director*~~ of a resolution authorizing an area to be an enterprise zone pursuant to this section, the *department office* shall assign a unique identifying number to that resolution. The *department office* shall provide the Department of Revenue and Enterprise Florida, Inc., with a copy of each resolution approved, together with its identifying number.

Section 209. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—

(1) The ~~*department director*~~ may revoke the designation of an enterprise zone if the ~~*department director*~~ determines that the governing body or bodies:

- (a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan or measurable goals; or
- (b) Have not complied substantially with the strategic plan or measurable goals.

Section 210. Section 290.00710, Florida Statutes, is amended to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to the ~~*department Office of Tourism, Trade, and Economic Development*~~ for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the ~~*department Office of Tourism, Trade, and Economic Development*~~ may designate one enterprise zone under this section. The ~~*department Office of Tourism, Trade, and Economic Development*~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 211. Section 290.0072, Florida Statutes, is amended to read:

290.0072 Enterprise zone designation for the City of Winter Haven.—The City of Winter Haven may apply to the ~~*department Office of Tourism, Trade, and Economic Development*~~ for designation of one enterprise zone for an area within the City of Winter Haven, which zone shall encompass an area up to 5 square miles. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the ~~*department office of Tourism, Trade, and Economic Development*~~ may designate one enterprise zone under this section. The ~~*department Office of Tourism, Trade, and Economic Development*~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 212. Section 290.00725, Florida Statutes, is amended to read:

290.00725 Enterprise zone designation for the City of Ocala.—The City of Ocala may apply to the ~~*department Office of Tourism, Trade, and Economic Development*~~ for designation of one enterprise zone for an area within the western portion of the city, which zone shall encompass an area up to 5 square miles. ~~The application must be submitted by December 31, 2009, and must comply with the requirements of s. 290.0055.~~ Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the ~~*department Office of Tourism, Trade, and Economic Development*~~ may designate one enterprise zone under this section. The ~~*department Office of Tourism, Trade, and Economic Development*~~ shall

establish the initial effective date of the enterprise zone designated under this section.

Section 213. Section 290.0073, Florida Statutes, is amended to read:

290.0073 Enterprise zone designation for Indian River County, the City of Vero Beach, and the City of Sebastian.—Indian River County, the City of Vero Beach, and the City of Sebastian may jointly apply to the ~~department Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone encompassing an area not to exceed 10 square miles. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the ~~department Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 214. Section 290.0074, Florida Statutes, is amended to read:

290.0074 Enterprise zone designation for Sumter County.—Sumter County may apply to the ~~department Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the ~~department Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 215. Section 290.0077, Florida Statutes, is amended to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to the ~~department Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone. ~~The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.~~ Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the ~~department Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. The ~~department Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 216. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to the ~~department Office of Tourism, Trade, and Economic Development~~ detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) By March 1 of each year, the ~~department office~~ shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone.

Section 217. Subsections (3) and (6) of section 290.042, Florida Statutes, are amended to read:

290.042 Definitions relating to Florida Small Cities Community Development Block Grant Program Act.—As used in ss. 290.0401-290.049, the term:

(3) “Department” means the Department of *Economic Opportunity Community Affairs*.

(6) “Person of low or moderate income” means any person who meets the definition established by the department of ~~Community Affairs~~ in

accordance with the guidelines established in Title I of the Housing and Community Development Act of 1974, as amended.

Section 218. Section 290.043, Florida Statutes, is amended to read:

290.043 Florida Small Cities Community Development Block Grant Program; administration.—There is created the Florida Small Cities Community Development Block Grant Program. The department of ~~Community Affairs~~ shall administer the program as authorized and described in Title I of the Housing and Community Development Act of 1974, as amended; Pub. L. No. 93-383, as amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C. ss. 5301 et seq.

Section 219. Subsection (4) of section 290.043, Florida Statutes, is amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(4) The department may set aside an amount of up to 5 percent of the funds annually for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department may provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside ~~shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications from the most recent funding cycle.~~

Section 220. Subsection (6) of section 290.046, Florida Statutes, is amended to read:

290.046 Applications for grants; procedures; requirements.—

(6) The local government shall establish a citizen advisory task force composed of citizens in the jurisdiction in which the proposed project is to be implemented to provide input relative to all phases of the project process. The local government must obtain consent from the department of ~~Community Affairs~~ for any other type of citizen participation plan upon a showing that such plan is better suited to secure citizen participation for that locality.

Section 221. Subsection (2) of section 290.047, Florida Statutes, is amended to read:

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias; loans in default.—

(2) The department shall establish grant ceilings for each program category ~~by rule. These ceilings shall bear some relationship to an applicant's total population or its population living below the federal poverty level. Population ranges may be used in establishing these ceilings. In no case, however, may a grant ceiling be set above \$750,000 or below \$300,000.~~

Section 222. Section 290.048, Florida Statutes, is amended to read:

290.048 General powers of department of ~~Community Affairs~~ under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(1) Make contracts and agreements with the Federal Government; other agencies of the state; any other public agency; or any other public person, association, corporation, local government, or entity in exercising its powers and performing its duties under ss. 290.0401-290.049.

(2) Seek and accept funding from any public or private source.

(3) Adopt and enforce rules not inconsistent with ss. 290.0401-290.049 for the administration of the fund.

(4) Assist in training employees of local governing authorities to help achieve and increase their capacity to administer programs pursuant to

ss. 290.0401-290.049 and provide technical assistance and advice to local governing authorities involved with these programs.

(5) Adopt and enforce strict requirements concerning an applicant's written description of a service area. Each such description shall contain maps which illustrate the location of the proposed service area. All such maps must be clearly legible and must:

- (a) Contain a scale which is clearly marked on the map.
- (b) Show the boundaries of the locality.
- (c) Show the boundaries of the service area where the activities will be concentrated.
- (d) Display the location of all proposed area activities.
- (e) Include the names of streets, route numbers, or easily identifiable landmarks where all service activities are located.

(6) Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

(7) Establish an advisory committee of no more than 13 members to solicit participation in designing, administering, and evaluating the program and in linking the program with other housing and community development resources.

Section 223. Paragraph (a) of subsection (2) and subsection (4) of section 290.0491, Florida Statutes, is amended to read:

290.0491 Florida Empowerment Zones.—

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of *Economic Opportunity Community Affairs*.

(4) EMPOWERMENT ZONE PROGRAM.—There is created an economic development program to be known as the Florida Empowerment Zone Program. The program shall exist for 10 years and, except as otherwise provided by law, be operated by the Department of *Economic Opportunity Community Affairs* in conjunction with the Federal Empowerment Zone Program.

Section 224. Subsections (3) and (4) of section 290.053, Florida Statutes, are amended to read:

290.053 Response to economic emergencies in small communities.—

(3) A local government entity shall notify the Governor, the ~~Department of Economic Opportunity~~ *Office of Tourism, Trade, and Economic Development*, and Enterprise Florida, Inc., when one or more of the conditions specified in subsection (2) have occurred or will occur if action is not taken to assist the local governmental entity or the affected community.

(4) Upon notification that one or more of the conditions described in subsection (2) exist, the Governor or his or her designee shall contact the local governmental entity to determine what actions have been taken by the local governmental entity or the affected community to resolve the economic emergency. The Governor ~~may~~ *has the authority to* waive the eligibility criteria of any program or activity administered by the ~~Department of Economic Opportunity~~ *Office of Tourism, Trade, and Economic Development*, or Enterprise Florida, Inc., to provide economic relief to the affected community by granting participation in such programs or activities. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives and shall take other action, as necessary, to resolve the economic emergency in the most expedient manner possible. All actions taken pursuant to this section shall be within current appropriations and shall have no annualized impact beyond normal growth.

Section 225. Section 290.06561, Florida Statutes, is amended to read:

290.06561 Designation of rural enterprise zone as catalyst site.—Notwithstanding s. 290.0065(1), the *Department of Economic Opportu-*

*nity Office of Tourism, Trade, and Economic Development*, upon request of the host county, shall designate as a rural enterprise zone any catalyst site as defined in s. 288.0656(2)(b) that was approved ~~before~~ *prior to* January 1, 2010, and that is not located in an existing rural enterprise zone. The request from the host county must include the legal description of the catalyst site and the name and contact information for the county development authority responsible for managing the catalyst site. The designation shall provide businesses locating within the catalyst site the same eligibility for economic incentives and other benefits of a rural enterprise zone designated under s. 290.0065. The reporting criteria for a catalyst site designated as a rural enterprise zone under this section are the same as for other rural enterprise zones. Host county development authorities may enter into memoranda of agreement, as necessary, to coordinate their efforts to implement this section.

Section 226. Paragraph (d) of subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(d1). The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots shall constitute a ground for disciplinary action under s. 310.101. Nothing in this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

2. The pilot or pilots in a port shall establish a competency-based mentor program by which minority persons, as defined in s. 288.703(3), may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons, as defined in s. 288.703(3), who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.

Section 227. Subsections (1), (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; *and* the director of the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* or his or her designee; ~~and the secretary of the Department of Community Affairs or his or her designee.~~

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient,

cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the ~~Department of Economic Opportunity, and the Office of Tourism, Trade, and Economic Development~~; the Department of Transportation; and the Department of Community Affairs. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation and the ~~executive director of the Department of Economic Opportunity, or his or her designee, director of the Office of Tourism, Trade, and Economic Development, and the Secretary of Community Affairs~~ a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc.,~~ shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the ~~Department of Economic Opportunity Department of Community Affairs; the Office of Tourism, Trade, and Economic Development;~~ and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than \$8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ to be economically beneficial. The department shall include the specific approved seaport projects to be funded under this section during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to seaport projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget be-

tween the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semi-annually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, the ~~Department of Community Affairs,~~ or the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

Section 228. Paragraph (b) of subsection (1) of section 311.105, Florida Statutes, is amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the ~~executive director of Economic Opportunity Secretary of Community Affairs,~~ or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

Section 229. Subsection (3) of section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of ~~Economic Opportunity Community Affairs~~ regarding issues affecting the boating community, including, but not limited to, issues related to:

(a) Boating and diving safety education.

(b) Boating-related facilities, including marinas and boat testing facilities.

(c) Boat usage.

(d) Boat access.

(e) Working waterfronts.

Section 230. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development,~~ in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the ~~Department of Economic Opportunity Office.~~ The ~~Department of Economic Opportunity office~~ shall grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The ~~office's~~ contribution of the ~~Department of Economic Opportunity~~ to any specific training program may not exceed 50 percent of the total cost of the program.

Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) The *Department of Economic Opportunity Office* shall adopt criteria to implement this section.

Section 231. Paragraph (i) of subsection (1) of section 311.115, Florida Statutes, are amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(i) ~~One representative of the Department of Economic Opportunity member from the Office of Tourism, Trade, and Economic Development.~~

Section 232. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by ~~the Department of Community Affairs, the Department of Transportation, and the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ of all projects submitted for funding under this section.

Section 233. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), subsection (60), and paragraph (b) of subsection (65) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by *Enterprise Florida, Inc.*, ~~the direct support organization established under s. 288.1229~~ to support amateur sports, and because the United States Olympic Committee and *Enterprise Florida, Inc.*, ~~the direct support organization~~ are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because *Enterprise Florida, Inc.*, ~~the direct support organization~~ assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and *Enterprise Florida, Inc.*, ~~the direct support organization~~, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word “Florida” must be centered at the top of the plate.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term “major sports events” means, but is not limited to, championship or all-star contests of Major League Base-

ball, the National Basketball Association, the National Football League, the National Hockey League, the men’s and women’s National Collegiate Athletic Association Final Four basketball championship, or a horse-racing or dogracing Breeders’ Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to *Enterprise Florida, Inc.* ~~the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. These funds must be deposited into the Professional Sports Development Trust Fund within the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*. These funds must be used by *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~ to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~ and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*.

3. *Enterprise Florida, Inc.*, ~~The Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* ~~as specified in s. 288.1229(5)~~. The auditor shall submit the audit report to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* for review and approval. If the audit report is approved, the *Department of Economic Opportunity office* shall certify the audit report to the Auditor General for review.

4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~ and financial support of the Sunshine State Games.

(60) FLORIDA NASCAR LICENSE PLATES.—

(a) The department shall develop a Florida NASCAR license plate as provided in this section. Florida NASCAR license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the term “NASCAR” must appear at the bottom of the plate. The National Association for Stock Car Auto Racing, following consultation with *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~, may submit a sample plate for consideration by the department.

(b) The license plate annual use fees shall be distributed to *Enterprise Florida, Inc.* ~~the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~ for the administration of the NASCAR license plate program.

2. The National Association for Stock Car Auto Racing shall receive up to \$60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.

3. The remaining proceeds from the annual use fees shall be distributed to *Enterprise Florida, Inc.* ~~the Florida Sports Foundation~~. *Enterprise Florida, Inc.*, ~~The Florida Sports Foundation~~ will retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motorsports-related

tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.

(c) *Enterprise Florida, Inc.*, ~~The Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* as specified in ~~s. 288.1229(5)~~. The auditor shall submit the audit report to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* for review and approval. If the audit report is approved, the *Department of Economic Opportunity office* shall certify the audit report to the Auditor General for review.

(65) FLORIDA TENNIS LICENSE PLATES.—

(b) The department shall distribute the annual use fees to *Enterprise Florida, Inc* ~~the Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~ to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Section 234. Subsection (3) of section 320.63, Florida Statutes, is amended to read:

320.63 Application for license; contents.—Any person desiring to be licensed pursuant to ss. 320.60-320.70 shall make application therefor to the department upon a form containing such information as the department requires. The department shall require, with such application or otherwise and from time to time, all of the following, which information may be considered by the department in determining the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed:

(3) From each manufacturer, distributor, or importer which utilizes an identical blanket basic agreement for its dealers or distributors in this state, which agreement comprises all or any part of the applicant's or licensee's agreements with motor vehicle dealers in this state, a copy of the written agreement and all supplements thereto, together with a list of the applicant's or licensee's authorized dealers or distributors and their addresses. The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70. For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. 288.703(4). Not later than 60 days ~~before~~ ~~prior to~~ the date a revision or modification to a franchise agreement is offered uniformly to a licensee's motor vehicle dealers in this state, the licensee shall notify the department of such revision, modification, or addition to the franchise agreement on file with the department. In no event may a franchise agreement, or any addendum or supplement thereto, be offered to a motor vehicle dealer in this state until the applicant or licensee files an affidavit with the department acknowledging that the terms or provisions of the agreement, or any related document, are not inconsistent with, prohibited by, or contrary to the provisions contained in ss. 320.60-320.70. Any franchise agreement offered to a motor vehicle dealer in this state shall provide that all terms and conditions in such agreement inconsistent with the law and rules of this state are of no force and effect.

Section 235. Subsection (5) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(5) Consult with *Enterprise Florida, Inc.*, ~~the Florida Commission on Tourism~~ in developing a space tourism marketing plan. Space Florida and *Enterprise Florida, Inc.*, ~~the Florida Commission on Tourism~~ may enter into a mutually beneficial agreement that provides funding to *Enterprise Florida, Inc.*, ~~the commission~~ for its services to implement this subsection.

Section 236. Section 331.3081, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 331.3081, F.S., for present text.)*

331.3081 Board of Directors; advisory board.—

(1) *Space Florida* shall be governed by a 12-member independent board of directors that consists of the members appointed to the board of directors of *Enterprise Florida, Inc.*, by the Governor, the President of the Senate, and the Speaker of the House of Representatives pursuant to s. 288.901(5)(a)5.

(2) *Space Florida* shall have a 15-member advisory council, appointed by the Governor from a list of nominations submitted by the board of directors. The advisory council shall be composed of Florida residents with expertise in the space industry, and each of the following areas of expertise or experience must be represented by at least one advisory council member: human space-flight programs, commercial launches into space, organized labor with experience working in the aerospace industry, aerospace-related industries, a commercial company working under Federal Government contracts to conduct space-related business, an aerospace company whose primary client is the United States Department of Defense, and an alternative energy enterprise with potential for aerospace applications. The advisory council shall elect a member to serve as the chair of the council.

(3) The advisory council shall make recommendations to the board of directors of *Enterprise Florida, Inc.*, on the operation of *Space Florida*, including matters pertaining to ways to improve or enhance Florida's efforts to expand its existing space and aerospace industry, to improve management and use of Florida's state-owned real property assets related to space and aerospace, how best to retain and, if necessary, retrain Florida's highly skilled space and aerospace workforce, and how to strengthen bonds between this state, NASA, the Department of Defense, and private space and aerospace industries.

(4) The term for an advisory council member is 4 years. A member may not serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(5) Advisory council members shall serve without compensation, but may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board of directors of *Enterprise Florida, Inc.*

Section 237. Subsection (1) of section 332.115, Florida Statutes, is amended to read:

332.115 Joint project agreement with port district for transportation corridor between airport and port facility.—

(1) An eligible agency may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and operate, or to license others to establish, maintain, operate, or use, a transportation corridor connecting an airport operated by such eligible agency with a port facility, which corridor must be acquired, constructed, and used for the transportation of persons between the airport and the port facility, for the transportation of cargo, and for the location and operation of lines for the transmission of water, electricity, communications, information, petroleum products, products of a public utility (including new technologies of a public utility nature), and materials. However, any such corridor may be established and operated only pursuant to a joint project agreement between an eligible agency as defined in s. 332.004 and a port district as defined in s. 315.02, and such agreement must be approved by the Department of Transportation and the Department of *Economic Opportunity Community Affairs*. Before the Department of Transportation approves the joint project agreement,

that department must review the public purpose and necessity for the corridor pursuant to s. 337.273(5) and must also determine that the proposed corridor is consistent with the Florida Transportation Plan. Before the Department of *Economic Opportunity Community Affairs* approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable local government comprehensive plans. An affected local government may provide its comments regarding the consistency of the proposed corridor with its comprehensive plan to the Department of *Economic Opportunity Community Affairs*.

Section 238. Section 333.065, Florida Statutes, is amended to read:

333.065 Guidelines regarding land use near airports.—The Department of Transportation, after consultation with the Department of *Economic Opportunity Community Affairs*, local governments, and other interested persons, shall adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. These guidelines shall utilize acceptable and established quantitative measures, such as the Air Installation Compatible Use Zone standards, the Florida Statutes, and applicable Federal Aviation Administration documents.

Section 239. Paragraph (f) of subsection (4) and paragraph (g) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of *Economic Opportunity Community Affairs* at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), the Department of *Economic Opportunity Community Affairs* shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g) Notwithstanding the requirements in paragraphs (d) and (g) and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34(2), and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget ~~if a~~ in the event that the delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and shall provide such parties written justification for the emergency action within 7 days after of the approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. ~~In no event may~~ The adopted work program ~~may not~~ be amended under the provisions of this subsection without the certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

Section 240. Paragraphs (f) and (g) of subsection (8) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the

public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of *Economic Opportunity Community Affairs* at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of *Economic Opportunity Community Affairs* at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of *Economic Opportunity Community Affairs*, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of *Economic Opportunity Community Affairs* shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of *Economic Opportunity Community Affairs* shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

Section 241. Subsection (1) of section 342.201, Florida Statutes, is amended to read:

342.201 Waterfronts Florida Program.—

(1) There is established within the Department of *Environmental Protection Community Affairs* the Waterfronts Florida Program to provide technical assistance and support to communities in revitalizing waterfront areas in this state.

Section 242. Subsection (3) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(3) "Department" means the Department of *Economic Opportunity Community Affairs*.

Section 243. Subsection (1) of section 369.318, Florida Statutes, is amended to read:

369.318 Studies.—

(1) The Department of Environmental Protection shall study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the Department of *Economic Opportunity Community Affairs*. The Department of Environmental Protection may adopt rules to implement the specific recommendations set forth in sections C.2. and C.4. of its report entitled "A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area," dated December 2004, in order to achieve nitrogen reductions protective of surface and groundwater quality in the Wekiva Study Area and implement Recommendation 8 of the Wekiva River Basin Coordinating Committee's final report dated March 16, 2004. The rules shall provide an opportunity for relief from such specific recommendations upon affirmative demonstration by the permittee or permit applicant, based on water quality data, physical circumstances, or other credible information, that the discharge of treated wastewater is protective of surface water and groundwater quality with respect to nitrate nitrogen as set forth in section C.1. of the referenced December 2004 report.

Section 244. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of *Economic Opportunity Community Affairs* pursuant to s. 163.3184, and shall be exempt from the provisions of s. 163.3187(1).

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of *Economic Opportunity Community Affairs*, pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code, using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 245. Subsections (1) and (3) of section 369.322, Florida Statutes, are amended to read:

369.322 Coordination of land use and water supply within the Wekiva Study Area.—

(1) In their review of local government comprehensive plan amendments for property located within the Wekiva Study Area pursuant to s. 163.3184, the Department of *Economic Opportunity Community Affairs* and the St. Johns River Water Management District shall assure that amendments that increase development potential demonstrate that adequate potable water consumptive use permit capacity is available.

(3) In recognition of the need to balance resource protection, existing infrastructure and improvements planned or committed as part of approved development, consistent with existing municipal or county comprehensive plans and economic development opportunities, planned community development initiatives that assure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth should be encouraged. Small area studies, sector plans, or similar planning tools should support these community development initiatives. In addition, the Department of *Economic Opportunity Community Affairs* may make available best practice guides that demonstrate how to balance resource protection and economic development opportunities.

Section 246. Section 369.323, Florida Statutes, is amended to read:

369.323 Compliance.—Comprehensive plans and plan amendments adopted by the local governments within the Wekiva Study Area to implement this act shall be reviewed for compliance by the Department of *Economic Opportunity Community Affairs*.

Section 247. Subsections (1) and (5) of section 369.324, Florida Statutes, are amended to read:

369.324 Wekiva River Basin Commission.—

(1) The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding assistance from the Department of *Economic Opportunity Community Affairs*. The commission shall be comprised of a total of 19 members appointed by the Governor, 9 of whom shall be voting members and 10 shall be ad hoc nonvoting members. The voting members shall include:

(a) One member of each of the Boards of County Commissioners for Lake, Orange, and Seminole Counties.

(b) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Lake County.

(c) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Orange County.

(d) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Seminole County.

(e) One citizen representing an environmental or conservation organization, one citizen representing a local property owner, a land developer, or an agricultural entity, and one at-large citizen who shall serve as chair of the council.

(f) The ad hoc nonvoting members shall include one representative from each of the following entities:

1. St. Johns River Management District.
2. Department of *Economic Opportunity Community Affairs*.
3. Department of Environmental Protection.
4. Department of Health.
5. Department of Agriculture and Consumer Services.
6. Fish and Wildlife Conservation Commission.
7. Department of Transportation.
8. MetroPlan Orlando.
9. Orlando-Orange County Expressway Authority.
10. Seminole County Expressway Authority.

(5) The commission shall report annually, no later than December 31 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of *Economic Opportunity Community Affairs* on implementation progress.

Section 248. Paragraph (b) of subsection (3) of section 373.199, Florida Statutes, is amended to read:

373.199 Florida Forever Water Management District Work Plan.—

(3) In developing the list, each water management district shall:

(b) Work cooperatively with the applicable ecosystem management area teams and other citizen advisory groups, the Department of Environmental Protection and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of *Economic Opportunity Community Affairs*, the Department of Transportation, other state agencies, and federal agencies, where applicable.

Section 249. Subsection (5) of section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(5) The secretary of the Department of Environmental Protection, the ~~executive director~~ ~~secretary~~ of the Department of *Economic Opportunity Community Affairs*, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the Miami-Dade Lake Belt Plan and the provisions of this section.

Section 250. Paragraph (a) of subsection (1) of section 373.453, Florida Statutes, is amended to read:

373.453 Surface water improvement and management plans and programs.—

(1)(a) Each water management district, in cooperation with the department, the Department of Agriculture and Consumer Services, the Department of *Economic Opportunity Community Affairs*, the Fish and Wildlife Conservation Commission, local governments, and others, shall maintain a list that prioritizes water bodies of regional or statewide significance within the water management district. The list shall be reviewed and updated every 5 years.

Section 251. Subsection (1) of section 375.021, Florida Statutes, is amended to read:

375.021 Comprehensive multipurpose outdoor recreation plan.—

(1) The department is given the responsibility, authority, and power to develop and execute a comprehensive multipurpose outdoor recreation plan for this state with the cooperation of the Department of Agriculture and Consumer Services, the Department of Transportation, the Fish and Wildlife Conservation Commission, the *Department of Economic Opportunity* ~~Florida Commission on Tourism~~, and the water management districts.

Section 252. Section 376.60, Florida Statutes, is amended to read:

376.60 Asbestos removal program inspection and notification fee.—The Department of Environmental Protection shall charge an inspection and notification fee, not to exceed \$300 for a small business as defined in s. 288.703(4), or \$1,000 for any other project, for any asbestos removal project. The department may establish a fee schedule by rule. Schools, colleges, universities, residential dwellings, and those persons otherwise exempted from licensure under s. 469.002(4) are exempt from the fees. Any fee collected must be deposited in the asbestos program account in the Air Pollution Control Trust Fund to be used by the department to administer its asbestos removal program.

(1) In those counties with approved local air pollution control programs, the department shall return 80 percent of the asbestos removal program inspection and notification fees collected in that county to the local government quarterly, if the county requests it.

(2) The fees returned to a county under subsection (1) must be used only for asbestos-related program activities.

(3) A county may not levy any additional fees for asbestos removal activity while it receives fees under subsection (1).

(4) If a county has requested reimbursement under subsection (1), the department shall reimburse the approved local air pollution control program with 80 percent of the fees collected in the county retroactive to July 1, 1994, for asbestos-related program activities.

(5) If an approved local air pollution control program that is providing asbestos notification and inspection services according to 40 C.F.R. part 61, subpart M, and is collecting fees sufficient to support the requirements of 40 C.F.R. part 61, subpart M, opts not to receive the state-generated asbestos notification fees, the state may discontinue collection of the state asbestos notification fees in that county.

Section 253. Subsection (2) of section 376.86, Florida Statutes, is amended to read:

376.86 Brownfield Areas Loan Guarantee Program.—

(2) The council shall consist of the secretary of the Department of Environmental Protection or the secretary's designee, ~~the secretary of the Department of Community Affairs or the secretary's designee~~, the State Surgeon General or the State Surgeon General's designee, the executive director of the State Board of Administration or the executive director's designee, the executive director of the Florida Housing Finance Corporation or the executive director's designee, and the *executive director of Economic Opportunity or the director's* ~~Director of the Governor's Office of Tourism, Trade, and Economic Development or the director's~~ designee. ~~The executive director of Economic Opportunity or the director's designee shall serve as chair~~ *chairperson* of the council ~~shall be the Director of the Governor's Office of Tourism, Trade, and Economic Development~~. Staff services for activities of the council shall be provided as needed by the member agencies.

Section 254. Subsection (1), paragraph (c) of subsection (2), and subsections (3) and (4) of section 377.809, Florida Statutes, are amended to read:

377.809 Energy Economic Zone Pilot Program.—

(1) The Department of *Economic Opportunity* ~~Community Affairs~~, in consultation with the Department of Transportation, shall implement an Energy Economic Zone Pilot Program for the purpose of developing a model to help communities cultivate green economic development, en-

courage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and further implement chapter 2008-191, Laws of Florida, relative to discouraging sprawl and developing energy-efficient land use patterns and greenhouse gas reduction strategies. The *Department of Agriculture and Consumer Services* ~~Office of Tourism, Trade, and Economic Development~~ and the *Florida Energy and Climate Commission* shall provide technical assistance to the departments in developing and administering the program.

(2)

(c) The Department of *Economic Opportunity* ~~Community Affairs~~ shall grant at least one application if the application meets the requirements of this subsection and the community has demonstrated a prior commitment to energy conservation, carbon reduction, green building, and economic development. The Department of *Economic Opportunity* ~~Community Affairs~~ and the ~~Office of Tourism, Trade, and Economic Development~~ shall provide the pilot community, including businesses within the energy economic zone, with technical assistance in identifying and qualifying for eligible grants and credits in job creation, energy, and other areas.

~~(3) The Department of Community Affairs, with the assistance of the Office of Tourism, Trade, and Economic Development, shall submit an interim report by February 15, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the status of the pilot program. The report shall contain any recommendations deemed appropriate by the department for statutory changes to accomplish the goals of the pilot program community, including whether it would be beneficial to provide financial incentives similar to those offered to an enterprise zone.~~

~~(3)(4) If the pilot project is ongoing, the Department of Economic Opportunity~~ *Community Affairs*, with the assistance of the ~~Office of Tourism, Trade, and Economic Development~~, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15, 2012, evaluating whether the pilot program has demonstrated success. The report shall contain recommendations with regard to whether the program should be expanded for use by other local governments and whether state policies should be revised to encourage the goals of the program.

Section 255. Subsection (3) of section 378.411, Florida Statutes, is amended to read:

378.411 Certification to receive notices of intent to mine, to review, and to inspect for compliance.—

(3) In making his or her determination, the secretary shall consult with the Department of *Economic Opportunity* ~~Community Affairs~~, the appropriate regional planning council, and the appropriate water management district.

Section 256. Paragraph (c) of subsection (4) of section 379.2291, Florida Statutes, is amended to read:

379.2291 Endangered and Threatened Species Act.—

(4) INTERAGENCY COORDINATION.—

(c) The commission, in consultation with the Department of Agriculture and Consumer Services, the Department of *Economic Opportunity* ~~Community Affairs~~, or the Department of Transportation, may establish reduced speed zones along roads, streets, and highways to protect endangered species or threatened species.

Section 257. Subsection (18) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(18) "State land planning agency" means the Department of *Economic Opportunity* ~~Community Affairs~~ and may be referred to in this part as the "department."

Section 258. Paragraph (d) of subsection (2), paragraph (e) of subsection (15), and subsections (24) and (27) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards ~~is shall~~ not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial parks, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and (h), are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(e)1. A local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of *Economic Opportunity Community Affairs* and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body ~~before~~ prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body ~~before~~ prior to July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months ~~before~~ prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and storm-water drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days ~~after~~ of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of~~ this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of this section.~~

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of this section.~~

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of this section~~ if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from ~~the provisions of this section~~ if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a specific area plan which is prepared pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

(t) Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(s), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of ~~Economic Opportunity Community Affairs~~ shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.

Section 259. Paragraph (a) of subsection (5) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(5)(a) Before filing an application for development designation, the developer shall contact the Department of ~~Economic Opportunity Community Affairs~~ to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.

Section 260. Subsections (2) and (6) of section 380.0677, Florida Statutes, are amended to read:

380.0677 Green Swamp Land Authority.—

(2) MISSION.—The mission of the Green Swamp Land Authority shall be to balance the protection of the ecological values of the Green Swamp Area of Critical State Concern with the protection of private property rights and the interests of taxpayers through the acquisition of lands, or rights or interests in lands, from willing sellers within the Green Swamp Area of Critical State Concern. To that end, the authority is encouraged to coordinate with the Division of State Lands of the Department of Environmental Protection, the Florida Communities Trust Program within the Department of ~~Environmental Protection Community Affairs~~, the Southwest Florida Water Management District, and the St. Johns River Water Management District to identify, select, and acquire less-than-fee-simple interests or rights in parcels within the Green Swamp Area of Critical State Concern, as part of overall land acquisition efforts by the state and the districts. When the Department of Environmental Protection and the water management districts are planning to acquire parcels within the Green Swamp Area of Critical State Concern, they shall consider acquiring such parcels using alternatives to fee simple techniques in consultation with the land authority.

(6) APPROPRIATIONS.—~~From funds appropriated to the Department of Environmental Protection for land acquisition from the Conservation and Recreation Lands Trust Fund for fiscal years 1994 1995, 1995 1996, and 1996 1997, \$4 million shall be reserved each fiscal year to carry out the purposes of this section. To the extent practicable, moneys appropriated from the Conservation and Recreation Lands Trust Fund, Save Our Rivers Trust Fund, and Florida Communities Trust Fund shall be used to acquire lands, or interests or rights in lands, on the Conservation and Recreation Lands, Save Our Rivers, or Florida Communities Trust land acquisition plans or lists, as defined in s. 259.035, or a land acquisition plan under s. 373.59 or s. 380.508. However, nothing in this subsection prohibits the Green Swamp Land Authority from entering into land protection agreements with any property owner whose property is not on any of such lists. From sums appropriated to the Department of Environmental Protection from the Water Management District Lands Trust Fund for fiscal years 1994 1995, 1995 1996, and 1996 1997, \$3 million shall be reserved each fiscal year to carry out the purposes of this section. Such amounts as are used from the Water Management District Lands Trust Fund shall be credited against the allocations as provided in s. 373.59 to the St. Johns River Water Management District or the Southwest Florida Water Management District in proportion to the amount of lands for which an interest was acquired, and shall not be required by a district for debt service payments or land management purposes. From funds appropriated to the Department of Community Affairs for the Florida Communities Trust Program from the Preservation 2000 Trust Fund for fiscal years 1994 1995 through 1999 2000, \$3 million shall be reserved each fiscal year to carry out the purposes of this section. Appropriations identified pursuant to this subsection shall fund the acquisition of lands, or the interests or rights in lands, and related costs of acquisition. Such funds shall be available for expenditure after the land authority has adopted rules to begin its program. Funds reserved pursuant to this subsection, for each of the referenced fiscal years, shall remain available for the purposes specified in this subsection for 24 months from the date on which such funds become available for disbursement. After such time~~

~~has elapsed, any funds which are not legally obligated for expenditure shall be released for the lawful purposes for which they were otherwise appropriated.~~

Section 261. Section 380.285, Florida Statutes, is amended to read:

380.285 Lighthouses; study; preservation; funding.—~~The Department of Community Affairs and the~~ Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of State shall request in its annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Environmental Protection may assist the Division of Historical Resources in projects to accomplish the goals and activities described in this section.

Section 262. Subsection (2) of section 380.503, Florida Statutes, is amended to read:

380.503 Definitions.—As used in ss. 380.501-380.515, unless the context indicates a different meaning or intent:

(2) “Department” means the Department of *Environmental Protection* ~~Community Affairs~~.

Section 263. Subsection (1) of section 380.504, Florida Statutes, is amended to read:

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within ~~the Department of Environmental Protection the Department of Community Affairs~~ a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the “Florida Communities Trust.” The governing body of the trust shall consist of:

(a) ~~The Secretary of Community Affairs and the~~ Secretary of Environmental Protection; and

(b) Four public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former elected official of a county government, a former elected official of a metropolitan municipal government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. ~~The Secretary of Community Affairs may designate his or her assistant secretary or the director of the Division of Community Planning to serve in his or her absence.~~ The Secretary of Environmental Protection may appoint his or her deputy secretary, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his or her absence. ~~The Secretary of Environmental Protection~~ ~~Secretary of Community Affairs~~ shall be the chair of the governing body of the trust. The Governor shall make his or her appointments upon the expiration of any current terms or within 60 days after the effective date of the resignation of any member.

Section 264. Subsection (1) of section 380.5115, Florida Statutes, is amended to read:

380.5115 Florida Forever Program Trust Fund of the Department of *Environmental Protection* ~~Community Affairs~~.—

(1) There is created a Florida Forever Program Trust Fund within the department of ~~Community Affairs~~ to further the purposes of this part

as specified in s. 259.105(3)(c) and (j). The trust fund shall receive funds pursuant to s. 259.105(3)(c) and (j).

Section 265. Paragraph (e) of subsection (1) of section 381.0054, Florida Statutes, is amended to read:

381.0054 Healthy lifestyles promotion.—

(1) The Department of Health shall promote healthy lifestyles to reduce the prevalence of excess weight gain and obesity in Florida by implementing appropriate physical activity and nutrition programs that are directed towards all Floridians by:

(e) Partnering with the Department of Education, school districts, and *Enterprise Florida, Inc.*, ~~the Florida Sports Foundation~~ to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.

Section 266. Subsection (6) of section 381.0086, Florida Statutes, is amended to read:

381.0086 Rules; variances; penalties.—

(6) For the purposes of filing an interstate clearance order with the *Department of Economic Opportunity Agency for Workforce Innovation*, if the housing is covered by 20 C.F.R. part 654, subpart E, no permanent structural variance referred to in subsection (2) is allowed.

Section 267. Paragraph (e) of subsection (2) and paragraph (b) of subsection (5) of section 381.0303, Florida Statutes, are amended to read:

381.0303 Special needs shelters.—

(2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY ASSISTANCE.—If funds have been appropriated to support disaster coordinator positions in county health departments:

(e) The Secretary of Elderly Affairs, or his or her designee, shall convene, at any time that he or she deems appropriate and necessary, a multiagency special needs shelter discharge planning team to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters. Multiagency special needs shelter discharge planning teams shall provide assistance to local emergency management agencies with the continued operation or closure of the shelters, as well as with the discharge of special needs clients to alternate facilities if necessary. Local emergency management agencies may request the assistance of a multiagency special needs shelter discharge planning team by alerting statewide emergency management officials of the necessity for additional assistance in their area. The Secretary of Elderly Affairs is encouraged to proactively work with other state agencies prior to any natural disasters for which warnings are provided to ensure that multiagency special needs shelter discharge planning teams are ready to assemble and deploy rapidly upon a determination by state emergency management officials that a disaster area requires additional assistance. The Secretary of Elderly Affairs may call upon any state agency or office to provide staff to assist a multiagency special needs shelter discharge planning team. Unless the secretary determines that the nature or circumstances surrounding the disaster do not warrant participation from a particular agency's staff, each multiagency special needs shelter discharge planning team shall include at least one representative from each of the following state agencies:

1. Department of Elderly Affairs.
2. Department of Health.
3. Department of Children and Family Services.
4. Department of Veterans' Affairs.
5. *Division of Emergency Management* ~~Department of Community Affairs~~.
6. Agency for Health Care Administration.
7. Agency for Persons with Disabilities.

(5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State Surgeon General may establish a special needs shelter interagency committee and serve as, or appoint a designee to serve as, the committee's chair. The department shall provide any necessary staff and resources to support the committee in the performance of its duties. The committee shall address and resolve problems related to special needs shelters not addressed in the state comprehensive emergency medical plan and shall consult on the planning and operation of special needs shelters.

(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the Departments of Health, ~~Community Affairs~~, Children and Family Services, Elderly Affairs, and Education; the Agency for Health Care Administration; *the Division of Emergency Management*; the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Affiliation; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; the Private Care Association; the Salvation Army; the Florida Association of Aging Services Providers; the AARP; and the Florida Renal Coalition.

Section 268. Subsection (3) of section 381.7354, Florida Statutes, is amended to read:

381.7354 Eligibility.—

(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities, ~~as designated pursuant to s. 20.18(6).~~

Section 269. Paragraph (b) of subsection (1) and subsection (2) of section 383.14, Florida Statutes, are amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all newborns in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) *Postnatal screening.*—A risk factor analysis using the department's designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department's Office of Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care co-

ordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and ~~Newborn Infant~~ Screening Advisory Council and the ~~Office of Early Learning Agency for Workforce Innovation~~.

(2) RULES.—After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall, prior to becoming 1 week of age, be subjected to a test for phenylketonuria and, at the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary from time to time. After consultation with the ~~Office of Early Learning Agency for Workforce Innovation~~, the department shall also adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes. The department shall adopt such additional rules as are found necessary for the administration of this section and s. 383.145, including rules providing definitions of terms, rules relating to the methods used and time or times for testing as accepted medical practice indicates, rules relating to charging and collecting fees for the administration of the newborn screening program authorized by this section, rules for processing requests and releasing test and screening results, and rules requiring mandatory reporting of the results of tests and screenings for these conditions to the department.

Section 270. Subsection (8) of section 393.067, Florida Statutes, is amended to read:

393.067 Facility licensure.—

(8) The agency, after consultation with the ~~Division of Emergency Management Department of Community Affairs~~, shall adopt rules for foster care facilities, group home facilities, and residential habilitation centers which establish minimum standards for the preparation and annual update of a comprehensive emergency management plan. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan for all comprehensive transitional education programs and for homes serving individuals who have complex medical conditions is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the agency and the ~~Division of Emergency Management Department of Community Affairs~~, at a minimum, are given the opportunity to review the plan. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 271. Paragraph (c) of subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(c) A comprehensive emergency management plan is prepared and updated annually. Such standards must be included in the rules adopted by the agency after consulting with the *Division of Emergency Man-*

~~agement Department of Community Affairs.~~ At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records, and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 272. Paragraph (a) of subsection (1) of section 395.1056, Florida Statutes, is amended to read:

395.1056 Plan components addressing a hospital's response to terrorism; public records exemption; public meetings exemption.—

(1)(a) Those portions of a comprehensive emergency management plan that address the response of a public or private hospital to an act of terrorism as defined by s. 775.30 held by the agency, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Health, or the *Division of Emergency Management* ~~Department of Community Affairs~~ are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 273. Paragraph (c) of subsection (14) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(14) In cooperation with service providers, foster and actively seek additional funding to enhance resources for prevention, intervention, clinical treatment, and recovery support services, including, but not limited to, the development of partnerships with:

(c) State agencies, including, but not limited to, the Department of Corrections, the Department of Education, the Department of Juvenile Justice, ~~the Department of Community Affairs~~, the Department of Elderly Affairs, the Department of Health, the Department of Financial Services, and the Agency for Health Care Administration.

Section 274. Subsection (1) of section 397.801, Florida Statutes, is amended to read:

397.801 Substance abuse impairment coordination.—

(1) The Department of Children and Family Services, the Department of Education, the Department of Corrections, ~~the Department of Community Affairs~~, and the Department of Law Enforcement each shall appoint a policy level staff person to serve as the agency substance abuse impairment coordinator. The responsibilities of the agency coordinator include interagency and intraagency coordination, collection and dissemination of agency-specific data relating to substance abuse impairment, and participation in the development of the state comprehensive plan for substance abuse impairment.

Section 275. Paragraph (g) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part and part II of chapter 408, which shall include reasonable and fair criteria in relation to:

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~. At a mini-

um, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 276. Paragraph (a) of subsection (10) of section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement part II of chapter 408 and this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(10) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the concurrence of the Department of Health and in consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 277. Paragraph (f) of subsection (12) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(12) Each nurse registry shall prepare and maintain a comprehensive emergency management plan that is consistent with the criteria in this subsection and with the local special needs plan. The plan shall be updated annually. The plan shall include the means by which the nurse registry will continue to provide the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation. The plan shall specify how the nurse registry shall facilitate the provision of continuous care by persons referred for contract to persons who are registered pursuant to s. 252.355 during an emergency that interrupts the provision of care or services in private residences. Nurse registries may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for a provider to reach its clients. Nurse registries shall demonstrate a good faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the nurse registry's comprehensive emergency management plan which support a finding that the provision of continuing care has been attempted for patients identified as needing care by the nurse registry and registered under s. 252.355 in the event of an emergency under this subsection.

(f) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 278. Paragraph (h) of subsection (1) of section 400.605, Florida Statutes, is amended to read:

400.605 Administration; forms; fees; rules; inspections; fines.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The department, in consultation with the agency, shall by rule establish minimum standards and procedures for a hospice pursuant to this part. The rules must include:

(h) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Depart-

ment of Elderly Affairs, and the *Division of Emergency Management Department of Community Affairs*.

Section 279. Subsection (9) of section 400.935, Florida Statutes, is amended to read:

400.935 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part and part II of chapter 408, which must provide reasonable and fair minimum standards relating to:

(9) Preparation of the comprehensive emergency management plan under s. 400.934 and the establishment of minimum criteria for the plan, including the maintenance of patient equipment and supply lists that can accompany patients who are transported from their homes. Such rules shall be formulated in consultation with the Department of Health and the *Division of Emergency Management Department of Community Affairs*.

Section 280. Paragraph (g) of subsection (2) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of deficiencies.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Agency for Persons with Disabilities and the Department of Elderly Affairs, shall adopt and enforce rules to administer this part and part II of chapter 408, which shall include reasonable and fair criteria governing:

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the *Division of Emergency Management Department of Community Affairs*. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the *Division of Emergency Management Department of Community Affairs*. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 281. Paragraph (b) of subsection (2) of section 401.245, Florida Statutes, is amended to read:

401.245 Emergency Medical Services Advisory Council.—

(2)

(b) Representation on the Emergency Medical Services Advisory Council shall include: two licensed physicians who are “medical directors” as defined in s. 401.23(15) or whose medical practice is closely related to emergency medical services; two emergency medical service administrators, one of whom is employed by a fire service; two certified paramedics, one of whom is employed by a fire service; two certified emergency medical technicians, one of whom is employed by a fire service; one emergency medical services educator; one emergency nurse; one hospital administrator; one representative of air ambulance services; one representative of a commercial ambulance operator; and two laypersons who are in no way connected with emergency medical services, one of whom is a representative of the elderly. Ex officio members of the advisory council from state agencies shall include, but shall not be limited to, representatives from the Department of Education, the Department of Management Services, the State Fire Marshal, the Department of Highway Safety and Motor Vehicles, the Department of Transportation, and the *Division of Emergency Management Department of Community Affairs*.

Section 282. Paragraph (b) of subsection (3) of section 402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality Care program.—

(3)

(b) In approving accrediting associations, the department shall consult with the Department of Education, ~~the Agency for Workforce Innovation~~, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children’s Forum, the Early Childhood Association of Florida, the Child Development Education Alliance, providers receiving exemptions under s. 402.316, and parents.

Section 283. Subsection (6) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(6) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health in consultation with the *Office of Early Learning Agency for Workforce Innovation*. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

Section 284. Paragraph (a) of subsection (4) of section 402.56, Florida Statutes, is amended to read:

402.56 Children’s cabinet; organization; responsibilities; annual report.—

(4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members including the Governor and the following persons:

(a)1. The Secretary of Children and Family Services;

2. The Secretary of Juvenile Justice;

3. The director of the Agency for Persons with Disabilities;

4. The director of the *Division of Early Learning Agency for Workforce Innovation*;

5. The State Surgeon General;

6. The Secretary of Health Care Administration;

7. The Commissioner of Education;

8. The director of the Statewide Guardian Ad Litem Office;

9. The director of the Office of Child Abuse Prevention; and

10. Five members representing children and youth advocacy organizations, who are not service providers and who are appointed by the Governor.

Section 285. Subsection (5) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(5) ~~The executive director of the Department of Economic Opportunity Secretary of Community Affairs~~, the Secretary of Transportation, the Commissioner of Agriculture, the Executive Director of the Fish and Wildlife Conservation Commission, and the executive directors of the water management districts are authorized to participate in the development of ecosystem management agreements with regulated entities and other governmental agencies as necessary to effectuate the provisions of this section. Local governments are encouraged to participate in ecosystem management agreements.

Section 286. Paragraph (b) of subsection (3) of section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(b)1. The advisory board shall consist of the *executive director of the Department of Economic Opportunity Secretary of Community Affairs, or a designee from that department*, the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from *that the department of Agriculture and Consumer Services*, the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of Environmental Protection:

- a. The Florida biodiesel industry.
- b. The Florida electric utility industry.
- c. The Florida natural gas industry.
- d. The Florida propane gas industry.
- e. An automobile manufacturers' association.
- f. A Florida Clean Cities Coalition designated by the United States Department of Energy.
- g. Enterprise Florida, Inc.
- h. EV Ready Broward.
- i. The Florida petroleum industry.
- j. The Florida League of Cities.
- k. The Florida Association of Counties.
- l. Floridians for Better Transportation.
- m. A motor vehicle manufacturer.
- n. Florida Local Environment Resource Agencies.
- o. Project for an Energy Efficient Florida.
- p. Florida Transportation Builders Association.

2. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of Environmental Protection with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.

3. Members shall be appointed to serve terms of 1 year each, with reappointment at the discretion of the Secretary of Environmental Protection. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

4. The board shall annually select a chairperson.

5.a. The board shall meet at least once each quarter or more often at the call of the chairperson or the Secretary of Environmental Protection.

b. Meetings are exempt from the notice requirements of chapter 120, and sufficient notice shall be given to afford interested persons reasonable notice under the circumstances.

6. Members of the board are entitled to travel expenses while engaged in the performance of board duties.

7. The board shall terminate 5 years after the effective date of this act.

Section 287. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, project analyses, and studies.—

(2)(a) No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the

applicant, unless a final order denying the determination of need has been issued under s. 403.519:

1. The Department of *Economic Opportunity Community Affairs* shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan, emergency management, and other such matters within its jurisdiction. The Department of *Economic Opportunity Community Affairs* may also comment on the consistency of the proposed electrical power plant with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

2. The water management district shall prepare a report as to matters within its jurisdiction, including but not limited to, the impact of the proposed electrical power plant on water resources, regional water supply planning, and district-owned lands and works.

3. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to matters within its jurisdiction.

5. Each regional planning council shall prepare a report containing recommendations that address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other matters within its jurisdiction.

6. The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

Section 288. Paragraph (a) of subsection (3) of section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification hearings, parties, participants.—

(3)(a) Parties to the proceeding shall include:

1. The applicant.
2. The Public Service Commission.
3. The Department of *Economic Opportunity Community Affairs*.
4. The Fish and Wildlife Conservation Commission.
5. The water management district.
6. The department.
7. The regional planning council.
8. The local government.
9. The Department of Transportation.

Section 289. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability; certification; exemptions.—

(2) Except as provided in subsection (1), construction of a transmission line may not be undertaken without first obtaining certification under this act, but this act does not apply to:

(b) Transmission lines that have been exempted by a binding letter of interpretation issued under s. 380.06(4), or in which the Department of *Economic Opportunity Community Affairs* or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(20).

Section 290. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:

403.526 Preliminary statements of issues, reports, and project analyses; studies.—

(2)(a) No later than 90 days after the filing of the application, the following agencies shall prepare reports as provided below, unless a final order denying the determination of need has been issued under s. 403.537:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of *Economic Opportunity Community Affairs* shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of *Economic Opportunity Community Affairs* may also comment on the consistency of the proposed transmission line or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council shall present a report containing recommendations that address the impact upon the public of the proposed transmission line or corridor based on the degree to which the transmission line or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted under chapter 186 and other impacts of each proposed transmission line or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

8. The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

9. Any other agency, if requested by the department, shall also perform studies or prepare reports as to subjects within the jurisdiction of the agency which may potentially be affected by the proposed transmission line.

Section 291. Paragraph (a) of subsection (2) of section 403.527, Florida Statutes, is amended to read:

403.527 Certification hearing, parties, participants.—

(2)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of *Economic Opportunity Community Affairs*.
5. The Fish and Wildlife Conservation Commission.
6. The Department of Transportation.
7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.
8. The local government.
9. The regional planning council.

Section 292. Subsection (1) of section 403.757, Florida Statutes, is amended to read:

403.757 Coordination with other state agencies.—

(1) The department shall coordinate its activities and functions under ss. 403.75-403.769 and s. 526.01, as amended by chapter 84-338, Laws of Florida, with the Department of *Economic Opportunity Community Affairs* and other state agencies to avoid duplication in reporting and information gathering.

Section 293. Paragraph (m) of subsection (5) of section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 and seek technical assistance from Enterprise Florida, Inc., to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(m) Coordinating with the *Department of Economic Opportunity Agency for Workforce Innovation* and its partners to provide job placement and job training services to job seekers through the state's workforce services programs.

Section 294. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of *Economic Opportunity Community Affairs* shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of *Economic Opportunity Community Affairs* may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable strategic regional pol-

icy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

6. Each regional planning council in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall present a report containing recommendations that address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the natural gas transmission pipeline or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction.

7. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

8. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

9. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 295. Paragraph (a) of subsection (4) of section 403.9411, Florida Statutes, is amended to read:

403.9411 Notice; proceedings; parties and participants.—

(4)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of *Economic Opportunity* ~~Community Affairs~~.
5. The Fish and Wildlife Conservation Commission.
6. Each water management district in the jurisdiction of which the proposed natural gas transmission pipeline or corridor is to be located.
7. The local government.

8. The regional planning council.

9. The Department of Transportation.

10. The Department of State, Division of Historical Resources.

Section 296. Paragraphs (c), (d), and (e) of subsection (2), paragraphs (b) and (c) of subsection (3), and subsections (4), (15), (17), and (18) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(2) As used in this section, the term:

~~(c) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(c)(d)~~ "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

~~(d)(e)~~ "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)

(b) On a case-by-case basis and at the request of a county or municipal government, the *Department of Economic Opportunity* office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the *Department of Economic Opportunity* office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the *Department of Economic Opportunity* office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;

2. The project's potential to diversify and strengthen the area's economy;

3. The amount of capital investment; and

4. The number of jobs that will be made available for persons served by the welfare transition program.

(c) At the request of a county or municipal government, the *Department of Economic Opportunity* office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program, as determined by Workforce Florida, Inc., is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

(4) The regional teams shall be established through the execution of memoranda of agreement developed by the applicant and the secretary, with input solicited from the *Department of Economic Opportunity* office and the respective heads of ~~the Department of Community Affairs~~, the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(15) The *Department of Economic Opportunity* office, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the *Department of Economic Opportunity* office, the agencies shall provide to the *Department of Economic Opportunity* office a statement as to each

site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(17) The *Department of Economic Opportunity* office shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to the *Department of Economic Opportunity* ~~Office of Tourism, Trade, and Economic Development~~ that a project meeting the minimum job creation threshold undergo expedited review.

(18) The *Department of Economic Opportunity* office, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer than 75,000 residents, or counties having fewer than 125,000 residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

Section 297. Subsection (4) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(4) MANDATORY TESTING.—All public and private school buildings or school sites housing students in kindergarten through grade 12; all state-owned, state-operated, state-regulated, or state-licensed 24-hour care facilities; and all state-licensed day care centers for children or minors which are located in counties designated within the Department of *Business and Professional Regulation's* ~~Community Affairs~~ Florida Radon Protection Map Categories as "Intermediate" or "Elevated Radon Potential" shall be measured to determine the level of indoor radon, using measurement procedures established by the department. Initial measurements shall be conducted in 20 percent of the habitable first floor spaces within any of the regulated buildings and shall be completed and reported to the department within 1 year after the date the building is opened for occupancy or within 1 year after license approval for the entity residing in the existing building. Followup testing must be completed in 5 percent of the habitable first floor spaces within any of the regulated buildings after the building has been occupied for 5 years, and results must be reported to the department by the first day of the 6th year of occupancy. After radon measurements have been made twice, regulated buildings need not undergo further testing unless significant structural changes occur. No funds collected pursuant to s. 553.721 shall be used to carry out the provisions of this subsection.

Section 298. Paragraph (d) of subsection (4) of section 404.0617, Florida Statutes, is amended to read:

404.0617 Siting of commercial low-level radioactive waste management facilities.—

(4) The Governor and Cabinet shall consider the following when determining whether to grant a petition for a variance from local ordinances, regulations, or plans:

(d) Such studies, reports, and information as the Governor and Cabinet may request of the Department of *Economic Opportunity* ~~Community Affairs~~ addressing whether or not the proposed facility unreasonably interferes with the achievement of the goals and objectives of any adopted state or local comprehensive plan and any other matter within its jurisdiction.

Section 299. Paragraph (a) of subsection (3) of section 409.017, Florida Statutes, is amended to read:

409.017 Revenue Maximization Act; legislative intent; revenue maximization program.—

(3) REVENUE MAXIMIZATION PROGRAM.—

(a) For purposes of this section, the term "agency" means any state agency or department that is involved in providing health, social, or human services, including, but not limited to, the Agency for Health Care Administration, ~~the Agency for Workforce Innovation~~, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice, the Department of Education, and the State Board of Education.

Section 300. Paragraph (c) of subsection (7) of section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.—

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, ~~the Agency for Workforce Innovation~~, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

Section 301. Subsection (1), paragraph (b) of subsection (3), and subsection (8) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

(1) DIRECTORY CREATED.—The State Directory of New Hires is hereby created and shall be administered by the Department of Revenue or its agent. ~~The Department of Labor and Employment Security will act as the agent until a date not later than October 1, 1998.~~ All employers in the state shall furnish a report consistent with subsection (3) for each newly hired or rehired employee unless the employee is employed by a federal or state agency performing intelligence or counterintelligence functions and the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(3) EMPLOYERS TO FURNISH REPORTS.—

(b) ~~Upon termination of the contract with the Department of Labor and Employment Security, but not later than October 1, 1998,~~ All employers shall furnish a report to the State Directory of New Hires of the state in which the newly hired or rehired employee works. The report required in this section shall be made on a W-4 form or, at the option of the employer, an equivalent form, and can be transmitted magnetically, electronically, by first-class mail, or other methods which may be prescribed by the State Directory. Each report shall include the name, address, date of hire, and social security number of every new and rehired employee and the name, address, and federal employer identification number of the reporting employer. If available, the employer may also include the employee's date of birth in the report. Multistate employers that report new hire information electronically or magnetically may designate a single state to which it will transmit the above noted report, provided the employer has employees in that state and the employer notifies the Secretary of Health and Human Services in writing to which state the information will be provided. Agencies of the United States Government shall report directly to the National Directory of New Hires.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—~~Not later than October 1, 1997,~~ The State Directory of New Hires must furnish information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other

state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with the *Department of Economic Opportunity or its tax collection service provider* ~~the Florida Department of Labor and Employment Security~~ for the quarterly reporting to the National Directory of New Hires information on wages and unemployment compensation taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

Section 302. Subsections (2), (3), and (4) of section 409.508, Florida Statutes, are amended to read:

409.508 Low-income home energy assistance program.—

(2) The Department of *Economic Opportunity Community Affairs* is designated as the state agency to administer the Low-income Home Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et seq. The Department of *Economic Opportunity Community Affairs* is authorized to provide home energy assistance benefits to eligible households which may be in the form of cash, vouchers, certificates, or direct payments to electric or natural gas utilities or other energy suppliers and operators of low-rent, subsidized housing in behalf of eligible households. Priority shall be given to eligible households having at least one elderly or handicapped individual and to eligible households with the lowest incomes.

(3) Agreements may be established between electric or natural gas utility companies, other energy suppliers, the Department of Revenue, and the Department of *Economic Opportunity Community Affairs* for the purpose of providing payments to energy suppliers in the form of a credit against sales and use taxes due or direct payments to energy suppliers for services rendered to low-income, eligible households.

(4) The Department of *Economic Opportunity Community Affairs* shall adopt rules to carry out the provisions of this act.

Section 303. Subsection (2) of section 409.509, Florida Statutes, is amended to read:

409.509 Definitions; weatherization of low-income residences.—As used in this act, the term:

(2) “Department” means the Department of *Economic Opportunity Community Affairs*.

Section 304. Subsection (2) and paragraph (f) of subsection (3) of section 410.502, Florida Statutes, is amended to read:

410.502 Housing and living arrangements; special needs of the elderly; services.—The Department of Elderly Affairs shall provide services related to housing and living arrangements which meet the special needs of the elderly. Such services shall include, but not be limited to:

(2) Coordinating with the Department of *Economic Opportunity Community Affairs* to gather and maintain data on living arrangements which meet the special needs of the elderly and to disseminate such information to the public. Such information shall include types of facilities, cost of care, services provided, and possible sources of help in meeting the cost of care for indigent individuals.

(3) Promoting, through the Department of Elderly Affairs staff activities and area agencies on aging, the development of a variety of living arrangements through public and private auspices to meet the various needs and desires of the elderly, including, but not limited to:

(f) Retirement communities for independent communal living, to be developed in conjunction with the Department of *Economic Opportunity Community Affairs*.

Demonstration projects must be used advisedly to test the extent to which these and other innovative housing and living arrangements do meet the basic and special needs of the elderly.

Section 305. Paragraph (d) of subsection (2), subsection (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5), paragraph (e) of subsection (7), subsection (8), and paragraphs (b), (c), (d), and (e) of subsection (9) of section 411.01, Florida Statutes, are amended to read:

411.01 School readiness programs; early learning coalitions.—

(2) LEGISLATIVE INTENT.—

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the *Office of Early Learning Agency for Workforce Innovation* and early learning coalitions. The *Office of Early Learning Agency for Workforce Innovation* shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the *Office of Early Learning Agency for Workforce Innovation*, and ensure access to such services in all 67 counties.

(4) *OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF EDUCATION AGENCY FOR WORKFORCE INNOVATION*.—

(a) The *Office of Early Learning Agency for Workforce Innovation* shall administer school readiness programs at the state level and shall coordinate with the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The *Office of Early Learning Agency for Workforce Innovation* shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.

2. Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.

3. *Provide comprehensive services to the state’s birth-to-5 population, which shall ensure the preservation of parental choice by permitting parents to choose from a variety of child care categories, including: center-based child care; group home child care; family child care; and in-home child care. Care and curriculum by a sectarian provider may not be limited or excluded in any of these categories.*

(c) The Governor shall designate the *Office of Early Learning Agency for Workforce Innovation* as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the *office agency* shall comply with the lead agency responsibilities under federal law.

(d) The *Office of Early Learning Agency for Workforce Innovation* shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.

3. Establish a unified approach to the state’s efforts toward enhancement of school readiness. In support of this effort, the *Office of Early Learning Agency for Workforce Innovation* shall adopt specific system support services that address the state’s school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the *Office of Early Learning Agency for Workforce Innovation*. System support services shall include, but are not limited to:

a. Child care resource and referral services;

b. Warm-Line services;

c. Eligibility determinations;

d. Child performance standards;

- e. Child screening and assessment;
  - f. Developmentally appropriate curricula;
  - g. Health and safety requirements;
  - h. Statewide data system requirements; and
  - i. Rating and improvement systems.
4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the children in this state.
5. Adopt a rule establishing criteria for the expenditure of funds designated for the purpose of funding activities to improve the quality of child care within the state in accordance with s. 658G of the federal Child Care and Development Block Grant Act.
6. Provide technical assistance to early learning coalitions in a manner determined by the ~~Office of Early Learning Agency for Workforce Innovation~~ based upon information obtained by the ~~office agency~~ from various sources, including, but not limited to, public input, government reports, private interest group reports, ~~office agency~~ monitoring visits, and coalition requests for service.
7. In cooperation with the ~~Department of Education and~~ early learning coalitions, coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities, health and safety monitoring, and acquiring and composing data pertaining to child care training and credentialing.
8. Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.
9. Adopt a standard contract that must be used by the coalitions when contracting with school readiness providers.
- (e) The ~~Office of Early Learning Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the ~~office agency~~, including, but not limited to, rules governing the administration of system support services of school readiness programs, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, child performance standards, child outcome measures, the issuance of waivers, and the implementation of the state's Child Care and Development Fund Plan as approved by the federal Administration for Children and Families.
- (f) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.
- (g) Except as provided by law, the ~~Office of Early Learning Agency for Workforce Innovation~~ may not impose requirements on a child care or early childhood education provider that does not deliver services under the school readiness programs or receive state or federal funds under this section.
- (h) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall have a budget for school readiness programs, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.
- (i) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall coordinate the efforts toward school readiness in this state and

provide independent policy analyses, data analyses, and recommendations to the Governor, the State Board of Education, and the Legislature.

(j) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall require that school readiness programs, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)8. and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.
2. Ability to perform tasks.
3. Interactions with adults.
4. Interactions with peers.
5. Ability to cope with challenges.
6. Self-help skills.
7. Ability to express the child's needs.
8. Verbal communication skills.
9. Problem-solving skills.
10. Following of verbal directions.
11. Demonstration of curiosity, persistence, and exploratory behavior.
12. Interest in books and other printed materials.
13. Paying attention to stories.
14. Participation in art and music activities.
15. Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Within 30 days after enrollment in the school readiness program, the early learning coalition must ensure that the program provider obtains information regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations. For a program provider licensed by the Department of Children and Family Services, the provider's compliance with s. 402.305(9), as verified pursuant to s. 402.311, shall satisfy this requirement.

(k) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the ~~office agency~~ for school readiness programs and the specific system support services to address the state's school readiness programs adopted by the ~~Office of Early Learning Agency for Workforce Innovation~~ in accordance with subparagraph (d)3.

(l) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(m) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall submit an annual report of its activities conducted under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the ~~Office of Early Learning Agency for Workforce Innovation's~~ reports and recommendations shall be made available to the Florida Early Learning Advisory Council and other appropriate state agencies and entities. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

(n) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall work with the early learning coalitions to ensure availability of

training and support for parental involvement in children's early education and to provide family literacy activities and services.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) *Early learning coalitions.*—

1. Each early learning coalition shall maintain direct enhancement services at the local level and ensure access to such services in all 67 counties.

2. The *Office of Early Learning Agency for Workforce Innovation* shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The *Office of Early Learning Agency for Workforce Innovation* may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

- a. Permit 31 or fewer coalitions to be established; and
- b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.
3. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 2., the coalition must merge with another county to form a multicounty coalition. The *Office of Early Learning Agency for Workforce Innovation* shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. However, the *Office of Early Learning Agency for Workforce Innovation* shall grant a waiver to an early learning coalition to serve fewer children than the minimum number established under subparagraph 2., if:
  - a. The *Office of Early Learning Agency for Workforce Innovation* has determined during the most recent review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan;
  - b. The coalition demonstrates to the *Office of Early Learning Agency for Workforce Innovation* the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; and
  - c. The coalition demonstrates to the *Office of Early Learning Agency for Workforce Innovation* that the coalition can perform its duties in accordance with law.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the *Office of Early Learning Agency for Workforce Innovation* may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the *office agency* reestablishes the coalition and a new school readiness plan is approved by the *office agency*.

4. Each early learning coalition shall be composed of at least 15 members but not more than 30 members. The *Office of Early Learning Agency for Workforce Innovation* shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members have voting privileges under subparagraph 6. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early

learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

- a. A Department of Children and Family Services circuit administrator or his or her designee who is authorized to make decisions on behalf of the department.
- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.
- c. A regional workforce board executive director or his or her designee.
- d. A county health department director or his or her designee.
- e. A children's services council or juvenile welfare board chair or executive director, if applicable.
- f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.
- g. A president of a community college or his or her designee.
- h. One member appointed by a board of county commissioners or the governing board of a municipality.
- i. A central agency administrator, where applicable.
- j. A Head Start director.
- k. A representative of private for-profit child care providers, including private for-profit family day care homes.
- l. A representative of faith-based child care providers.
- m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members. The *Office of Early Learning Agency for Workforce Innovation* shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. An early learning coalition board may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty region must include representation from each county.

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(c) *Program expectations.*—

1. The school readiness program must meet the following expectations:

a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the *Office of Early Learning Agency for Workforce Innovation*.

b. The program must provide extended-day and extended-year services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.

c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the *Office of Early Learning Agency for Workforce Innovation*.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term “single point of entry” means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The *Office of Early Learning Agency for Workforce Innovation* shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children’s progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.

f. The *Office of Early Learning Agency for Workforce Innovation* must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Prekindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates.

g. The program must meet all state licensing guidelines, where applicable.

h. The program must ensure that minimum standards for child discipline practices are age-appropriate. Such standards must provide that children not be subjected to discipline that is severe, humiliating, or frightening or discipline that is associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.

2. Each early learning coalition must implement a comprehensive program of school readiness services in accordance with the rules adopted by the *office agency* which enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures. At a minimum, these programs must contain the following system support service elements:

a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance

standards adopted by the *Office of Early Learning Agency for Workforce Innovation* under subparagraph (4)(d)8.

b. A character development program to develop basic values.

c. An age-appropriate screening of each child’s development.

d. An age-appropriate assessment administered to children when they enter a program and an age-appropriate assessment administered to children when they leave the program.

e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(7) or (8), as applicable, and as verified pursuant to s. 402.311.

f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.

g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a regional Warm-Line under s. 411.01015.

The *Office of Early Learning Agency for Workforce Innovation*, the *Department of Education*, and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) *Implementation.*—

1. An early learning coalition may not implement the school readiness program until the coalition’s school readiness plan is approved by the *Office of Early Learning Agency for Workforce Innovation*.

2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a minimum, the following elements:

a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the *Office of Early Learning Agency for Workforce Innovation*.

b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the *department agency* under subparagraph (4)(d)8.

c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the *office agency* for approval. The *office agency* may approve the plan, reject the plan, or approve the plan with conditions. The *office agency* shall review school readiness plans at least every 2 years.

3. If the *Office of Early Learning Agency for Workforce Innovation* determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the *office agency*, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the *office agency* may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition’s county or multicounty region until the *office agency* reestablishes the coalition and a new school readiness plan is approved in accordance with the rules adopted by the *office agency*.

4. The *Office of Early Learning Agency for Workforce Innovation* shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be consistent with the system support

services, performance standards, and outcome measures adopted by the ~~office agency~~ and must require each approved plan to include the following minimum standards for the school readiness program:

- a. A community plan that addresses the needs of all children and providers within the coalition's county or multicounty region.
- b. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers.
- c. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.
- d. Specific eligibility priorities for children in accordance with subsection (6).
- e. Performance standards and outcome measures adopted by the ~~office agency~~.
- f. Payment rates adopted by the early learning coalitions and approved by the ~~office agency~~. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, has been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.
- g. Direct enhancement services for families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the ~~Office of Early Learning Agency for Workforce Innovation~~.
- h. The business organization of the early learning coalition, which must include the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition's school readiness plan.
- i. The implementation of locally developed quality programs in accordance with the requirements adopted by the ~~office agency~~ under subparagraph (4)(d)5.

The ~~Office of Early Learning Agency for Workforce Innovation~~ may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

5. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.
6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the ~~Office of Early Learning Agency for Workforce Innovation~~. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the ~~office agency~~. If the ~~office agency~~ rejects a revised plan, the coalition must continue to operate under its prior approved plan.
7. Section 125.901(2)(a)3. does not apply to school readiness programs. The ~~Office of Early Learning Agency for Workforce Innovation~~ may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.
8. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program.

(e) *Requests for proposals; payment schedule.*—

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the ~~Office of Early Learning Agency for Workforce Innovation~~, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of children to be served, and must be submitted for approval by the ~~Office of Early Learning Agency for Workforce Innovation~~. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(f) *Evaluation and annual report.*—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the ~~Office of Early Learning Agency for Workforce Innovation~~. This report must also include an evaluation of the effectiveness of its direct enhancement services and conform to the content and format specifications adopted by the ~~Office of Early Learning Agency for Workforce Innovation~~. The ~~Office of Early Learning Agency for Workforce Innovation~~ must include an analysis of the early learning coalitions' reports in the ~~office's agency's~~ annual report.

(7) PARENTAL CHOICE.—

(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition's school readiness plan, unless a waiver is obtained from the ~~Office of Early Learning Agency for Workforce Innovation~~.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the ~~Office of Early Learning Agency for Workforce Innovation~~.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(b)1. The ~~Office of Early Learning Agency for Workforce Innovation~~ shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the ~~Office of Early Learning Agency for Workforce Innovation~~ in accordance with the policies of the Legislature.

(c) The ~~Office of Early Learning Agency for Workforce Innovation~~, subject to legislative notice and review under s. 216.177, shall establish a formula for the allocation of all state and federal school readiness funds provided for children participating in the school readiness program, whether served by a public or private provider, based upon equity for each county. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. If the Legislature specifies changes to the allocation formula, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall allocate funds as specified in the General Appropriations Act.

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the ~~Office of Early Learning Agency for Workforce Innovation~~. The ~~Office of Early Learning Agency for~~

~~Workforce Innovation~~ shall annually report to the Legislature any problems relating to administrative costs.

(e) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the ~~office agency~~.

Section 306. Subsections (1) and (2), paragraph (a) of subsection (3), and subsection (4) of section 411.0101, Florida Statutes, are amended to read:

411.0101 Child care and early childhood resource and referral.—

(1) As a part of the school readiness programs, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care. Preference shall be given to using the already established early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon a request for proposal pursuant to s. 411.01(5)(e)1.

(2) At least one child care resource and referral agency must be established in each early learning coalition's county or multicounty region. The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region which include, at a minimum, required hours of operation, methods by which parents may request services, and child care resource and referral staff training requirements.

(3) Child care resource and referral agencies shall provide the following services:

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services through the single statewide information system developed by the ~~Office of Early Learning Agency for Workforce Innovation~~ under s. 411.01(5)(c)1.e. These services may include family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the Temporary Cash Assistance Program, and related family support services. The resource file shall include, but not be limited to:

1. Type of program.
2. Hours of service.
3. Ages of children served.
4. Number of children served.
5. Significant program information.
6. Fees and eligibility for services.
7. Availability of transportation.

(4) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt any rules necessary for the implementation and administration of this section.

Section 307. Subsections (2), (6), and (7) of section 411.01013, Florida Statutes, are amended to read:

411.01013 Prevailing market rate schedule.—

(2) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall establish procedures for the adoption of a prevailing market rate

schedule. The schedule must include, at a minimum, county-by-county rates:

(a) At the prevailing market rate, plus the maximum rate, for child care providers that hold a Gold Seal Quality Care designation under s. 402.281.

(b) At the prevailing market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(6) The ~~Office of Early Learning Agency for Workforce Innovation~~ may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(7) The ~~Office of Early Learning Agency for Workforce Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 for establishing procedures for the collection of child care providers' market rate, the calculation of a reasonable frequency distribution of the market rate, and the publication of a prevailing market rate schedule.

Section 308. Subsection (1) of section 411.01014, Florida Statutes, is amended to read:

411.01014 School readiness transportation services.—

(1) The ~~Office of Early Learning Agency for Workforce Innovation~~, pursuant to chapter 427, may authorize an early learning coalition to establish school readiness transportation services for children at risk of abuse or neglect participating in the school readiness program. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 309. Subsections (1), (3), and (4) of section 411.01015, Florida Statutes, are amended to read:

411.01015 Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.—

(1) Contingent upon specific appropriations, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.

(3) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall annually inform child care centers and family day care homes of the availability of this service through the child care resource and referral network under s. 411.0101.

(4) Contingent upon specific appropriations, the ~~Office of Early Learning Agency for Workforce Innovation~~ shall expand, or contract for the expansion of, the Warm-Line to maintain at least one Warm-Line site in each early learning coalition service area.

Section 310. Subsections (2) and (3) of section 411.0103, Florida Statutes, are amended to read:

411.0103 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(2) The ~~Office of Early Learning Agency for Workforce Innovation~~ may contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The ~~office agency~~ shall adopt rules under ss. 120.536(1) and 120.54 as necessary to administer this section.

Section 311. Subsections (1) and (3) of section 411.0104, Florida Statutes, are amended to read:

411.0104 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the *Office of Early Learning Agency for Workforce Innovation* shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The *Office of Early Learning Agency for Workforce Innovation* may adopt rules under ss. 120.536(1) and 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 312. Section 411.0105, Florida Statutes, is amended to read:

411.0105 Early Learning Opportunities Act and Even Start Family Literacy Programs; lead agency.—For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the *Office of Early Learning Agency for Workforce Innovation* is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.

Section 313. Section 411.0106, Florida Statutes, is amended to read:

411.0106 Infants and toddlers in state-funded education and care programs; brain development activities.—Each state-funded education and care program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the *Office of Early Learning Agency for Workforce Innovation* under s. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, the school readiness program, the Head Start program, or a private child care program. A program must provide training for the infants' and toddlers' parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child's life. Family day care centers are encouraged, but not required, to comply with this section.

Section 314. Subsection (1) and paragraph (g) of subsection (3) of section 411.011, Florida Statutes, are amended to read:

411.011 Records of children in school readiness programs.—

(1) The individual records of children enrolled in school readiness programs provided under s. 411.01, held by an early learning coalition or the *Office of Early Learning Agency for Workforce Innovation*, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.

(3) School readiness records may be released to:

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the *Office of Early Learning Agency for Workforce Innovation* for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parents by persons other than those authorized to receive the records.

Section 315. Paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of

Education, the Department of Health, the *Office of Early Learning Agency for Workforce Innovation*, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 316. Paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—

(d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards adopted by the *Office of Early Learning Agency for Workforce Innovation*.

2. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(2) SCREENING AND DEVELOPMENTAL MONITORING.—

(a) In coordination with the *Office of Early Learning Agency for Workforce Innovation*, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

(c) The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the *Office of Early Learning Agency for Workforce Innovation*, shall identify the elements of an effective research-based curriculum for early care and education programs.

Section 317. Section 414.24, Florida Statutes, is amended to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department and the Department of *Economic Opportunity Labor and Employment Security* shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management

within the department, the Department of ~~Economic Opportunity Labor and Employment Security~~, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private sector and business sector participation.

Section 318. Section 414.40, Florida Statutes, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(1) There is created within the ~~Department of Financial Services Department of Law Enforcement~~ a Stop Inmate Fraud Program.

(2) The ~~Department of Financial Services Department of Law Enforcement~~ is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(a) The program shall establish procedures for sharing public records not exempt from the public records law among social services agencies regarding the identities of persons incarcerated in state correctional institutions, as defined in s. 944.02, or in county, municipal, or regional jails or other detention facilities of local governments under chapter 950 or chapter 951 who are wrongfully receiving public assistance benefits or entitlement benefits.

(b) Pursuant to these procedures, the program shall have access to records containing correctional information not exempt from the public records law on incarcerated persons which have been generated as criminal justice information. As used in this paragraph, the term “record” is defined as provided in s. 943.045(7), and the term “criminal justice information” is defined as provided in s. 943.045(3).

(c) Database searches shall be conducted of the inmate population at each correctional institution or other detention facility. A correctional institution or a detention facility shall provide the Stop Inmate Fraud Program with the information necessary to identify persons wrongfully receiving benefits in the medium requested by the Stop Inmate Fraud Program if the correctional institution or detention facility maintains the information in that medium.

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of Children and Family Services, the Department of ~~Economic Opportunity Labor and Employment Security~~, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

(e) Results of data comparisons shall be furnished to the appropriate office for use in the county in which the data originated. The program may provide reports of the data it obtains to appropriate state, federal, and local government agencies or governmental entities, including, but not limited to:

1. The Child Support Enforcement Program of the Department of Revenue, so that the data may be used as locator information on persons being sought for purposes of child support.

2. The Social Security Administration, so that the data may be used to reduce federal entitlement fraud within the state.

(f) Reports by the program to another agency or entity shall be generated bimonthly, or as otherwise directed, and shall be designed to accommodate that agency’s or entity’s particular needs for data.

(g) Only those persons with active cases, or with cases that were active during the incarceration period, shall be reported, in order that the funding agency or entity, upon verification of the data, may take whatever action is deemed appropriate.

(h) For purposes of program review and analysis, each agency or entity receiving data from the program shall submit reports to the program which indicate the results of how the data was used.

Section 319. Subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant’s family, or a participant’s family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, the ~~Division of Early Learning Agency for Workforce Innovation~~, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, by the department, the ~~Division of Early Learning Agency for Workforce Innovation~~, Workforce Florida, Inc., the Department of Military Affairs, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board or local committee created pursuant to s. 445.007, or a school district.

(b) The administration of the state’s plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

(c) Any investigation, prosecution, or any criminal, civil, or administrative proceeding conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a federal, state, or local governmental entity, upon request by that entity, when such request is made pursuant to the proper exercise of that entity’s duties and responsibilities.

(d) The administration of any other state, federal, or federally assisted program that provides assistance or services on the basis of need, in cash or in kind, directly to a participant.

(e) Any audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b) by a governmental entity authorized by law to conduct such audit or activity.

(f) The administration of the unemployment compensation program.

(g) The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child or elderly person receiving assistance, if circumstances indicate that the health or welfare of the child or elderly person is threatened.

(h) The administration of services to elderly persons under ss. 430.601-430.606.

Section 320. Subsections (1) and (3) of section 414.411, Florida Statutes, are amended to read:

414.411 Public assistance fraud.—

(1) The Department of Financial Services shall investigate all public assistance provided to residents of the state or provided to others by the state. In the course of such investigation the department shall examine all records, including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys, food assistance, or other items or benefits authorizations to recipients. All public assistance recipients, as a condition precedent to qualification for public assistance under chapter 409, chapter 411, or this chapter, must first give in writing, to the Agency for Health Care Administration, the Department of Health, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, and the Department of Children and Family Services, as appropriate, and to the Department of Financial Services, consent to make inquiry of past or present employers and records, financial or otherwise.

(3) The results of such investigation shall be reported by the Department of Financial Services to the appropriate legislative commit-

tees, the Agency for Health Care Administration, the Department of Health, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, and the Department of Children and Family Services, and to such others as the department may determine.

Section 321. Subsection (2) of section 418.12, Florida Statutes, is amended to read:

418.12 Duties and functions of Division of Recreation and Parks.—Among its functions, the Division of Recreation and Parks of the Department of Environmental Protection shall:

(2) Provide consultation assistance to the Department of *Economic Opportunity* ~~Community Affairs~~ and to local governing units as to the promotion, organization, and administration of local recreation systems and as to the planning and design of local recreation areas and facilities;

Section 322. Paragraph (e) of subsection (3) and subsection (4) of section 420.0003, Florida Statutes, are amended to read:

420.0003 State housing strategy.—

(3) POLICIES.—

(e) *Housing production or rehabilitation programs.*—New programs for housing production or rehabilitation shall be developed in accordance with the following general guidelines as appropriate for the purpose of the specific program:

1. State and local governments shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing.

2. State funds should be heavily leveraged to achieve the maximum local and private commitment of funds while achieving the program objectives.

3. To the maximum extent possible, state funds should be expended to provide housing units rather than to support program administration.

4. State money should be used, when possible, as loans rather than grants.

5. State funds should be available only to local governments that provide incentives or financial assistance for housing.

6. State funds should be made available only for projects which are consistent with the local government comprehensive plan.

7. State funding for housing should not be made available to local governments whose comprehensive plans have been found not in compliance with chapter 163 and who have not entered into a stipulated settlement agreement with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ to bring the plan into compliance.

8. Mixed income projects should be encouraged, to avoid a concentration of low-income residents in one area or project.

9. Distribution of state housing funds should be flexible and consider the regional and local needs, resources, and capabilities of housing producers.

10. Income levels used to determine program eligibility should be adjusted for family size in determining the eligibility of specific beneficiaries.

11. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing shall be made available for that purpose.

(4) IMPLEMENTATION.—*The Department of Economic Opportunity* ~~The Department of Community Affairs~~ and the Florida Housing Finance Corporation in carrying out the strategy articulated herein shall have the following duties:

(a) The fiscal resources of *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ shall be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs shall be established at the state and local levels.

2. The Shimberg Center for Affordable Housing at the University of Florida shall develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

(b) The agency strategic plan of *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ shall include specific goals, objectives, and strategies that implement the housing policies in this section and shall include the strategic plan for housing production prepared by the corporation pursuant to s. 420.511.

(c) The Shimberg Center for Affordable Housing, in consultation with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ and the Florida Housing Finance Corporation, shall review and evaluate existing housing rehabilitation, production, and finance programs to determine their consistency with relevant policies in this section and identify the needs of specific populations, including, but not limited to, elderly and handicapped persons, and shall recommend statutory modifications where appropriate. The Shimberg Center for Affordable Housing, in consultation with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ and the corporation, shall also evaluate the degree of coordination between state housing programs, and between state, federal, and local housing activities, and shall recommend improved program linkages. The recommendations required above and a report of any programmatic modifications made as a result of these policies shall be included in the housing report required by s. 420.6075, beginning December 31, 1991, and every 5 years thereafter.

(d) The department and the corporation are anticipated to conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 323. Subsection (6) of section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(6) “Department” means *the Department of Economic Opportunity* ~~the Department of Community Affairs~~.

Section 324. Section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—There is hereby established in the State Treasury a separate trust fund to be named the “State Housing Trust Fund.” There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~ that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the “State Housing Fund” and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into

such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

Section 325. Paragraph (d) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership, and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(d) The names and post office addresses of the members of the first board of directors. The first board of directors shall be elected by and from the stockholders of the corporation and shall consist of 21 members. However, five of such members shall consist of the following persons, who shall be nonvoting members: the secretary of the Department of *Economic Opportunity* ~~Community Affairs~~ or her or his designee; the head of the Department of Financial Services or her or his designee with expertise in banking matters; a designee of the head of the Department of Financial Services with expertise in insurance matters; one state senator appointed by the President of the Senate; and one representative appointed by the Speaker of the House of Representatives.

Section 326. Subsection (8) of section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida; additional powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by chapter 607, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(8) To cooperate with, and avail itself of the facilities of, the United States Department of Housing and Urban Development, the Department of *Economic Opportunity* ~~Community Affairs~~, and any other similar local, state, or Federal Government agency; and to cooperate with and assist, and otherwise encourage, organizations in the various communities of the state on the promotion, assistance, and development of the housing and economic welfare of such communities or of this state or any part thereof.

Section 327. Section 420.36, Florida Statutes, is amended to read:

420.36 Low-income Emergency Home Repair Program.—There is established within the Department of *Economic Opportunity* ~~Community Affairs~~ the Low-income Emergency Home Repair Program to assist low-income persons, especially the elderly and physically disabled, in making emergency repairs which directly affect their health and safety.

(1) As used in this section, the term:

(a) “Grantee” means a local public or private nonprofit agency currently receiving funds from the department to conduct a weatherization assistance program in one or more counties or a public or nonprofit agency chosen as outlined in subparagraph (4)(c)4.

(b) “Subgrantee” means a local public or private nonprofit agency experienced in weatherization, emergency repairs, or rehabilitation of housing.

(2) A person is eligible to receive assistance if that person has an income in relation to that person’s family size which is at or below 125 percent of the poverty level as specified annually in the federal Office of Management and Budget Poverty Guidelines. Eligible persons over 60

years of age and eligible persons who are physically disabled shall be given priority in the program.

(3)(a) Allowable repairs, including materials and labor, which may be charged under the program include:

1. Correcting deficiencies in support beams, load-bearing walls, and floor joists.
2. Repair or replacement of unsafe or nonfunctional space heating or water heating systems.
3. Egress or physically disabled accessibility repairs, improvements, or assistive devices, including wheelchair ramps, steps, porches, handrails, or other health and safety measures.
4. Plumbing, pump, well, and line repairs to ensure safe drinking water and sanitary sewage.
5. Electrical repairs.
6. Repairs to deteriorating walls, floors, and roofs.
7. Other interior and exterior repairs as necessary for the health and safety of the resident.

(b) Administrative expenses may not exceed 10 percent of the total grant funds.

(c) Each grantee shall be required to provide an in-kind or cash match of at least 20 percent of the funds granted. Grantees and subgrantees shall be encouraged to use community resources to provide such match, including family, church, and neighborhood volunteers and materials provided by local groups and businesses. Grantees shall coordinate with local governments through their community development block grant entitlement programs and other housing programs, local housing partnerships, and agencies under contract to a lead agency for the provisions of services under the Community Care for the Elderly Act, ss. 430.201-430.207.

(4)(a) Funds appropriated to the department for the program shall be deposited in the Energy Consumption Trust Fund. Administrative and personnel costs incurred by the department in implementing the provisions of this section may be paid from the fund.

(b) The grantee may subgrant these funds to a subgrantee if the grantee is unable to serve all of the county or the target population. Grantee and subgrantee eligibility shall be determined by the department.

(c) Funds shall be distributed to grantees and subgrantees as follows:

1. For each county, a base amount of at least \$3,000 shall be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county’s share of the poverty population. That amount plus the base of at least \$3,000 shall constitute each county’s share. A grantee which serves more than one county shall receive the base amount plus the poverty population share for each county to be served. Contracts with grantees may be renewed annually.

3. The funds allocated to each county shall be offered first to an existing weatherization assistance program grantee in good standing, as determined by the department, that can provide services to the target population of low-income persons, low-income elderly persons, and low-income physically disabled persons throughout the county.

4. If a weatherization assistance program grantee is not available to serve the entire county area, the funds shall be distributed through the following process:

a. An announcement of funding availability shall be provided to the county. The county may elect to administer the program.

b. If the county elects not to administer the program, the department shall establish rules to address the selection of one or more public or

private not-for-profit agencies that are experienced in weatherization, rehabilitation, or emergency repair to administer the program.

5. If no eligible agency agrees to serve a county, the funds for that county shall be distributed to grantees having the best performance record as determined by department rule. At the end of the contract year, any uncontracted or unexpended funds shall be returned to the Energy Consumption Trust Fund and reallocated under the next year's contracting cycle.

(5) The department may perform all actions appropriate and necessary to carry out the purposes of this section, including, but not limited to:

(a) Entering into contracts and agreements with the Federal Government, agencies of the state, local governments, or any person, association, corporation, or entity.

(b) Seeking and accepting funding from any public or private source.

(c) Adopting and enforcing rules consistent with this section.

Section 328. Subsections (1) and (2) of section 420.424, Florida Statutes, are amended, and subsections (3) through (7) of that section are redesignated as subsections (2) through (6), to read:

420.424 Definitions.—As used in ss. 420.421-420.429:

(1) "Department" means the Department of *Economic Opportunity* ~~Community Affairs~~.

~~(2) "Secretary" means the Secretary of Community Affairs.~~

Section 329. Subsection (12) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(12) "Department" means *the Department of Economic Opportunity* ~~the Department of Community Affairs~~.

Section 330. Subsections (1) and (3) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(1) There is created within *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ a public corporation and a public body corporate and politic, to be known as the "Florida Housing Finance Corporation." It is declared to be the intent of and constitutional construction by the Legislature that the Florida Housing Finance Corporation constitutes an entrepreneurial public corporation organized to provide and promote the public welfare by administering the governmental function of financing or refinancing housing and related facilities in Florida and that the corporation is not a department of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution, but is functionally related to *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ in which it is placed. The executive function of state government to be performed by *the executive director of the Department of Economic Opportunity* ~~secretary of the department~~ in the conduct of the business of the Florida Housing Finance Corporation must be performed pursuant to a contract to monitor and set performance standards for the implementation of the business plan for the provision of housing approved for the corporation as provided in s. 420.0006. This contract shall include the performance standards for the provision of affordable housing in Florida established in the business plan described in s. 420.511.

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of *the executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~ as an ex officio and voting member, or a senior-level agency employee designated by the director, and eight members appointed by the Governor subject to confirmation by the Senate from the following:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the banking or mortgage banking industry.

(c) One citizen who is a representative of those areas of labor engaged in home building.

(d) One citizen with experience in housing development who is an advocate for low-income persons.

(e) One citizen actively engaged in the commercial building industry.

(f) One citizen who is a former local government elected official.

(g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).

Section 331. Section 420.506, Florida Statutes, is amended to read:

420.506 Executive director; agents and employees; *inspector general*.—

(1) The appointment and removal of an executive director shall be by *the executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation's activities. The board is authorized, notwithstanding the provisions of s. 216.262, to develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. The board of directors of the corporation is entitled to establish travel procedures and guidelines for employees of the corporation. The executive director's office and the corporation's files and records must be located in Leon County.

(2) *The appointment and removal of an inspector general shall be by the executive director, with the advice and consent of the corporation's board of directors. The corporation's inspector general shall perform for the corporation the functions set forth in s. 20.055. The inspector general shall administratively report to the executive director. The inspector general shall meet the minimum qualifications as set forth in s. 20.055(4). The corporation may establish additional qualifications deemed necessary by the board of directors to meet the unique needs of the corporation. The inspector general shall be responsible for coordinating the responsibilities set forth in s. 420.0006.*

Section 332. Paragraph (e) of subsection (12) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(12) All eligible applications shall:

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with *the Department of Economic Opportunity* ~~the Department of Community Affairs~~ in evaluating the use of regulatory incentives by applicants.

Section 333. Subsections (6) through (10) of section 420.602, Florida Statutes, are amended, and a new subsection (7) is added to that section, to read:

420.602 Definitions.—As used in this part, the following terms shall have the following meanings, unless the context otherwise requires:

(6) "Department" means *the Department of Economic Opportunity* ~~the Department of Community Affairs~~.

(7) "Director" means *the executive director of the Department of Economic Opportunity*.

(8)(7) “Fund” means the Florida Affordable Housing Trust Fund as created in this part.

(9)(8) “Low-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(10)(9) “Moderate-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the household is located, whichever is greater.

~~(10) “Secretary” means the Secretary of Community Affairs.~~

Section 334. Subsections (3) and (4) of section 420.606, Florida Statutes, are amended to read:

420.606 Training and technical assistance program.—

(3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The Department of *Economic Opportunity* ~~Community Affairs~~ shall be responsible for securing the necessary expertise to provide training and technical assistance to staff of local governments, to staff of state agencies, as appropriate, and to community-based organizations, and to persons forming such organizations, which are formed for the purpose of developing new housing and rehabilitating existing housing which is affordable for very-low-income persons, low-income persons, and moderate-income persons.

(a) The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.

1. The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition, the development of public-private partnerships to reduce housing costs, model housing projects, and management and board responsibilities of community-based organizations.

2. Training activities may include, but are not limited to, materials for self-instruction, workshops, seminars, internships, coursework, and special programs developed in conjunction with state universities and community colleges.

(b) The technical assistance component of the program shall be designed to assist applicants for state-administered programs in developing applications and in expediting project implementation. Technical assistance activities for the staffs of community-based organizations and local governments who are directly involved in the production of affordable housing may include, but are not limited to, workshops for program applicants, onsite visits, guidance in achieving project completion, and a newsletter to community-based organizations and local governments.

(4) POWERS.—The Department of *Economic Opportunity* ~~Community Affairs~~ may do all things necessary or appropriate to carry out the purposes of this section, including exercising the power to:

(a) Enter into contracts and agreements with the Federal Government or with other agencies of the state, with local governments, or with any other person, association, corporation, or entity;

(b) Seek and accept funding from any public or private source; and

(c) Adopt and enforce rules consistent with this section.

Section 335. Subsection (5) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(5) The commission shall review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives. The commission shall provide these and any other housing recommendations to the *director of the department* ~~secretary of the Department of Community Affairs~~ and the executive director of the corporation.

Section 336. Subsection (2) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of a 17-member council of public and private agency representatives who shall develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Family Services, or his or her designee; the *executive director of the Department of Economic Opportunity* ~~Secretary of Community Affairs~~, or his or her designee, to advise the council on issues related to rural development; the State Surgeon General, or his or her designee; the Executive Director of Veterans’ Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; the Director of Workforce Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative from the Florida League of Cities; one representative of the Florida Supportive Housing Coalition; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless; and four members appointed by the Governor. The council members shall be volunteer, nonpaid persons and shall be reimbursed for travel expenses only. The appointed members of the council shall be appointed to staggered 2-year terms, and the council shall meet at least four times per year. The importance of minority, gender, and geographic representation must be considered when appointing members to the council.

Section 337. Subsections (2) through (9) of section 420.631, Florida Statutes, are amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As used in ss. 420.630-420.635:

~~(2) “Department” means the Department of Community Affairs.~~

(2)(3) “Homestead agreement” means a written contract between a local government or its designee and a qualified buyer which contains the terms under which the qualified buyer may acquire a single-family housing property.

(3)(4) “Local government” means any county or incorporated municipality within this state.

(4)(5) “Designee” means a housing authority appointed by a local government, or a nonprofit community organization appointed by a local government, to administer the urban homesteading program for single-family housing under ss. 420.630-420.635.

(5)(6) “Nonprofit community organization” means an organization that is exempt from taxation under s. 501(c)(3) of the Internal Revenue Code.

(6)(7) “Office” means the Office of Urban Opportunity within the Department of *Economic Opportunity* ~~Community Affairs~~.

(7)(8) “Qualified buyer” means a person who meets the criteria under s. 420.633.

(8)(9) “Qualified loan rate” means an interest rate that does not exceed the interest rate charged for home improvement loans by the Federal Housing Administration under Title I of the National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss. 1702, 1703, 1705, and 1706b et seq.

Section 338. Section 420.635, Florida Statutes, is amended to read:

420.635 Loans to qualified buyers.—Contingent upon an appropriation, the Department of *Economic Opportunity*, in consultation with the Office of Urban Opportunity, shall provide loans to qualified buyers who are required to pay the pro rata portion of the bonded debt on single-family housing pursuant to s. 420.634. Loans provided under this section shall be made at a rate of interest which does not exceed the qualified loan rate. A buyer must maintain the qualifications specified in s. 420.633 for the full term of the loan. The loan agreement may contain additional terms and conditions as determined by the department.

Section 339. Section 421.001, Florida Statutes, is amended to read:

421.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of *Economic Opportunity* ~~Community Affairs~~; and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 340. Section 422.001, Florida Statutes, is amended to read:

422.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of *Economic Opportunity* ~~Community Affairs~~; and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 341. Section 423.001, Florida Statutes, is amended to read:

423.001 State role in housing and urban development.—The role of state government required by part I of chapter 421 (Housing Authorities Law), chapter 422 (Housing Cooperation Law), and chapter 423 (Tax Exemption of Housing Authorities) is the responsibility of the Department of *Economic Opportunity* ~~Community Affairs~~; and the department is the agency of state government responsible for the state's role in housing and urban development.

Section 342. Paragraph (g) of subsection (1) of section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(g) The Secretary of Transportation, the Secretary of Children and Family Services, the *executive director of Economic Opportunity* ~~director of Workforce Innovation~~, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and a county manager or administrator who is appointed by the Governor, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.

Section 343. Paragraph (b) of subsection (1) of section 429.41, Florida Statutes, is amended to read:

429.41 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and

procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(b) The preparation and annual update of a comprehensive emergency management plan. Such standards must be included in the rules adopted by the department after consultation with the *Division of Emergency Management* ~~Department of Community Affairs~~. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including provision of emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; communication with families; and responses to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

Section 344. Paragraph (b) of subsection (2) of section 429.907, Florida Statutes, is amended to read:

429.907 License requirement; fee; exemption; display.—

(2)

(b) ~~If in the event~~ a licensed center becomes wholly or substantially unusable due to a disaster ~~as defined in s. 252.34(1)~~ or due to an emergency ~~as those terms are defined in s. 252.34(3)~~:

1. The licensee may continue to operate under its current license in a ~~premise or~~ premises separate from that authorized under the license if the licensee has:

a. Specified the location of the ~~premise or~~ premises in its comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and

b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate ~~premise or~~ premises.

2. The licensee shall operate the separate ~~premise or~~ premises only while the licensed center's original location is substantially unusable and for up to ~~no longer than~~ 180 days. The agency may extend use of the alternate ~~premise or~~ premises beyond the initial 180 days. The agency may also review the operation of the disaster ~~premise or~~ premises quarterly.

Section 345. Paragraph (g) of subsection (1) of section 429.929, Florida Statutes, is amended to read:

429.929 Rules establishing standards.—

(1) The agency, in consultation with the department, may adopt rules to administer the requirements of part II of chapter 408. The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 346. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week, he or she shall receive his or her full weekly wages. If the employee's wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66 <sup>2</sup>/<sub>3</sub> percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and

(b) Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the *Department of Economic Opportunity Agency for Workforce Innovation* for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the *Department of Economic Opportunity Agency for Workforce Innovation* on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the *Department of Economic Opportunity Agency for Workforce Innovation* shall be reported annually to the Legislature.

Section 347. Paragraph (c) of subsection (9) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) Disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), may not be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the department, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the *Department of Economic Opportunity Agency for Workforce Innovation* to release unemployment compensation information relating to her or him, in accordance with rules to be adopted by the department prescribing the procedure and manner for requesting the authorization and for compliance by the employee. The department or the employer or carrier may not make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph is effective for a period not to exceed 12 months and such authority may be renewed, as the department prescribes by rule.

Section 348. Paragraph (b) of subsection (2) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(2)

(b) Except as provided in paragraph (c), the Governor shall appoint a judge of compensation claims from a list of three persons nominated by a statewide nominating commission. The statewide nominating commission shall be composed of the following:

1. Five members, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are engaged in the practice of law. On July 1, 1999, the term of office of each person appointed by the Board of Gov-

ernors of The Florida Bar to the commission expires. The Board of Governors shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term;

2. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. On July 1, 1999, the term of office of each person appointed by the Governor to the commission expires. The Governor shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999. Thereafter, each member shall be appointed for a 4-year term; and

3. Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703(3), one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. On October 1, 1999, the term of office of each person appointed to the commission by its other members expires. A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, each member shall be appointed for a 4-year term.

A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. No attorney who appears before any judge of compensation claims more than four times a year is eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the public.

Section 349. Subsection (1), paragraph (a) of subsection (3), and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

473.3065 Certified Public Accountant Education Minority Assistance Program; advisory council.—

(1) The Certified Public Accountant Education Minority Assistance Program for Florida residents is hereby established in the division for the purpose of providing scholarships to minority persons, as defined in s. 288.703(3), who are students enrolled in their fifth year of an accounting education program at an institution in this state approved by the board by rule. A Certified Public Accountant Education Minority Assistance Advisory Council shall assist the board in administering the program.

(3) The board shall adopt rules as necessary for administration of the program, including rules relating to the following:

(a) Eligibility criteria for receipt of a scholarship, which, at a minimum, shall include the following factors:

1. Financial need.
2. Ethnic, gender, or racial minority status pursuant to s. 288.703(4)(3).
3. Scholastic ability and performance.

(6) There is hereby created the Certified Public Accountant Education Minority Assistance Advisory Council to assist the board in administering the program. The council shall be diverse and representative of the gender, ethnic, and racial categories set forth in s. 288.703(4)(3).

(a) The council shall consist of five licensed Florida-certified public accountants selected by the board, of whom one shall be a board member who serves as chair of the council, one shall be a representative of the National Association of Black Accountants, one shall be a representative of the Cuban American CPA Association, and two shall be selected at large. At least one member of the council must be a woman.

(b) The board shall determine the terms for initial appointments and appointments thereafter.

(c) Any vacancy on the council shall be filled in the manner provided for the selection of the initial member. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of that term.

(d) Three consecutive absences or absences constituting 50 percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant.

(e) The members of the council shall serve without compensation, and any necessary and actual expenses incurred by a member while engaged in the business of the council shall be borne by such member or by the organization or agency such member represents. However, the council member who is a member of the board shall be compensated in accordance with ~~the provisions of~~ ss. 455.207(4) and 112.061.

Section 350. Subsections (4) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(4) Each employer must submit a copy of the quarterly ~~earnings~~ ~~earning~~ report required by chapter 443 at the end of each quarter to the carrier and submit self-audits supported by the quarterly earnings reports required by chapter 443 and the rules adopted by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or by the state agency providing unemployment tax collection services under contract with the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316. The reports must include a sworn statement by an officer or principal of the employer attesting to the accuracy of the information contained in the report.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services under contract with the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. Failure of the employer to indemnify the insurer within 21 days after demand by the insurer is grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier is cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer is entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in the action.

Section 351. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the ~~Division of Workforce Services of the Department of Economic Opportunity Agency for Workforce Innovation~~ an Unemployment Appeals Commission. The commission is composed of a chair and two other members appointed by the Governor, subject to confirmation by the Senate. Only one appointee may be a representative of employers, as demonstrated by his or her previous vocation, employment, or affiliation; and only one appointee may be a representative of employees, as demonstrated by his or her previous vocation, employment, or affiliation.

(a) The chair shall devote his or her entire time to commission duties and is responsible for the administrative functions of the commission.

(b) The chair has authority to appoint a general counsel and other personnel to carry out the duties and responsibilities of the commission.

(c) The chair must have the qualifications required by law for a judge of the circuit court and may not engage in any other business vocation or employment. Notwithstanding any other law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of \$100 for each day they are engaged in the work of the commission. The chair and other members are entitled to be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~.

(5) The commission is not subject to control, supervision, or direction by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ in performing its powers or duties under this chapter.

Section 352. Subsections (9), (41), (43), and (45) of section 443.036, Florida Statutes, are amended to read:

443.036 Definitions.—As used in this chapter, the term:

(9) "Benefit year" means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s. 443.151(2) is a valid claim under this subsection if the individual was paid wages for insured work in accordance with s. 443.091(1)(g) and is unemployed as defined in subsection (43) at the time of filing the claim. However, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ may adopt rules providing for the establishment of a uniform benefit year for all workers in one or more groups or classes of service or within a particular industry if the ~~department~~ ~~agency~~ determines, after notice to the industry and to the workers in the industry and an opportunity to be heard in the matter, that those groups or classes of workers in a particular industry periodically experience unemployment resulting from layoffs or shutdowns for limited periods of time.

(41) "Tax collection service provider" or "service provider" means the state agency providing unemployment tax collection services under contract with the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316.

(43) "Unemployment" means:

(a) An individual is "totally unemployed" in any week during which he or she does not perform any services and for which earned income is not payable to him or her. An individual is "partially unemployed" in any week of less than full-time work if the earned income payable to him or her for that week is less than his or her weekly benefit amount. The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ may adopt rules prescribing distinctions in the procedures for unemployed individuals based on total unemployment, part-time unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

(b) An individual's week of unemployment commences only after his or her registration with the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ as required in s. 443.091, except as the agency may otherwise prescribe by rule.

(45) "Week" means a period of 7 consecutive days as defined in the rules of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~. The ~~department~~ ~~Agency for Workforce Innovation~~ may by rule prescribe that a week is deemed to be "in," "within," or "during" the benefit year that contains the greater part of the week.

Section 353. Subsections (2) and (3) of section 443.041, Florida Statutes, are amended to read:

443.041 Waiver of rights; fees; privileged communications.—

(2) FEES.—

(a) Except as otherwise provided in this chapter, an individual claiming benefits may not be charged fees of any kind in any proceeding under this chapter by the commission or the *Department of Economic Opportunity Agency for Workforce Innovation*, or their representatives, or by any court or any officer of the court. An individual claiming benefits in any proceeding before the commission or the *department Agency for Workforce Innovation*, or representatives of either, or a court may be represented by counsel or an authorized representative, but the counsel or representative may not charge or receive for those services more than an amount approved by the commission, the *department Agency for Workforce Innovation*, or the court.

(b) An attorney at law representing a claimant for benefits in any district court of appeal of this state or in the Supreme Court of Florida is entitled to counsel fees payable by the *department Agency for Workforce Innovation* as set by the court if the petition for review or appeal is initiated by the claimant and results in a decision awarding more benefits than provided in the decision from which appeal was taken. The amount of the fee may not exceed 50 percent of the total amount of regular benefits permitted under s. 443.111(5)(a) during the benefit year.

(c) The *department Agency for Workforce Innovation* shall pay attorneys' fees awarded under this section from the Employment Security Administration Trust Fund as part of the costs of administration of this chapter and may pay these fees directly to the attorney for the claimant in a lump sum. The *department Agency for Workforce Innovation* or the commission may not pay any other fees or costs in connection with an appeal.

(d) Any person, firm, or corporation who or which seeks or receives any remuneration or gratuity for any services rendered on behalf of a claimant, except as allowed by this section and in an amount approved by the *department Agency for Workforce Innovation*, the commission, or a court, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) PRIVILEGED COMMUNICATIONS.—All letters, reports, communications, or any other matters, either oral or written, between an employer and an employee or between the *Department of Economic Opportunity Agency for Workforce Innovation* or its tax collection service provider and any of their agents, representatives, or employees which are written, sent, delivered, or made in connection with this chapter, are privileged and may not be the subject matter or basis for any suit for slander or libel in any court of the state.

Section 354. Subsection (3) of section 443.051, Florida Statutes, is amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(3) EXCEPTION, SUPPORT INTERCEPT.—

(a) The Department of Revenue shall, at least biweekly, provide the *Department of Economic Opportunity Agency for Workforce Innovation* with a magnetic tape or other electronic data file disclosing the individuals who owe support obligations and the amount of any legally required deductions.

(b) For support obligations established on or after July 1, 2006, and for support obligations established before July 1, 2006, when the support order does not address the withholding of unemployment compensation, the *department Agency for Workforce Innovation* shall deduct and withhold 40 percent of the unemployment compensation otherwise payable to an individual disclosed under paragraph (a). If delinquencies, arrearages, or retroactive support are owed and repayment has not been ordered, the unpaid amounts are included in the support obligation and are subject to withholding. If the amount deducted exceeds the support obligation, the Department of Revenue shall promptly refund the amount of the excess deduction to the obligor. For support obligations in effect before July 1, 2006, if the support order addresses the withholding of unemployment compensation, the *department Agency for Workforce Innovation* shall deduct and withhold the amount ordered by the court or administrative agency that issued the support order as disclosed by the Department of Revenue.

(c) The *department Agency for Workforce Innovation* shall pay any amount deducted and withheld under paragraph (b) to the Department of Revenue.

(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

(e) The Department of Revenue shall reimburse the *department Agency for Workforce Innovation* for the administrative costs incurred by the *department agency* under this subsection which are attributable to support obligations being enforced by the department.

Section 355. Subsections (3) and (4), paragraph (b) of subsection (5), and subsections (6) and (8) of section 443.071, Florida Statutes, are amended to read:

443.071 Penalties.—

(3) Any employing unit or any officer or agent of any employing unit or any other person who fails to furnish any reports required under this chapter or to produce or permit the inspection of or copying of records as required under this chapter, who fails or refuses, within 6 months after written demand by the *Department of Economic Opportunity Agency for Workforce Innovation* or its tax collection service provider, to keep and maintain the payroll records required by this chapter or by rule of the *department Agency for Workforce Innovation* or the state agency providing tax collection services, or who willfully fails or refuses to make any contribution, reimbursement, or other payment required from an employer under this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who establishes a fictitious employing unit by submitting to the *Department of Economic Opportunity Agency for Workforce Innovation* or its tax collection service provider fraudulent employing unit records or tax or wage reports by the introduction of fraudulent records into a computer system, the intentional or deliberate alteration or destruction of computerized information or files, or the theft of financial instruments, data, and other assets, for the purpose of enabling herself or himself or any other person to receive benefits under this chapter to which such person is not entitled, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) In any prosecution or action under this section, the entry into evidence of the signature of a person on a document, letter, or other writing constitutes prima facie evidence of the person's identity if the following conditions exist:

(b) The signature of the person is witnessed by an agent or employee of the *Department of Economic Opportunity Agency for Workforce Innovation* or its tax collection service provider at the time the document, letter, or other writing is filed.

(6) The entry into evidence of an application for unemployment benefits initiated by the use of the Internet claims program or the interactive voice response system telephone claims program of the *Department of Economic Opportunity Agency for Workforce Innovation* constitutes prima facie evidence of the establishment of a personal benefit account by or for an individual if the following information is provided: the applicant's name, residence address, date of birth, social security number, and present or former place of work.

(8) All records relating to investigations of unemployment compensation fraud in the custody of the *Department of Economic Opportunity Agency for Workforce Innovation* or its tax collection service provider are available for examination by the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor in the prosecution of offenses under s. 817.568 or in proceedings brought under this chapter.

Section 356. Subsections (1) and (4) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the *Department of Economic Opportunity Agency for Workforce Innovation* finds that:

(a) She or he has made a claim for benefits for that week in accordance with the rules adopted by the *department Agency for Workforce Innovation*.

(b) She or he has registered with the *department agency* for work and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are:

1. Non-Florida residents;
2. On a temporary layoff, as defined in s. 443.036(42);
3. Union members who customarily obtain employment through a union hiring hall; or
4. Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

(c) To make continued claims for benefits, she or he is reporting to the *department agency* in accordance with its rules. These rules may not conflict with s. 443.111(1)(b), including the requirement that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the *department agency* shall develop criteria to determine a claimant's ability to work and availability for work. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of the *department agency*, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the *department agency* in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to her or his enrollment in such training or because of leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty.

(e) She or he participates in reemployment services, such as job search assistance services, whenever the individual has been determined, by a profiling system established by the rules of the *department agency* rule, to be likely to exhaust regular benefits and to be in need of reemployment services.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a week of unemployment under this subsection:

1. Unless it occurs within the benefit year that includes the week for which she or he claims payment of benefits.
2. If benefits have been paid for that week.
3. Unless the individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and of s. 443.101(5).

(g) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than \$3,400.

(h) She or he submitted to the *department agency* a valid social security number assigned to her or him. The *department agency* may verify the social security number with the United States Social Security Administration and may deny benefits if the *department agency* is unable to verify the individual's social security number, the social security number is invalid, or the social security number is not assigned to the individual.

(4) In the event of national emergency, in the course of which the Federal Emergency Unemployment Payment Plan is, at the request of the Governor, invoked for all or any part of the state, the emergency plan shall supersede the procedures prescribed by this chapter, and by rules adopted under this chapter, and the *department Agency for Workforce Innovation* shall act as the Florida agency for the United States Department of Labor in the administration of the plan.

Section 357. Subsections (1), (2), (4), (6), (7), and (9) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or in which the individual has been discharged by the employing unit for misconduct connected with his or her work, based on a finding by the *Department of Economic Opportunity Agency for Workforce Innovation*. As used in this paragraph, the term "work" means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" includes only that cause attributable to the employing unit or which consists of the individual's illness or disability requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. An individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is re-employed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by the *department agency* in each case according to the circumstances in each case or the seriousness of the misconduct, under the *department's agency's* rules adopted for determinations of disqualification for benefits for misconduct.

3. If an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct before the date the voluntary quit was to take effect, the individual, if otherwise entitled, shall receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

4. If an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, before the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(d) for failing to be available for work for the week or weeks of unemployment occurring before the effective date of the discharge.

(b) For any week with respect to which the ~~department Agency for Workforce Innovation~~ finds that his or her unemployment is due to a suspension for misconduct connected with the individual's work.

(c) For any week with respect to which the ~~department Agency for Workforce Innovation~~ finds that his or her unemployment is due to a leave of absence, if the leave was voluntarily initiated by the individual.

(d) For any week with respect to which the ~~department Agency for Workforce Innovation~~ finds that his or her unemployment is due to a discharge for misconduct connected with the individual's work, consisting of drug use, as evidenced by a positive, confirmed drug test.

(2) If the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ finds that the individual has failed without good cause to apply for available suitable work when directed by the ~~department agency~~ or the one-stop career center, to accept suitable work when offered to him or her, or to return to the individual's customary self-employment when directed by the ~~department agency~~, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, to accept suitable work, or to return to his or her customary self-employment, under this subsection, and until the individual has earned income at least 17 times his or her weekly benefit amount. The ~~department Agency for Workforce Innovation~~ shall by rule adopt criteria for determining the "suitability of work," as used in this section. The ~~department Agency for Workforce Innovation~~ in developing these rules shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, the ~~department Agency for Workforce Innovation~~ shall consider the degree of risk involved to his or her health, safety, and morals; his or her physical fitness and prior training; the individual's experience and prior earnings; his or her length of unemployment and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the ~~department Agency for Workforce Innovation~~ finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

(4) For any week with respect to which the ~~department Agency for Workforce Innovation~~ finds that his or her total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment, or other premises at which he or she is or was last employed; except that this subsection does not apply if it is shown to the satisfaction of the ~~department Agency for Workforce Innovation~~ that:

(a)1. He or she is not participating in, financing, or directly interested in the labor dispute that is in active progress; however, the payment of regular union dues may not be construed as financing a labor dispute within the meaning of this section; and

2. He or she does not belong to a grade or class of workers of which immediately before the commencement of the labor dispute there were members employed at the premises at which the labor dispute occurs any of whom are participating in, financing, or directly interested in the

dispute; if in any case separate branches of work are commonly conducted as separate businesses in separate premises, or are conducted in separate departments of the same premises, each department, for the purpose of this subsection, is deemed to be a separate factory, establishment, or other premise.

(b) His or her total or partial unemployment results from a lockout by his or her employer. As used in this section, the term "lockout" means a situation in which employees have not gone on strike, nor have employees notified the employer of a date certain for a strike, but in which employees have been denied entry to the factory, establishment, or other premises of employment by the employer. However, benefits are not payable under this paragraph if the lockout action was taken in response to threats, actions, or other indications of impending damage to property and equipment or possible physical violence by employees or in response to actual damage or violence or a substantial reduction in production instigated or perpetrated by employees.

(6) For a period not to exceed 1 year from the date of the discovery by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ of the making of any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter, constituting a violation under s. 443.071. This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

(7) If the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ finds that the individual is an alien, unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law, including an alien who is lawfully present in the United States as a result of the application of s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality Act, if any modifications to s. 3304(a)(14) of the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-566, which specify other conditions or other effective dates than those stated under federal law for the denial of benefits based on services performed by aliens, and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, are deemed applicable under this section, if:

(a) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status is uniformly required from all applicants for benefits; and

(b) In the case of an individual whose application for benefits would otherwise be approved, a determination that benefits to such individual are not payable because of his or her alien status may not be made except by a preponderance of the evidence.

If the ~~department Agency for Workforce Innovation~~ finds that the individual has refused without good cause an offer of resettlement or relocation, which offer provides for suitable employment for the individual notwithstanding the distance of relocation, resettlement, or employment from the current location of the individual in this state, this disqualification continues for the week in which the failure occurred and for not more than 17 weeks immediately after that week, or a reduction by not more than 5 weeks from the duration of benefits, as determined by the ~~department Agency for Workforce Innovation~~ in each case.

(9) If the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with his or her work, as follows:

(a) If the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment in connection with his or her work, and the individual was found guilty of the offense, made an admission of guilt in a court of law, or entered a plea of no contest, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by the ~~department Agency for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission

of guilt, or a plea of no contest, the employer shows the ~~department Agency for Workforce Innovation~~ that the arrest was due to a crime against the employer or the employer's business and, after considering all the evidence, the ~~department Agency for Workforce Innovation~~ finds misconduct in connection with the individual's work, the individual is not entitled to unemployment benefits.

(b) If the ~~department Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by the ~~department Agency for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. In addition, if the employer terminates an individual as a result of a dishonest act in connection with his or her work and the ~~department Agency for Workforce Innovation~~ finds misconduct in connection with his or her work, the individual is not entitled to unemployment benefits.

With respect to an individual disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is non-charged at the time the disqualification is imposed.

Section 358. Subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, subject to the following requirements:

(a) Benefits are payable by mail or electronically. ~~The department notwithstanding s. 409.042(4), the agency~~ may develop a system for the payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that the ~~department agency~~ deems to be commercially viable or cost-effective. Commodities or services related to the development of such a system shall be procured by competitive solicitation, unless they are purchased from a state term contract pursuant to s. 287.056. The ~~department agency~~ shall adopt rules necessary to administer ~~this paragraph the system~~.

(b) Each claimant must report in the manner prescribed by the ~~department Agency for Workforce Innovation~~ to certify for benefits that are paid and must continue to report at least biweekly to receive unemployment benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.

Section 359. Subsections (1), (4), and (5) of section 443.1113, Florida Statutes, are amended to read:

443.1113 Unemployment Compensation Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the Unemployment Compensation Claims and Benefits Information System by the Legislature, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the "Unemployment Compensation Claims and Benefits Information System":

- (a) Claims and benefit mainframe system.
- (b) Florida unemployment Internet direct.
- (c) Florida continued claim Internet directory.
- (d) Call center interactive voice response system.
- (e) Benefit overpayment screening system.
- (f) Internet and Intranet appeals system.

(4) The project to implement the Unemployment Compensation Claims and Benefits Information System shall be comprised of the following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) ~~The Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet and Intranet Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.~~

~~(b) The new Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems and shall be deployed to full production operational status no later than the end of fiscal year 2010-2011.~~

~~(c) The new Call Center Interactive Voice Response System and the Benefit Overpayment Screening System shall be deployed to full production operational status no later than the end of fiscal year 2011-2012.~~

~~(d) The new Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.~~

(5) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

(a) The project sponsor for the Unemployment Compensation Claims and Benefits Information System project is the ~~department executive director of the Agency for Workforce Innovation~~.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The executive director of the ~~department Agency for Workforce Innovation~~.
2. The executive director of the Department of Revenue.
3. The director of the ~~Division of Workforce Services within the department Office of Unemployment Compensation within the Agency for Workforce Innovation~~.
4. The program director of the General Tax Administration Program Office within the Department of Revenue.
5. The chief information officer of the ~~department Agency for Workforce Innovation~~.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.
2. Assessing the project's alignment with the strategic goals of the ~~department Agency for Workforce Innovation~~ for administering the unemployment compensation program.
3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.
4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.
5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the ~~department Agency for Workforce Innovation~~ and the Department of Revenue. The project management team is responsible for:

1. Providing daily planning, management, and oversight of the project.
2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.
3. Submitting written monthly project status reports to the executive steering committee which include:
  - a. Planned versus actual project costs;
  - b. An assessment of the status of major milestones and deliverables;
  - c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;
  - d. Identification of risks that must be managed; and
  - e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 360. Paragraph (d) of subsection (1), subsection (2), paragraphs (a) and (c) of subsection (3), and subsection (6) of section 443.1115, Florida Statutes, are amended to read:

443.1115 Extended benefits.—

(1) DEFINITIONS.—As used in this section, the term:

(d) “Rate of insured unemployment” means the percentage derived by dividing the average weekly number of individuals filing claims for regular compensation in this state, excluding extended-benefit claimants for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the *Department of Economic Opportunity Agency for Workforce Innovation* on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of that 13-week period.

(2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.—Except when the result is inconsistent with the other provisions of this section and as provided in the rules of the *Department of Economic Opportunity Agency for Workforce Innovation*, the provisions of this chapter applying to claims for, or the payment of, regular benefits apply to claims for, and the payment of, extended benefits. These extended benefits are charged to the employment records of employers to the extent that the share of those extended benefits paid from this state's Unemployment Compensation Trust Fund is not eligible to be reimbursed from federal sources.

(3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

(a) An individual is eligible to receive extended benefits for any week of unemployment in her or his eligibility period only if the *Department of Economic Opportunity Agency for Workforce Innovation* finds that, for that week:

1. She or he is an exhaustee as defined in subsection (1).
2. She or he satisfies the requirements of this chapter for the receipt of regular benefits applicable to individuals claiming extended benefits, including not being subject to disqualification from the receipt of benefits. An individual disqualified from receiving regular benefits may not receive extended benefits after the disqualification period terminates if he or she was disqualified for voluntarily leaving work, being discharged from work for misconduct, or refusing suitable work. However, if the

disqualification period for regular benefits terminates because the individual received the required amount of remuneration for services rendered as a common-law employee, she or he may receive extended benefits.

3. The individual was paid wages for insured work for the applicable benefit year equal to 1.5 times the high quarter earnings during the base period.

(c)1. An individual is disqualified from receiving extended benefits if the *department Agency for Workforce Innovation* finds that, during any week of unemployment in her or his eligibility period:

a. She or he failed to apply for suitable work or, if offered, failed to accept suitable work, unless the individual can furnish to the *department agency* satisfactory evidence that her or his prospects for obtaining work in her or his customary occupation within a reasonably short period are good. If this evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable for the individual shall be made in accordance with the definition of suitable work in s. 443.101(2). This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 17 times her or his weekly benefit amount.

b. She or he failed to furnish tangible evidence that she or he actively engaged in a systematic and sustained effort to find work. This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 4 times her or his weekly benefit amount.

2. Except as otherwise provided in sub-subparagraph 1.a., as used in this paragraph, the term “suitable work” means any work within the individual's capabilities to perform, if:

a. The gross average weekly remuneration payable for the work exceeds the sum of the individual's weekly benefit amount plus the amount, if any, of supplemental unemployment benefits, as defined in s. 501(c)(17)(D) of the Internal Revenue Code of 1954, as amended, payable to the individual for that week;

b. The wages payable for the work equal the higher of the minimum wages provided by s. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the state or local minimum wage; and

c. The work otherwise meets the definition of suitable work in s. 443.101(2) to the extent that the criteria for suitability are not inconsistent with this paragraph.

(6) COMPUTATIONS.—The *Department of Economic Opportunity Agency for Workforce Innovation* shall perform the computations required under paragraph (1)(d) in accordance with regulations of the United States Secretary of Labor.

Section 361. Subsection (2) and paragraphs (a) and (b) of subsection (5) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

(2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer wishing to participate in the short-time compensation program must submit a signed, written, short-time plan to the *Department of Economic Opportunity director of the Agency for Workforce Innovation* for approval. The director or his or her designee shall approve the plan if:

- (a) The plan applies to and identifies each specific affected unit;
- (b) The individuals in the affected unit are identified by name and social security number;
- (c) The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent and by not more than 40 percent;
- (d) The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of temporary layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;

(e) The plan applies to at least 10 percent of the employees in the affected unit;

(f) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any individual in the affected unit;

(g) The plan does not serve as a subsidy to seasonal employers during the off-season or as a subsidy to employers who traditionally use part-time employees; and

(h) The plan certifies the manner in which the employer will treat fringe benefits of the individuals in the affected unit if the hours of the individuals are reduced to less than their normal weekly hours of work. As used in this paragraph, the term "fringe benefits" includes, but is not limited to, health insurance, retirement benefits under defined benefit pension plans as defined in subsection 35 of s. 1002 of the Employee Retirement Income Security Act of 1974, 29 U.S.C., paid vacation and holidays, and sick leave.

(5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION BENEFITS.—

(a) Except as provided in this subsection, an individual is eligible to receive short-time compensation benefits for any week only if she or he complies with this chapter and the *Department of Economic Opportunity Agency for Workforce Innovation* finds that:

1. The individual is employed as a member of an affected unit in an approved plan that was approved before the week and is in effect for the week;

2. The individual is able to work and is available for additional hours of work or for full-time work with the short-time employer; and

3. The normal weekly hours of work of the individual are reduced by at least 10 percent but not by more than 40 percent, with a corresponding reduction in wages.

(b) The *department Agency for Workforce Innovation* may not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week by reason of the application of any provision of this chapter relating to availability for work, active search for work, or refusal to apply for or accept work from other than the short-time compensation employer of that individual.

Section 362. Subsection (3) of section 443.1215, Florida Statutes, is amended to read:

443.1215 Employers.—

(3) An employing unit that fails to keep the records of employment required by this chapter and by the rules of the *Department of Economic Opportunity Agency for Workforce Innovation* and the state agency providing unemployment tax collection services is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number of individuals employed by the employing unit. However, the tax collection service provider shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 363. Paragraphs (a) and (d) of subsection (1), subsection (12), and paragraph (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an

employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the *Department of Economic Opportunity Agency for Workforce Innovation* which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by the *department agency*. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former unemployment compensation account number, if available;

(III) The former federal employer's identification number (FEIN), if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment compensation taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to unemployment compensation taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify each establishment of each client;

(X) The month and year that the client entered into the contract for services; and

(XI) The month and year that the client terminated the contract for services.

b. The report shall be submitted electronically or in a manner otherwise prescribed by the *Department of Economic Opportunity Agency for Workforce Innovation* in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksites Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within the *department Agency for Workforce Innovation*, or as otherwise directed by the *department agency*, and must be filed by the last day of the month immediately following the end of the calendar quarter. The information required in sub-sub-paragraphs a.(X) and (XI) need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the unemployment compensation quarterly tax and wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

c. The *department Agency for Workforce Innovation* shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

d. For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(d) If two or more related corporations concurrently employ the same individual and compensate the individual through a common paymaster, each related corporation is considered to have paid wages to the individual only in the amounts actually disbursed by that corporation to the individual and is not considered to have paid the wages actually disbursed to the individual by another of the related corporations. The ~~department Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services may adopt rules necessary to administer this paragraph.

1. As used in this paragraph, the term "common paymaster" means a member of a group of related corporations that disburses wages to concurrent employees on behalf of the related corporations and that is responsible for keeping payroll records for those concurrent employees. A common paymaster is not required to disburse wages to all the employees of the related corporations; however, this subparagraph does not apply to wages of concurrent employees which are not disbursed through a common paymaster. A common paymaster must pay concurrently employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term "concurrent employment" means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.

3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

a. The corporations are members of a "controlled group of corporations" as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.

b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.

c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.

d. At least 30 percent of the employees of one corporation are concurrently employees of the other corporation.

4. The common paymaster must report to the tax collection service provider, as part of the unemployment compensation quarterly tax and wage report, the state unemployment compensation account number and name of each related corporation for which concurrent employees are being reported. Failure to timely report this information shall result in the related corporations being denied common paymaster status for that calendar quarter.

5. The common paymaster also has the primary responsibility for remitting contributions due under this chapter for the wages it disburses as the common paymaster. The common paymaster must compute these contributions as though it were the sole employer of the concurrently employed individuals. If a common paymaster fails to timely remit these contributions or reports, in whole or in part, the common paymaster remains liable for the full amount of the unpaid portion of these contributions. In addition, each of the other related corporations using the common paymaster is jointly and severally liable for its appropriate share of these contributions. Each related corporation's share equals the greater of:

a. The liability of the common paymaster under this chapter, after taking into account any contributions made.

b. The liability under this chapter which, notwithstanding this section, would have existed for the wages from the other related corporations, reduced by an allocable portion of any contributions previously paid by the common paymaster for those wages.

(12) The employment subject to this chapter includes services covered by a reciprocal arrangement under s. 443.221 between the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider and the agency charged with the administration of another state unemployment compensation law or a federal unemployment compensation law, under which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, if the ~~department Agency for Workforce Innovation~~ or its tax collection service provider approved an election of the employing unit in which all of the services performed by the individual during the period covered by the election are deemed to be insured work.

(13) The following are exempt from coverage under this chapter:

(p) Service covered by an arrangement between the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, or its tax collection service provider, and the agency charged with the administration of another state or federal unemployment compensation law under which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election is deemed to be performed entirely within the other agency's state or under the federal law.

Section 364. Subsection (1) of section 443.1217, Florida Statutes, is amended to read:

443.1217 Wages.—

(1) The wages subject to this chapter include all remuneration for employment, including commissions, bonuses, back pay awards, and the cash value of all remuneration paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash must be estimated and determined in accordance with rules adopted by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the state agency providing tax collection services. The wages subject to this chapter include tips or gratuities received while performing services that constitute employment and are included in a written statement furnished to the employer under s. 6053(a) of the Internal Revenue Code of 1954. As used in this section only, the term "employment" includes services constituting employment under any employment security law of another state or of the Federal Government.

Section 365. Subsection (1) and paragraphs (a), (g), and (i) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are payable by each employer for each calendar quarter he or she is subject to this chapter for wages paid during each calendar quarter for

employment. Contributions are due and payable by each employer to the tax collection service provider, in accordance with the rules adopted by the *Department of Economic Opportunity Agency for Workforce Innovation* or the state agency providing tax collection services. This subsection does not prohibit the tax collection service provider from allowing, at the request of the employer, employers of employees performing domestic services, as defined in s. 443.1216(6), to pay contributions or report wages at intervals other than quarterly when the nonquarterly payment or reporting assists the service provider and when nonquarterly payment and reporting is authorized under federal law. Employers of employees performing domestic services may report wages and pay contributions annually, with a due date of January 1 and a delinquency date of February 1. To qualify for this election, the employer must employ only employees performing domestic services, be eligible for a variation from the standard rate computed under subsection (3), apply to this program no later than December 1 of the preceding calendar year, and agree to provide the *department Agency for Workforce Innovation* or its tax collection service provider with any special reports that are requested, including copies of all federal employment tax forms. An employer who fails to timely furnish any wage information required by the *department Agency for Workforce Innovation* or its tax collection service provider loses the privilege to participate in this program, effective the calendar quarter immediately after the calendar quarter the failure occurred. The employer may reapply for annual reporting when a complete calendar year elapses after the employer's disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied. An employer may not deduct contributions, interests, penalties, fines, or fees required under this chapter from any part of the wages of his or her employees. A fractional part of a cent less than one-half cent shall be disregarded from the payment of contributions, but a fractional part of at least one-half cent shall be increased to 1 cent.

### (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) *Employment records.*—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the individual wages of at least \$100 during the individual's base period in proportion to the total wages paid by all employers who paid the individual wages during the individual's base period. Benefits may not be charged to the employment record of an employer who furnishes part-time work to an individual who, because of loss of employment with one or more other employers, is eligible for partial benefits while being furnished part-time work by the employer on substantially the same basis and in substantially the same amount as the individual's employment during his or her base period, regardless of whether this part-time work is simultaneous or successive to the individual's lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes the *Department of Economic Opportunity Agency for Workforce Innovation* with notice, as prescribed in agency rules of the department, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer's employment record. As used in this subparagraph, the term "initial employment probationary period" means an established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those

benefits are based on wages paid by the employer before the individual's refusal to accept suitable work. As used in this subparagraph, the term "good cause" does not include distance to employment caused by a change of residence by the individual. The *department Agency for Workforce Innovation* shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

(g) *Transfer of unemployment experience upon transfer or acquisition of a business.*—Notwithstanding any other provision of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom the business is so transferred. The rates of both employers shall be recalculated and made effective as of the beginning of the calendar quarter immediately following the date of the transfer of the trade or business unless the transfer occurred on the first day of a calendar quarter, in which case the rate shall be recalculated as of that date.

b. If, following a transfer of experience under sub-subparagraph a., the *department Agency for Workforce Innovation* or the tax collection service provider determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the experience rating account of the employers involved shall be combined into a single account and a single rate assigned to the account.

2. Whenever a person who is not an employer under this chapter at the time it acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to the person if the *department Agency for Workforce Innovation* or the tax collection service provider finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such person shall be assigned the new employer rate under paragraph (2)(a). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the tax collection service provider shall consider, but not be limited to, the following factors:

a. Whether the person continued the business enterprise of the acquired business;

b. How long such business enterprise was continued; or

c. Whether a substantial number of new employees was hired for performance of duties unrelated to the business activity conducted before the acquisition.

3. If a person knowingly violates or attempts to violate subparagraph 1. or subparagraph 2. or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person to violate the law, the person shall be subject to the following penalties:

a. If the person is an employer, the employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and for the 3 rate years immediately following this rate year. However, if the person's business is already at the highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contribution of 2 percent of taxable wages shall be imposed for such year and the following 3 rate years.

b. If the person is not an employer, such person shall be subject to a civil money penalty of not more than \$5,000. The procedures for the assessment of a penalty shall be in accordance with the procedures set forth in s. 443.141(2), and the provisions of s. 443.141(3) shall apply to

the collection of the penalty. Any such penalty shall be deposited in the penalty and interest account established under s. 443.211(2).

4. For purposes of this paragraph, the term:

a. “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

b. “Violates or attempts to violate” includes, but is not limited to, intent to evade, misrepresent, or willfully nondisclose.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. The ~~department Agency for Workforce Innovation~~ and the tax collection service provider shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. For purposes of this paragraph:

a. “Person” has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.

b. “Trade or business” shall include the employer’s workforce.

8. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

(i) *Notice of determinations of contribution rates; redeterminations.*—The state agency providing tax collection services:

1. Shall promptly notify each employer of his or her contribution rate as determined for any calendar year under this section. The determination is conclusive and binding on the employer unless within 20 days after mailing the notice of determination to the employer’s last known address, or, in the absence of mailing, within 20 days after delivery of the notice, the employer files an application for review and redetermination setting forth the grounds for review. An employer may not, in any proceeding involving his or her contribution rate or liability for contributions, contest the chargeability to his or her employment record of any benefits paid in accordance with a determination, redetermination, or decision under s. 443.151, except on the ground that the benefits charged were not based on services performed in employment for him or her and then only if the employer was not a party to the determination, redetermination, or decision, or to any other proceeding under this chapter, in which the character of those services was determined.

2. Shall, upon discovery of an error in computation, reconsider any prior determination or redetermination of a contribution rate after the 20-day period has expired and issue a revised notice of contribution rate as redetermined. A redetermination is subject to review, and is conclusive and binding if review is not sought, in the same manner as review of a determination under subparagraph 1. A reconsideration may not be made after March 31 of the calendar year immediately after the calendar year for which the contribution rate is applicable, and interest may not accrue on any additional contributions found to be due until 30 days after the employer is mailed notice of his or her revised contribution rate.

3. May adopt rules providing for periodic notification to employers of benefits paid and charged to their employment records or of the status of those employment records. A notification, unless an application for redetermination is filed in the manner and within the time limits prescribed by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, is conclusive and binding on the employer under this chapter. The redetermination, and the ~~Agency for Workforce Innovation’s~~ finding of fact of the ~~department~~ in connection with the redetermination, may be introduced in any subsequent administrative or judicial proceeding involving the determination of the contribution rate of an employer for any calendar year. A redetermination becomes final in the same manner provided in this subsection for findings of fact made by the ~~department Agency for Workforce Innovation~~ in proceedings to redetermine the contribution rate of an employer. Pending a redetermination or an administrative or judicial proceeding, the employer must file reports and pay contributions in accordance with this section.

Section 366. Paragraph (d) of subsection (2) and paragraph (d) of subsection (3) of section 443.1312, Florida Statutes, are amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with this section.

(2) **LIABILITY FOR CONTRIBUTIONS AND ELECTION OF REIMBURSEMENT.**—A nonprofit organization that is, or becomes, subject to this chapter under s. 443.1215(1)(c) or s. 443.121(3)(a) must pay contributions under s. 443.131 unless it elects, in accordance with this subsection, to reimburse the Unemployment Compensation Trust Fund for all of the regular benefits, short-time compensation benefits, and one-half of the extended benefits paid, which are attributable to service in the employ of the nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of the election.

(d) In accordance with rules adopted by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services, the tax collection service provider shall notify each nonprofit organization of any determination of the organization’s status as an employer, the effective date of any election the organization makes, and the effective date of any termination of the election. Each determination is subject to reconsideration, appeal, and review under s. 443.141(2)(c).

(3) **PAYMENT OF REIMBURSEMENTS.**—Reimbursements in lieu of contributions must be paid in accordance with this subsection.

(d) The amount due, as specified in any bill from the tax collection service provider, is conclusive, and the nonprofit organization is liable for payment of that amount unless, within 20 days after the bill is mailed to the organization’s last known address or otherwise delivered to the organization, the organization files an application for redetermination by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, setting forth the grounds for the application. The ~~department Agency for Workforce Innovation~~ shall promptly review and reconsider the amount due, as specified in the bill, and shall issue a redetermination in each case in which an application for redetermination is filed. The redetermination is conclusive and the nonprofit organization is liable for payment of the amount due, as specified in the redetermination, unless, within 20 days after the redetermination is mailed to the organization’s last known address or otherwise delivered to the organization, the organization files a protest, setting forth the grounds for the appeal. Proceedings on the protest shall be conducted in accordance with s. 443.141(2).

Section 367. Paragraph (b) of subsection (1) of section 443.1313, Florida Statutes, is amended to read:

443.1313 Public employers; reimbursements; election to pay contributions.—Benefits paid to employees of a public employer, as defined in s. 443.036, based on service described in s. 443.1216(2) shall be financed in accordance with this section.

(1) **PAYMENT OF REIMBURSEMENTS.**—

(b) If a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the tax collection service provider shall certify to the Chief Financial Officer the amount due and the Chief Financial Officer shall transfer the amount due to the Unemployment Compensation Trust Fund from the funds of the agency which legally may be used for that purpose. If a public employer other than a state agency is more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, upon request by the tax collection service provider after a hearing, the Department of Revenue or the Department of Financial Services, as applicable, shall deduct the amount owed by the public employer from any funds to be distributed by the applicable department to the public employer for further distribution to the trust fund in accordance with this chapter. If an employer for whom the municipal or county tax collector collects taxes fails to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the tax collection service provider and upon receipt of a certificate showing the amount owed by the employer, shall deduct the certified amount from any taxes collected for the employer and remit that amount to the tax collection

service provider for further distribution to the trust fund in accordance with this chapter. This paragraph does not apply to amounts owed by a political subdivision of the state for benefits erroneously paid in which the claimant must repay to the *Department of Economic Opportunity Agency for Workforce Innovation* under s. 443.151(6)(a) or (b) any sum as benefits received.

Section 368. Paragraphs (b) and (c) of subsection (4) and subsection (7) of section 443.1315, Florida Statutes, are amended to read:

443.1315 Treatment of Indian tribes.—

(4)

(b)1. Services performed for an Indian tribe or tribal unit that fails to make required reimbursements, including assessments of interest and penalty, after all collection activities deemed necessary by the tax collection service provider, subject to approval by the *Department of Economic Opportunity Agency for Workforce Innovation*, are exhausted may not be treated as employment for purposes of paragraph (1)(b).

2. The tax collection service provider may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for the tribe subsequently included as employment for purposes of paragraph (1)(b) if all contributions, reimbursements, penalties, and interest are paid.

(c) The *department Agency for Workforce Innovation* or its tax collection service provider shall immediately notify the United States Internal Revenue Service and the United States Department of Labor when an Indian tribe fails to make reimbursements required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency.

(7) The *Department of Economic Opportunity Agency for Workforce Innovation* and the state agency providing unemployment tax collection services shall adopt rules necessary to administer this section.

Section 369. Section 443.1316, Florida Statutes, is amended to read:

443.1316 Unemployment tax collection services; interagency agreement.—

(1) The *Department of Economic Opportunity Agency for Workforce Innovation* shall contract with the Department of Revenue, through an interagency agreement, to perform the duties of the tax collection service provider and provide other unemployment tax collection services under this chapter. Under the interagency agreement, the tax collection service provider may only implement:

(a) The provisions of this chapter conferring duties upon the tax collection service provider.

(b) The provisions of law conferring duties upon the *department Agency for Workforce Innovation* which are specifically delegated to the tax collection service provider in the interagency agreement.

(2)(a) The Department of Revenue is considered to be administering a revenue law of this state when the department implements this chapter, or otherwise provides unemployment tax collection services, under contract with the *department Agency for Workforce Innovation* through the interagency agreement.

(b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21); 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055; 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25; 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37; 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and 213.757 apply to the collection of unemployment contributions and reimbursements by the Department of Revenue unless prohibited by federal law.

Section 370. Section 443.1317, Florida Statutes, is amended to read:

443.1317 Rulemaking authority; enforcement of rules.—

(1) **DEPARTMENT OF ECONOMIC OPPORTUNITY AGENCY FOR WORKFORCE INNOVATION.**—

(a) Except as otherwise provided in s. 443.012, the *Department of Economic Opportunity Agency for Workforce Innovation* has ultimate authority over the administration of the Unemployment Compensation Program.

(b) The *department Agency for Workforce Innovation* may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this chapter conferring duties upon either the *department agency* or its tax collection service provider.

(2) **TAX COLLECTION SERVICE PROVIDER.**—The state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity Agency for Workforce Innovation* through an interagency agreement pursuant to s. 443.1316 may adopt rules under ss. 120.536(1) and 120.54, subject to approval by the *department Agency for Workforce Innovation*, to administer the provisions of law described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by the *department Agency for Workforce Innovation* or with the interagency agreement.

(3) **ENFORCEMENT OF RULES.**—The *Department of Economic Opportunity Agency for Workforce Innovation* may enforce any rule adopted by the state agency providing unemployment tax collection services to administer this chapter. The tax collection service provider may enforce any rule adopted by the *department Agency for Workforce Innovation* to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 371. Paragraphs (b), (c), and (f) of subsection (1), subsection (2), paragraphs (f) and (g) of subsection (3), and paragraph (c) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(1) **PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.**—

(b) *Penalty for delinquent, erroneous, incomplete, or insufficient reports.*—

1. An employing unit that fails to file any report required by the *Department of Economic Opportunity Agency for Workforce Innovation* or its tax collection service provider, in accordance with rules for administering this chapter, shall pay to the service provider for each delinquent report the sum of \$25 for each 30 days or fraction thereof that the employing unit is delinquent, unless the agency or its service provider, whichever required the report, finds that the employing unit has good reason for failing to file the report. The *department agency* or its service provider may assess penalties only through the date of the issuance of the final assessment notice. However, additional penalties accrue if the delinquent report is subsequently filed.

2.a. An employing unit that files an erroneous, incomplete, or insufficient report with the *department Agency for Workforce Innovation* or its tax collection service provider shall pay a penalty. The amount of the penalty is \$50 or 10 percent of any tax due, whichever is greater, but no more than \$300 per report. The penalty shall be added to any tax, penalty, or interest otherwise due.

b. The *department agency* or its tax collection service provider shall waive the penalty if the employing unit files an accurate, complete, and sufficient report within 30 days after a penalty notice is issued to the employing unit. The penalty may not be waived pursuant to this subparagraph more than one time during a 12-month period.

c. As used in this subsection, the term “erroneous, incomplete, or insufficient report” means a report so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports having missing wage or employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by the *department agency* or its tax collection service provider; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the

employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(c) *Application of partial payments.*—If a delinquency exists in the employment record of an employer not in bankruptcy, a partial payment less than the total delinquency amount shall be applied to the employment record as the payor directs. In the absence of specific direction, the partial payment shall be applied to the payor's employment record as prescribed in the rules of the ~~department Agency for Workforce Innovation~~ or the state agency providing tax collection services.

(f) *Adoption of rules.*—The ~~department Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services may adopt rules to administer this subsection.

## (2) REPORTS, CONTRIBUTIONS, APPEALS.—

(a) *Failure to make reports and pay contributions.*—If an employing unit determined by the tax collection service provider to be an employer subject to this chapter fails to make and file any report as and when required by this chapter or by any rule of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the state agency providing tax collection services, for the purpose of determining the amount of contributions due by the employer under this chapter, or if any filed report is found by the service provider to be incorrect or insufficient, and the employer, after being notified in writing by the service provider to file the report, or a corrected or sufficient report, as applicable, fails to file the report within 15 days after the date of the mailing of the notice, the tax collection service provider may:

1. Determine the amount of contributions due from the employer based on the information readily available to it, which determination is deemed to be prima facie correct;

2. Assess the employer the amount of contributions determined to be due; and

3. Immediately notify the employer by mail of the determination and assessment including penalties as provided in this chapter, if any, added and assessed, and demand payment together with interest on the amount of contributions from the date that amount was due and payable.

(b) *Hearings.*—The determination and assessment are final 15 days after the date the assessment is mailed unless the employer files with the tax collection service provider within the 15 days a written protest and petition for hearing specifying the objections thereto. The tax collection service provider shall promptly review each petition and may reconsider its determination and assessment in order to resolve the petitioner's objections. The tax collection service provider shall forward each petition remaining unresolved to the ~~department Agency for Workforce Innovation~~ for a hearing on the objections. Upon receipt of a petition, the ~~department Agency for Workforce Innovation~~ shall schedule a hearing and notify the petitioner of the time and place of the hearing. The ~~department Agency for Workforce Innovation~~ may appoint special deputies to conduct hearings and to submit their findings together with a transcript of the proceedings before them and their recommendations to the ~~department agency~~ for its final order. Special deputies are subject to the prohibition against ex parte communications in s. 120.66. At any hearing conducted by the ~~department Agency for Workforce Innovation~~ or its special deputy, evidence may be offered to support the determination and assessment or to prove it is incorrect. In order to prevail, however, the petitioner must either prove that the determination and assessment are incorrect or file full and complete corrected reports. Evidence may also be submitted at the hearing to rebut the determination by the tax collection service provider that the petitioner is an employer under this chapter. Upon evidence taken before it or upon the transcript submitted to it with the findings and recommendation of its special deputy, the ~~department Agency for Workforce Innovation~~ shall either set aside the tax collection service provider's determination that

the petitioner is an employer under this chapter or reaffirm the determination. The amounts assessed under the final order, together with interest and penalties, must be paid within 15 days after notice of the final order is mailed to the employer, unless judicial review is instituted in a case of status determination. Amounts due when the status of the employer is in dispute are payable within 15 days after the entry of an order by the court affirming the determination. However, any determination that an employing unit is not an employer under this chapter does not affect the benefit rights of any individual as determined by an appeals referee or the commission unless:

1. The individual is made a party to the proceedings before the special deputy; or

2. The decision of the appeals referee or the commission has not become final or the employing unit and the ~~department Agency for Workforce Innovation~~ were not made parties to the proceedings before the appeals referee or the commission.

(c) *Appeals.*—The ~~department Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

## (3) COLLECTION PROCEEDINGS.—

(f) *Reproductions.*—In any proceedings in any court under this chapter, reproductions of the original records of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, its tax collection service provider, ~~the former Agency for Workforce Innovation~~, the former Department of Labor and Employment Security, or the commission, including, but not limited to, photocopies or microfilm, are primary evidence in lieu of the original records or of the documents that were transcribed into those records.

(g) *Jeopardy assessment and warrant.*—If the tax collection service provider reasonably believes that the collection of contributions or reimbursements from an employer will be jeopardized by delay, the service provider may assess the contributions or reimbursements immediately, together with interest or penalties when due, regardless of whether the contributions or reimbursements accrued are due, and may immediately issue a notice of lien and jeopardy warrant upon which proceedings may be conducted as provided in this section for notice of lien and warrant of the service provider. Within 15 days after mailing the notice of lien by registered mail, the employer may protest the issuance of the lien in the same manner provided in paragraph (2)(a). The protest does not operate as a supersedeas or stay of enforcement unless the employer files with the sheriff seeking to enforce the warrant a good and sufficient surety bond in twice the amount demanded by the notice of lien or warrant. The bond must be conditioned upon payment of the amount subsequently found to be due from the employer to the tax collection service provider in the final order of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ upon protest of assessment. The jeopardy warrant and notice of lien are satisfied in the manner provided in this section upon payment of the amount finally determined to be due from the employer. If enforcement of the jeopardy warrant is not superseded as provided in this section, the employer is entitled to a refund from the fund of all amounts paid as contributions or reimbursements in excess of the amount finally determined to be due by the employer upon application being made as provided in this chapter.

## (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF CONTRIBUTIONS AND REIMBURSEMENTS.—

(c) Any agent or employee designated by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider may administer an oath to any person for any return or report required by this chapter or by the rules of the ~~department Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services, and an oath made before the ~~department agency~~ or its service provider or any authorized agent or employee has the same effect as an oath made before any judicial officer or notary public of the state.

Section 372. Section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

## (1) POSTING OF INFORMATION.—

(a) Each employer must post and maintain in places readily accessible to individuals in her or his employ printed statements concerning benefit rights, claims for benefits, and other matters relating to the administration of this chapter as the *Department of Economic Opportunity Agency for Workforce Innovation* may by rule prescribe. Each employer must supply to individuals copies of printed statements or other materials relating to claims for benefits as directed by the *agency's rules of the department*. The *department Agency for Workforce Innovation* shall supply these printed statements and other materials to each employer without cost to the employer.

(b)1. The *department Agency for Workforce Innovation* shall advise each individual filing a new claim for unemployment compensation, at the time of filing the claim, that:

- a. Unemployment compensation is subject to federal income tax.
  - b. Requirements exist pertaining to estimated tax payments.
  - c. The individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code.
  - d. The individual is not permitted to change a previously elected withholding status more than twice per calendar year.
2. Amounts deducted and withheld from unemployment compensation must remain in the Unemployment Compensation Trust Fund until transferred to the federal taxing authority as payment of income tax.

3. The *department Agency for Workforce Innovation* shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. If more than one authorized request for deduction and withholding is made, amounts must be deducted and withheld in accordance with the following priorities:

- a. Unemployment overpayments have first priority;
- b. Child support payments have second priority; and
- c. Withholding under this subsection has third priority.

## (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(a) *In general*.—Claims for benefits must be made in accordance with the rules adopted by the *Department of Economic Opportunity Agency for Workforce Innovation*. The *department agency* must notify claimants and employers regarding monetary and nonmonetary determinations of eligibility. Investigations of issues raised in connection with a claimant which may affect a claimant's eligibility for benefits or charges to an employer's employment record shall be conducted by the *department agency* through written, telephonic, or electronic means as prescribed by rule.

(b) *Process*.—When the Unemployment Compensation Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. A claim for benefits may not be processed until the work registration requirement is satisfied. The *department Agency for Workforce Innovation* may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

## (3) DETERMINATION OF ELIGIBILITY.—

(a) *Notices of claim*.—The *Department of Economic Opportunity Agency for Workforce Innovation* shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the notice. If a contributing employer fails to timely respond to the notice of claim, the employer's account may not be

relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b). The *department agency* may adopt rules as necessary to implement the processes described in this paragraph relating to notices of claim.

(b) *Monetary determinations*.—In addition to the notice of claim, the *department agency* shall also promptly provide an initial monetary determination to the claimant and each base period employer whose account is subject to being charged for its respective share of benefits on the claim. The monetary determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A monetary determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(g) and, if so, the first day of the benefit year, the claimant's weekly benefit amount, and the maximum total amount of benefits payable to the claimant for a benefit year. The monetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The *department agency* may adopt rules as necessary to implement the processes described in this paragraph relating to notices of monetary determinations and the appeals or reconsideration requests filed in response to such notices.

(c) *Nonmonetary determinations*.—If the *department agency* receives information that may result in a denial of benefits, the *department agency* must complete an investigation of the claim required by subsection (2) and provide notice of a nonmonetary determination to the claimant and the employer from whom the claimant's reason for separation affects his or her entitlement to benefits. The determination must state the reason for the determination and whether the unemployment tax account of the contributing employer is charged for benefits paid on the claim. The nonmonetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The *department agency* may adopt rules as necessary to implement the processes described in this paragraph relating to notices of nonmonetary determination and the appeals or reconsideration requests filed in response to such notices, and may adopt rules prescribing the manner and procedure by which employers within the base period of a claimant become entitled to notice of nonmonetary determination.

(d) *Determinations in labor dispute cases*.—Whenever any claim involves a labor dispute described in s. 443.101(4), the *department Agency for Workforce Innovation* shall promptly assign the claim to a special examiner who shall make a determination on the issues involving unemployment due to the labor dispute. The special examiner shall make the determination after an investigation, as necessary. The claimant or another party entitled to notice of the determination may appeal a determination under subsection (4).

(e) *Redeterminations*.—

1. The *department Agency for Workforce Innovation* may reconsider a determination if it finds an error or if new evidence or information pertinent to the determination is discovered after a prior determination or redetermination. A redetermination may not be made more than 1 year after the last day of the benefit year unless the disqualification for making a false or fraudulent representation under s. 443.101(6) is applicable, in which case the redetermination may be made within 2 years after the false or fraudulent representation. The *department agency* must promptly give notice of redetermination to the claimant and to any employers entitled to notice in the manner prescribed in this section for the notice of an initial determination.

2. If the amount of benefits is increased by the redetermination, an appeal of the redetermination based solely on the increase may be filed as provided in subsection (4). If the amount of benefits is decreased by the redetermination, the redetermination may be appealed by the claimant if a subsequent claim for benefits is affected in amount or duration by the redetermination. If the final decision on the determination or redetermination to be reconsidered was made by an appeals referee, the commission, or a court, the *department Agency for Workforce Innovation*

may apply for a revised decision from the body or court that made the final decision.

3. If an appeal of an original determination is pending when a redetermination is issued, the appeal unless withdrawn is treated as an appeal from the redetermination.

(4) APPEALS.—

(a) *Appeals referees.*—The *Department of Economic Opportunity Agency for Workforce Innovation* shall appoint one or more impartial salaried appeals referees in accordance with s. 443.171(3) to hear and decide appealed claims. A person may not participate on behalf of the *department Agency for Workforce Innovation* as an appeals referee in any case in which she or he is an interested party. The *department Agency for Workforce Innovation* may designate alternates to serve in the absence or disqualification of any appeals referee on a temporary basis. These alternates must have the same qualifications required of appeals referees. The *department Agency for Workforce Innovation* shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

(b) *Filing and hearing.*—

1. The claimant or any other party entitled to notice of a determination may appeal an adverse determination to an appeals referee within 20 days after the date of mailing of the notice to her or his last known address or, if the notice is not mailed, within 20 days after the date of delivery of the notice.

2. Unless the appeal is untimely or withdrawn or review is initiated by the commission, the appeals referee, after mailing all parties and attorneys of record a notice of hearing at least 10 days before the date of hearing, notwithstanding the 14-day notice requirement in s. 120.569(2)(b), may only affirm, modify, or reverse the determination. An appeal may not be withdrawn without the permission of the appeals referee.

3. However, when an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant, requiring the appellant to show why the appeal should not be dismissed as untimely. If the appellant does not, within 15 days after the mailing date of the order to show cause, provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed.

4. When an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the pendency of the appeal to the employing unit and to the *department Agency for Workforce Innovation*, both of which become parties to the proceeding.

5. The parties must be notified promptly of the referee's decision. The referee's decision is final unless further review is initiated under paragraph (c) within 20 days after the date of mailing notice of the decision to the party's last known address or, in lieu of mailing, within 20 days after the delivery of the notice.

(c) *Review by commission.*—The commission may, on its own motion, within the time limit in paragraph (b), initiate a review of the decision of an appeals referee. The commission may also allow the *department Agency for Workforce Innovation* or any adversely affected party entitled to notice of the decision to appeal the decision by filing an application within the time limit in paragraph (b). An adversely affected party has the right to appeal the decision if the *department's Agency for Workforce Innovation's* determination is not affirmed by the appeals referee. The commission may affirm, modify, or reverse the findings and conclusions of the appeals referee based on evidence previously submitted in the case or based on additional evidence taken at the direction of the commission. The commission may assume jurisdiction of or transfer to another appeals referee the proceedings on any claim pending before an appeals referee. Any proceeding in which the commission assumes jurisdiction before completion must be heard by the commission in accordance with the requirement of this subsection for proceedings before an appeals referee. When the commission denies an application to hear an appeal of an appeals referee's decision, the decision of the appeals referee is the decision of the commission for purposes of this paragraph and is subject to judicial review within the same time and manner as decisions of the

commission, except that the time for initiating review runs from the date of notice of the commission's order denying the application to hear an appeal.

(d) *Procedure.*—The manner that appealed claims are presented must comply with the commission's rules. Witnesses subpoenaed under this section are allowed fees at the rate established by s. 92.142, and fees of witnesses subpoenaed on behalf of the *department Agency for Workforce Innovation* or any claimant are deemed part of the expense of administering this chapter.

(e) *Judicial review.*—Orders of the commission entered under paragraph (c) are subject to review only by notice of appeal in the district court of appeal in the appellate district in which the issues involved were decided by an appeals referee. Notwithstanding chapter 120, the commission is a party respondent to every such proceeding. The *department Agency for Workforce Innovation* may initiate judicial review of orders in the same manner and to the same extent as any other party.

(5) PAYMENT OF BENEFITS.—

(a) The *Department of Economic Opportunity Agency for Workforce Innovation* shall promptly pay benefits in accordance with a determination or redetermination regardless of any appeal or pending appeal. Before payment of benefits to the claimant, however, each employer who is liable for reimbursements in lieu of contributions for payment of the benefits must be notified, at the address on file with the *department Agency for Workforce Innovation* or its tax collection service provider, of the initial determination of the claim and must be given 10 days to respond.

(b) The *department Agency for Workforce Innovation* shall promptly pay benefits, regardless of whether a determination is under appeal if the determination allowing benefits is affirmed in any amount by an appeals referee or is affirmed by the commission, or if a decision of an appeals referee allowing benefits is affirmed in any amount by the commission. In these instances, a court may not issue an injunction, supersedeas, stay, or other writ or process suspending payment of benefits. A contributing employer that responded to the notice of claim within the time limit provided in subsection (3) may not, however, be charged with benefits paid under an erroneous determination if the decision is ultimately reversed. Benefits are not paid for any subsequent weeks of unemployment involved in a reversal.

(c) The provisions of paragraph (b) relating to charging an employer liable for contributions do not apply to reimbursing employers.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to the *Department of Economic Opportunity Agency for Workforce Innovation* on behalf of the trust fund or, in the *agency's* discretion of the *department*, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, the *department agency* must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be effected within 5 years after the redetermination or decision.

(b) Any person who, by reason other than her or his fraud, receives benefits under this chapter to which, under a redetermination or decision pursuant to this section, she or he is not entitled, is liable for repaying those benefits to the *department Agency for Workforce Innovation* on behalf of the trust fund or, in the *agency's* discretion of the *department*, to have those benefits deducted from any future benefits payable to her or him under this chapter. Any recovery or recoupment of benefits must be effected within 3 years after the redetermination or decision.

(c) Any person who, by reason other than fraud, receives benefits under this chapter to which she or he is not entitled as a result of an employer's failure to respond to a claim within the timeframe provided in subsection (3) is not liable for repaying those benefits to the *department Agency for Workforce Innovation* on behalf of the trust fund or to have those benefits deducted from any future benefits payable to her or him under this chapter.

(d) Recoupment from future benefits is not permitted if the benefits are received by any person without fault on the person's part and recoupment would defeat the purpose of this chapter or would be inequitable and against good conscience.

(e) The ~~department Agency for Workforce Innovation~~ shall collect the repayment of benefits without interest by the deduction of benefits through a redetermination or by a civil action.

(f) Notwithstanding any other provision of this chapter, any person who is determined by this state, a cooperating state agency, the United States Secretary of Labor, or a court to have received any payments under the Trade Act of 1974, as amended, to which the person was not entitled shall have those payments deducted from any regular benefits, as defined in s. 443.1115(1)(e), payable to her or him under this chapter. Each such deduction may not exceed 50 percent of the amount otherwise payable. The payments deducted shall be remitted to the agency that issued the payments under the Trade Act of 1974, as amended, for return to the United States Treasury. Except for overpayments determined by a court, a deduction may not be made under this paragraph until a determination by the state agency or the United States Secretary of Labor is final.

(7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any administrative proceeding conducted under this chapter, an employer or a claimant has the right, at his or her own expense, to be represented by counsel or by an authorized representative. Notwithstanding s. 120.62(2), the authorized representative need not be a qualified representative.

(8) BILINGUAL REQUIREMENTS.—

(a) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) The ~~department Agency for Workforce Innovation~~ shall ensure that one-stop career centers and appeals offices located in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages and that translators are available in those centers and offices.

(c) As used in this subsection, the term "single-language minority" means households that speak the same non-English language and that do not contain an adult fluent in English. The ~~department Agency for Workforce Innovation~~ shall develop estimates of the percentages of single-language minority households for each county by using data from the United States Bureau of the Census.

Section 373. Subsection (1), paragraphs (a) and (c) of subsection (3), and subsection (4) of section 443.163, Florida Statutes, are amended to read:

443.163 Electronic reporting and remitting of contributions and reimbursements.—

(1) An employer may file any report and remit any contributions or reimbursements required under this chapter by electronic means. The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services shall adopt rules prescribing the format and instructions necessary for electronically filing reports and remitting contributions and reimbursements to ensure a full collection of contributions and reimbursements due. The acceptable method of transfer, the method, form, and content of the electronic means, and the method, if any, by which the employer will be provided with an acknowledgment shall be prescribed by the ~~department Agency for Workforce Innovation~~ or its tax collection service provider. However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for each calendar quarter in the current calendar year, beginning with

reports due for the second calendar quarter of 2003, by electronic means approved by the tax collection service provider.

(3) The tax collection service provider may waive the requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer's reasonable control.

(a) As prescribed by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider, grounds for approving the waiver include, but are not limited to, circumstances in which the employer does not:

1. Currently file information or data electronically with any business or government agency; or

2. Have a compatible computer that meets or exceeds the standards prescribed by the ~~department Agency for Workforce Innovation~~ or its tax collection service provider.

(c) The ~~department Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on this subsection.

(4) As used in this section, the term "electronic means" includes, but is not limited to, electronic data interchange; electronic funds transfer; and use of the Internet, telephone, or other technology specified by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider.

Section 374. Section 443.171, Florida Statutes, is amended to read:

443.171 ~~Department of Economic Opportunity Agency for Workforce Innovation~~ and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(1) POWERS AND DUTIES.—The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall administer this chapter. The ~~department agency~~ may employ those persons, make expenditures, require reports, conduct investigations, and take other action necessary or suitable to administer this chapter. The ~~department Agency for Workforce Innovation~~ shall annually submit information to Workforce Florida, Inc., covering the administration and operation of this chapter during the preceding calendar year for inclusion in the strategic plan under s. 445.006 and may make recommendations for amendment to this chapter.

(2) PUBLICATION OF ACTS AND RULES.—The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by the ~~department agency~~ or the state agency providing unemployment tax collection services and any other matter relevant and suitable. The ~~department Agency for Workforce Innovation~~ shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(3) PERSONNEL.—Subject to chapter 110 and the other provisions of this chapter, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ may appoint, set the compensation of, and prescribe the duties and powers of employees, accountants, attorneys, experts, and other persons as necessary for the performance of the ~~agency's~~ duties of the ~~department~~ under this chapter. The ~~department Agency for Workforce Innovation~~ may delegate to any person its power and authority under this chapter as necessary for the effective administration of this chapter and may bond any person handling moneys or signing checks under this chapter. The cost of these bonds must be paid from the Employment Security Administration Trust Fund.

(4) EMPLOYMENT STABILIZATION.—The ~~Department of Economic Opportunity Agency for Workforce Innovation~~, under the direction of Workforce Florida, Inc., shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of career training, retraining, and career guidance; to investigate, recommend, advise, and assist in the establishment and

operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of the unemployed workers throughout the state in every other way that may be feasible; to refer any claimant entitled to extended benefits to suitable work which meets the criteria of this chapter; and, to these ends, to carry on and publish the results of investigations and research studies.

(5) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing the information required by the *Department of Economic Opportunity Agency for Workforce Innovation* or its tax collection service provider. These records must be open to inspection and are subject to being copied by the *department Agency for Workforce Innovation* or its tax collection service provider at any reasonable time and as often as necessary. The *department Agency for Workforce Innovation* or its tax collection service provider may require from any employing unit any sworn or unsworn reports, for persons employed by the employing unit, necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual through the administration of this chapter, is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, confidential and exempt from s. 119.07(1). This confidential information is available only to public employees in the performance of their public duties. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission must be supplied with information from these records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission, any employee of the *department Agency for Workforce Innovation* or its tax collection service provider, or any other person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the *department Agency for Workforce Innovation* or its tax collection service provider may furnish to any employer copies of any report previously submitted by that employer, upon the request of the employer. The *department Agency for Workforce Innovation* or its tax collection service provider may charge a reasonable fee for copies of reports, which may not exceed the actual reasonable cost of the preparation of the copies as prescribed by rules adopted by the *department Agency for Workforce Innovation* or the state agency providing tax collection services. Fees received by the *department Agency for Workforce Innovation* or its tax collection service provider for copies furnished under this subsection must be deposited in the Employment Security Administration Trust Fund.

(6) OATHS AND WITNESSES.—In the discharge of the duties imposed by this chapter, the *Department of Economic Opportunity Agency for Workforce Innovation*, its tax collection service provider, the members of the commission, and any authorized representative of any of these entities may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the administration of this chapter.

(7) SUBPOENAS.—If a person refuses to obey a subpoena issued to that person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person is found, resides, or transacts business, upon application by the *Department of Economic Opportunity Agency for Workforce Innovation*, its tax collection service provider, the commission, or any authorized representative of any of these entities has jurisdiction to order the person to appear before the entity to produce evidence or give testimony on the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt. Any person who fails or refuses without just cause to appear or testify; to answer any lawful inquiry; or to produce books, papers, correspondence, memoranda, and other records within her or his control as commanded in a subpoena of the *department Agency for Workforce Innovation*, its tax collection service provider, the commission, or any authorized representative of any of these entities commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day that a violation continues is a separate offense.

(8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not excused from appearing or testifying, or from producing books, papers, correspondence, memoranda, or other records, before the *Department of Economic Opportunity Agency for Workforce Innovation*, its tax collection service provider, the commission, or any authorized representative of any of these entities or as commanded in a subpoena of any of these entities in any proceeding before the *department Agency for Workforce Innovation*, the commission, an appeals referee, or a special deputy on the ground that the testimony or evidence, documentary or otherwise, required of the person may incriminate her or him or subject her or him to a penalty or forfeiture. That person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he is compelled, after having claimed her or his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the person testifying is not exempt from prosecution and punishment for perjury committed while testifying.

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the *Department of Economic Opportunity Agency for Workforce Innovation* and its tax collection service provider shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of federal law relating to unemployment compensation.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, the *department Agency for Workforce Innovation* shall take those actions necessary to ensure that those provisions are interpreted and applied to meet the requirements of the federal act as interpreted by the United States Department of Labor and to secure for this state the full reimbursement of the federal share of extended benefits paid under this chapter which is reimbursable under the federal act.

3. The *department Agency for Workforce Innovation* and its tax collection service provider shall comply with the regulations of the United States Department of Labor relating to the receipt or expenditure by this state of funds granted under federal law; shall submit the reports in the form and containing the information the United States Department of Labor requires; and shall comply with directions of the United States Department of Labor necessary to assure the correctness and verification of these reports.

(b) The *department Agency for Workforce Innovation* and its tax collection service provider may cooperate with every agency of the United States charged with administration of any unemployment insurance law.

(c) The *department Agency for Workforce Innovation* and its tax collection service provider shall cooperate with the agencies of other states, and shall make every proper effort within their means, to oppose and prevent any further action leading to the complete or substantial federalization of state unemployment compensation funds or state employment security programs. The *department Agency for Workforce Innovation* and its tax collection service provider may make, and may cooperate with other appropriate agencies in making, studies as to the practicability and probable cost of possible new state-administered social security programs and the relative desirability of state, rather than federal, action in that field of study.

Section 375. Subsections (1) and (2) of section 443.1715, Florida Statutes, are amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing an employing unit's or individual's identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending or is receiving compensation benefits, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential

information may be released only to public employees in the performance of their public duties. Except as otherwise provided by law, public employees receiving this confidential information must maintain the confidentiality of the information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission is entitled to information from these records to the extent necessary for the proper presentation of her or his claim. A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. The ~~department Agency for Workforce Innovation~~ or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies under this subsection must be deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, ~~the Governor's Office of Tourism, Trade, and Economic Development,~~ or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The ~~department Agency for Workforce Innovation~~ shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, the ~~department Agency for Workforce Innovation~~ shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

(b) The employer or the employer's workers' compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from the ~~department Agency for Workforce Innovation~~ records of wages of the employee reported to the ~~department agency~~ by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters.

1. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee after the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the agency. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. The ~~department agency~~ shall provide the most current information readily available within 15 days after receiving the request.

Section 376. Section 443.181, Florida Statutes, is amended to read:

443.181 Public employment service.—

(1) The one-stop delivery system established under s. 445.009 is this state's public employment service as part of the national system of public employment offices under 29 U.S.C. s. 49. The ~~Department of Economic Opportunity Agency for Workforce Innovation~~, under policy direction from Workforce Florida, Inc., shall cooperate with any official or agency of the United States having power or duties under 29 U.S.C. ss. 49-491-1 and shall perform those duties necessary to secure to this state the funds provided under federal law for the promotion and maintenance of the state's public employment service. In accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C. ss. 49-491-1. The ~~department Agency for Workforce Innovation~~ is designated the state agency responsible for cooperating with the United States Secretary of Labor under 29 U.S.C. s. 49c. The ~~department Agency for Workforce Innovation~~ shall appoint sufficient employees to administer this section. The ~~department Agency for Workforce Innovation~~ may cooperate with or enter into agreements with the Railroad Retirement Board for the establishment, maintenance, and use of one-stop career centers.

(2) All funds received by this state under 29 U.S.C. ss. 49-491-1 must be paid into the Employment Security Administration Trust Fund, and these funds are available to the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ for expenditure as provided by this chapter or by federal law. For the purpose of establishing and maintaining one-stop career centers, the ~~department Agency for Workforce Innovation~~ may enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization. As a part of any such agreement, the ~~department Agency for Workforce Innovation~~ may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

Section 377. Subsections (1), (2), (3), and (4) of section 443.191, Florida Statutes, are amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ exclusively for the purposes of this chapter. The fund shall consist of:

- (a) All contributions and reimbursements collected under this chapter;
- (b) Interest earned on any moneys in the fund;
- (c) Any property or securities acquired through the use of moneys belonging to the fund;
- (d) All earnings of these properties or securities;
- (e) All money credited to this state's account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103; and
- (f) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor's designee.

Except as otherwise provided in s. 443.1313(4), all moneys in the fund shall be mingled and undivided.

(2) The Chief Financial Officer is the ex officio treasurer and custodian of the fund and shall administer the fund in accordance with the directions of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~. All payments from the fund must be approved by the ~~department Agency for Workforce Innovation~~ or by an authorized agent. The Chief Financial Officer shall maintain within the fund three separate accounts:

- (a) A clearing account;
- (b) An Unemployment Compensation Trust Fund account; and
- (c) A benefit account.

All moneys payable to the fund, including moneys received from the United States as reimbursement for extended benefits paid by the *Department of Economic Opportunity Agency for Workforce Innovation*, must be forwarded to the Chief Financial Officer, who shall immediately deposit them in the clearing account. Refunds payable under s. 443.141 may be paid from the clearing account. After clearance, all other moneys in the clearing account must be immediately deposited with the Secretary of the Treasury of the United States to the credit of this state's account in the federal Unemployment Compensation Trust Fund notwithstanding any state law relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state. The benefit account consists of all moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund. Except as otherwise provided by law, moneys in the clearing and benefit accounts may be deposited by the Chief Financial Officer, under the direction of the *Department of Economic Opportunity Agency for Workforce Innovation*, in any bank or public depository in which general funds of the state are deposited, but a public deposit insurance charge or premium may not be paid out of the fund. If any warrant issued against the clearing account or the benefit account is not presented for payment within 1 year after issuance, the Chief Financial Officer must cancel the warrant and credit without restriction the amount of the warrant to the account upon which it is drawn. When the payee or person entitled to a canceled warrant requests payment of the warrant, the Chief Financial Officer, upon direction of the *Department of Economic Opportunity Agency for Workforce Innovation*, must issue a new warrant, payable from the account against which the canceled warrant was drawn.

(3) Moneys may only be requisitioned from the state's account in the federal Unemployment Compensation Trust Fund solely for the payment of benefits and extended benefits and for payment in accordance with rules prescribed by the *Department of Economic Opportunity Agency for Workforce Innovation*, or for the repayment of advances made pursuant to 42 U.S.C. s. 1321, as authorized by the Governor or the Governor's designee, except that money credited to this state's account under 42 U.S.C. s. 1103 may only be used exclusively as provided in subsection (5). The *Department of Economic Opportunity Agency for Workforce Innovation*, through the Chief Financial Officer, shall requisition from the federal Unemployment Compensation Trust Fund amounts, not exceeding the amounts credited to this state's account in the fund, as necessary for the payment of benefits and extended benefits for a reasonable future period. Upon receipt of these amounts, the Chief Financial Officer shall deposit the moneys in the benefit account in the State Treasury and warrants for the payment of benefits and extended benefits shall be drawn upon the order of the *Department of Economic Opportunity Agency for Workforce Innovation* against the account. All warrants for benefits and extended benefits are payable directly to the ultimate beneficiary. Expenditures of these moneys in the benefit account and refunds from the clearing account are not subject to any law requiring specific appropriations or other formal release by state officers of money in their custody. All warrants issued for the payment of benefits and refunds must bear the signature of the Chief Financial Officer. Any balance of moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund which remains unclaimed or unpaid in the benefit account after the period for which the moneys were requisitioned shall be deducted from estimates for, and may be used for the payment of, benefits and extended benefits during succeeding periods, or, in the discretion of the *Department of Economic Opportunity Agency for Workforce Innovation*, shall be redeposited with the Secretary of the Treasury of the United States, to the credit of this state's account in the federal Unemployment Compensation Trust Fund, as provided in subsection (2).

(4) Subsections (1), (2), and (3), to the extent they relate to the federal Unemployment Compensation Trust Fund, apply only while the fund continues to exist and while the Secretary of the Treasury of the United States continues to maintain for this state a separate account of all funds deposited by this state for the payment of benefits, together with this state's proportionate share of the earnings of the federal Unemployment Compensation Trust Fund, from which no other state is permitted to make withdrawals. If the federal Unemployment Compensation Trust Fund ceases to exist, or the separate account is no longer maintained, all moneys, properties, or securities belonging to this state's account in the federal Unemployment Compensation Trust Fund must be transferred to the treasurer of the Unemployment Compensation Trust Fund, who must hold, invest, transfer, sell, deposit, and release those moneys, properties, or securities in a manner approved by

the *Department of Economic Opportunity Agency for Workforce Innovation* in accordance with this chapter. These moneys must, however, be invested in the following readily marketable classes of securities: bonds or other interest-bearing obligations of the United States or of the state. Further, the investment must at all times be made in a manner that allows all the assets of the fund to always be readily convertible into cash when needed for the payment of benefits. The treasurer may only dispose of securities or other properties belonging to the Unemployment Compensation Trust Fund under the direction of the *Department of Economic Opportunity Agency for Workforce Innovation*.

Section 378. Section 443.211, Florida Statutes, is amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the "Employment Security Administration Trust Fund." All moneys deposited into this fund remain continuously available to the *Department of Economic Opportunity Agency for Workforce Innovation* for expenditure in accordance with this chapter and do not revert at any time and may not be transferred to any other fund. All moneys in this fund which are received from the Federal Government or any federal agency or which are appropriated by this state under ss. 443.171 and 443.181, except money received under s. 443.191(5)(c), must be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund consists of: all moneys appropriated by this state; all moneys received from the United States or any federal agency; all moneys received from any other source for the administration of this chapter; any funds collected for enhanced, specialized, or value-added labor market information services; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to that agency; any amounts received from any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in the fund; and any proceeds from the sale or disposition of such equipment or supplies. All money requisitioned and deposited in this fund under s. 443.191(5)(c) remains part of the Unemployment Compensation Trust Fund and must be used only in accordance with s. 443.191(5). All moneys in this fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as provided by law for other trust funds in the State Treasury. These moneys must be secured by the depository in which they are held to the same extent and in the same manner as required by the general depository law of the state, and collateral pledged must be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must be approved by the *Department of Economic Opportunity Agency for Workforce Innovation* or by an authorized agent and must be made by the Chief Financial Officer. Any balances in this fund do not revert at any time and must remain continuously available to the *Department of Economic Opportunity Agency for Workforce Innovation* for expenditure consistent with this chapter.

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury the "Special Employment Security Administration Trust Fund," into which shall be deposited or transferred all interest on contributions and reimbursements, penalties, and fines or fees collected under this chapter. Interest on contributions and reimbursements, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust Fund shall, as soon as practicable after the close of that calendar quarter and upon certification of the *Department of Economic Opportunity Agency for Workforce Innovation*, be transferred to the Special Employment Security Administration Trust Fund. The amount certified by the *Department of Economic Opportunity Agency for Workforce Innovation* as required under this chapter to pay refunds of interest on contributions and reimbursements, penalties, and fines or fees collected and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund shall, however, be withheld from this transfer. The interest and penalties certified for transfer are deemed as being erroneously deposited in the clearing account, and their transfer to the Special Employment Security Administration Trust Fund is deemed to be a refund of the erroneous deposits. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same requirements as

provided by law for other trust funds in the State Treasury. These moneys may not be expended or be available for expenditure in any manner that would permit their substitution for, or permit a corresponding reduction in, federal funds that would, in the absence of these moneys, be available to finance expenditures for the administration of this chapter. This section does not prevent these moneys from being used as a revolving fund to cover lawful expenditures for which federal funds are requested but not yet received, subject to the charging of the expenditures against the funds when received. The moneys in this fund, with the approval of the Executive Office of the Governor, shall be used by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ for paying administrative costs that are not chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available to the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ for expenditure in accordance with this chapter and do not revert at any time. All payments from the Special Employment Security Administration Trust Fund must be approved by the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or by an authorized agent and shall be made by the Chief Financial Officer. The moneys in this fund are available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund which the United States Secretary of Labor, or other authorized federal agency or authority, finds are lost or improperly expended because of any action or contingency. The Chief Financial Officer is liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

(3) REIMBURSEMENT OF FUND.—If any moneys received from the United States Secretary of Labor under 42 U.S.C. ss. 501-504, any unencumbered balances in the Employment Security Administration Trust Fund, any moneys granted to this state under the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by the moneys granted to this state under the Wagner-Peyser Act, are after reasonable notice and opportunity for hearing, found by the United States Secretary of Labor, because of any action or contingency, to be lost or expended for purposes other than, or in amounts in excess of, those allowed by the United States Secretary of Labor for the administration of this chapter, these moneys shall be replaced by moneys appropriated for that purpose from the General Revenue Fund to the Employment Security Administration Trust Fund for expenditure as provided in subsection (1). Upon receipt of notice of such a finding by the United States Secretary of Labor, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall promptly report the amount required for replacement to the Governor. The Governor shall, at the earliest opportunity, submit to the Legislature a request for the appropriation of the replacement funds.

(4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its duties under s. 443.181, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ is responsible for the deposit, requisition, expenditure, approval of payment, reimbursement, and reporting in regard to the trust funds established by this section.

Section 379. Section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(1)(a) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider may enter into reciprocal arrangements with other states or with the Federal Government, or both, for considering services performed by an individual for a single employing unit for which services are performed by the individual in more than one state as services performed entirely within any one of the states:

1. In which any part of the individual's service is performed;
2. In which the individual has her or his residence; or
3. In which the employing unit maintains a place of business.

(b) For services to be considered as performed within a state under a reciprocal agreement, the employing unit must have an election in effect for those services, which is approved by the agency charged with the administration of such state's unemployment compensation law, under

which all the services performed by the individual for the employing unit are deemed to be performed entirely within that state.

(c) The ~~Department Agency for Workforce Innovation~~ shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with her or his wages and employment covered under the unemployment compensation laws of other states, which are approved by the United States Secretary of Labor, in consultation with the state unemployment compensation agencies, as reasonably calculated to assure the prompt and full payment of compensation in those situations and which include provisions for:

1. Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws; and
2. Avoiding the duplicate use of wages and employment because of the combination.

(d) Contributions or reimbursements due under this chapter with respect to wages for insured work are, for the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal unemployment compensation law, but an arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as the ~~department Agency for Workforce Innovation~~ or its tax collection service provider finds are fair and reasonable as to all affected interests.

(2) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider may make to other state or federal agencies and receive from these other state or federal agencies reimbursements from or to the fund, in accordance with arrangements entered into under subsection (1).

(3) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. The ~~department Agency for Workforce Innovation~~ or its tax collection service provider may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate the administration of any unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.

(4) To the extent permissible under federal law, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 380. Subsection (1) of section 445.002, Florida Statutes, is amended to read:

445.002 Definitions.—As used in this chapter, the term:

(1) "~~Department Agency~~" means the ~~Department of Economic Opportunity Agency for Workforce Innovation~~.

Section 381. Paragraph (b) of subsection (3) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.—

(3) FUNDING.—

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, and Rapid Response activities, shall be the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, which shall provide direction to regional workforce boards regarding Title I pro-

grams and Rapid Response activities pursuant to the direction of Workforce Florida, Inc.

Section 382. Subsection (1), paragraph (a) of subsection (3), and paragraphs (b), (c), (d), (e), and (g) of subsection (5) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(1) There is created a not-for-profit corporation, to be known as “Workforce Florida, Inc.,” which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government and shall be exempt from chapters 120 and 287. Workforce Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds. Workforce Florida, Inc., shall be administratively housed within the *Department of Economic Opportunity Agency for Workforce Innovation*; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by the *department Agency for Workforce Innovation* in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings.

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), ~~and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor.~~ Members described in Pub. L. No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board. *The Governor, when in attendance, shall preside at all meetings of the board of directors.*

(5) Workforce Florida, Inc., shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(b) Providing oversight and policy direction to ensure that the following programs are administered by the *department Agency for Workforce Innovation* in compliance with approved plans and under contract with Workforce Florida, Inc.:

1. Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, with the exception of programs funded directly by the United States Department of Labor under Title I, s. 167.

2. Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

3. Activities authorized under Title II of the Trade Act of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade Adjustment Assistance Program.

4. Activities authorized under 38 U.S.C., chapter 41, including job counseling, training, and placement for veterans.

5. Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

6. Welfare transition services funded by the Temporary Assistance for Needy Families Program, created under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, of the Social Security Act, as amended.

7. Displaced homemaker programs, provided under s. 446.50.

8. The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).

9. The Food Assistance Employment and Training Program, provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss. 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198; and the Hunger Prevention Act, Pub. L. No. 100-435.

10. The Quick-Response Training Program, provided under ss. 288.046-288.047. Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. 288.904 ~~288.90151(5)(d)~~, pertaining to the return on investment from activities of Enterprise Florida, Inc.

11. The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

12. Offender placement services, provided under ss. 944.707-944.708.

(c) ~~The department agency~~ may adopt rules necessary to administer the provisions of this chapter which relate to implementing and administering the programs listed in paragraph (b) as well as rules related to eligible training providers and auditing and monitoring subrecipients of the workforce system grant funds.

(d) Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include specific performance expectations and deliverables. All Workforce Florida, Inc., contracts, including those solicited, managed, or paid by the *department Agency for Workforce Innovation* pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from s. 112.061, but shall be governed by subsection (1).

(e) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by the *department Agency for Workforce Innovation* or other agencies or obstruction of the board’s efforts by such agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(g) Establish a dispute resolution process for all memoranda of understanding or other contracts or agreements entered into between the *department agency* and regional workforce boards.

Section 383. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), ~~and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor.~~ The board shall include one nonvoting representative from a military installation if a military installation is located within the region and the appropriate military command or organization authorizes such representation. It is the intent of the Legislature that membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(2) ~~or 445.002(3)~~ or workforce services as provided in s. 445.009(1) or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access

to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the ~~entire~~ board, *a quorum having been established*, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 384. Subsections (3) and (9) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(3) ~~Beginning October 1, 2000~~, Regional workforce boards shall enter into a memorandum of understanding with the *Department of Economic Opportunity Agency for Workforce Innovation* for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based.

(a) Unless otherwise required by federal law, at least 90 percent of the Wagner-Peyser funding must go into direct customer service costs.

(b) Employment services must be provided through the one-stop delivery system, under the guidance of one-stop delivery system operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of the ~~department Agency for Workforce Innovation~~. However, the one-stop delivery system operator shall submit to the ~~department agency~~ information concerning the job performance of ~~agency~~ employees of the *department* who deliver employment services. The ~~department agency~~ shall consider any such information submitted by the one-stop delivery system operator in conducting performance appraisals of the employees.

(c) The ~~department agency~~ shall retain fiscal responsibility and accountability for the administration of funds allocated to the state under the Wagner-Peyser Act. An ~~agency~~ employee of the *department* who is providing services authorized under the Wagner-Peyser Act shall be paid using Wagner-Peyser Act funds.

(9)(a) Workforce Florida, Inc., working with the ~~department Agency for Workforce Innovation~~, shall coordinate among the agencies a plan for a One-Stop Electronic Network made up of one-stop delivery system centers and other partner agencies that are operated by authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this electronic network for service delivery that includes Government Services Direct. If necessary, the plan shall identify additional funding needed to achieve the provisions of this subsection.

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system:

1. The Unemployment Compensation Program *under chapter 443 of the Agency for Workforce Innovation*.
2. The public employment service described in s. 443.181.
3. The FLORIDA System and the components related to temporary cash assistance, food assistance, and Medicaid eligibility.
4. The Student Financial Assistance System of the Department of Education.
5. Enrollment in the public postsecondary education system.
6. Other information systems determined appropriate by Workforce Florida, Inc.

Section 385. Subsection (5) of section 445.016, Florida Statutes, is amended to read:

445.016 Untried Worker Placement and Employment Incentive Act.—

(5) Incentives must be paid according to the incentive schedule developed by Workforce Florida, Inc., the *Department of Economic Opportunity Agency for Workforce Development*, and the Department of Children and Family Services which costs the state less per placement than the state's 12-month expenditure on a welfare recipient.

Section 386. Subsection (1) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(1) WORK ACTIVITIES.—The *Department of Economic Opportunity Agency for Workforce Innovation* may develop activities under each of the following categories of work activities. The following categories of work activities, based on federal law and regulations, may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.
- (d) On-the-job training.
- (e) Community service programs.
- (f) Work experience.
- (g) Job search and job readiness assistance.
- (h) Vocational educational training.
- (i) Job skills training directly related to employment.
- (j) Education directly related to employment.
- (k) Satisfactory attendance at a secondary school or in a course of study leading to a graduate equivalency diploma.
- (l) Providing child care services.

Section 387. Subsection (1) of section 445.0325, Florida Statutes, is amended to read:

445.0325 Welfare Transition Trust Fund.—

(1) The Welfare Transition Trust Fund is created in the State Treasury, to be administered by the *Department of Economic Opportunity Agency for Workforce Innovation*. Funds shall be credited to the trust fund to be used for the purposes of the welfare transition program set forth in ss. 445.017-445.032.

Section 388. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—Workforce Florida, Inc., through the *Department of Economic Opportunity Agency for Workforce Innovation*, may use funds dedicated for Incumbent Worker Training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the targeted occupations list developed by the Workforce Estimating Conference or Workforce Florida, Inc. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 389. Subsection (2), paragraph (b) of subsection (4), and subsection (6) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for Enterprise Information Technology and the *Department of Economic Opportunity Agency for Workforce Innovation* to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that information

technology positions offered by the state and state agencies are posted on the information technology website.

(4)

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for Enterprise Information Technology, the *Department of Economic Opportunity Agency for Workforce Innovation*, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(6) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through the *Department of Economic Opportunity Agency for Workforce Innovation*. The *department agency* is authorized and directed to provide the services that Workforce Florida, Inc., and the *department agency* consider necessary to implement this section.

Section 390. Subsection (1), paragraph (b) of subsection (4), and subsection (5) of section 445.048, Florida Statutes, are amended to read:

445.048 Passport to Economic Progress program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the *Department of Economic Opportunity Agency for Workforce Innovation*, shall implement a Passport to Economic Progress program consistent with the provisions of this section. Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally used for such purposes. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department of Children and Family Services which serve the program areas and must encourage community input into the implementation process.

(4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the *Department of Economic Opportunity Agency for Workforce Innovation*, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive, the board of directors of Workforce Florida, Inc., may reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws.

(5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the *Department of Economic Opportunity Agency for Workforce Innovation*, and the regional workforce boards, shall conduct a comprehensive evaluation of the effectiveness of the program operated under this section. Evaluations and recommendations for the program shall be submitted by Workforce Florida, Inc., as part of its annual report to the Legislature.

Section 391. Subsection (2) of section 445.049, Florida Statutes, is amended to read:

445.049 Digital Divide Council.—

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the Department of Education. The council shall consist of:

(a) A representative from the information technology industry in this state appointed by the Governor.

(b) *The executive director of the Department of Economic Opportunity, or his or her designee. The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.*

(c) The president of Workforce Florida, Inc.

~~(d) The director of the Agency for Workforce Innovation.~~

~~(d)(e)~~ The chair of itflorida.com, Inc.

~~(e)(f)~~ The Commissioner of Education.

~~(f)(g)~~ A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

~~(g)(h)~~ A representative of the information technology industry in this state appointed by the President of the Senate.

~~(h)(i)~~ Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

~~(i)(j)~~ Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

Section 392. Subsection (13) of section 445.051, Florida Statutes, is amended to read:

445.051 Individual development accounts.—

(13) Pursuant to policy direction by Workforce Florida, Inc., the *Department of Economic Opportunity Agency for Workforce Innovation* shall adopt such rules as are necessary to implement this act.

Section 393. Section 445.056, Florida Statutes, is amended to read:

445.056 Citizen Soldier Matching Grant Program.—~~The Department of Economic Opportunity Agency for Workforce Innovation shall implement the establish a matching grant program established by the former Agency for Workforce Innovation to award matching grants to private sector employers in this state which that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty. A grant may not be provided for federal active duty served before January 1, 2005. Each grant shall be awarded to reimburse the employer for not more than one-half of the monthly wages paid to an employee who is a resident of this state for the actual period of federal active duty. The monthly grant per employee may not exceed one-half of the difference between the amount of monthly wages paid by the employer to the employee at the level paid before the date the employee was called to federal active duty and the amount of the employee's active duty base pay, housing and variable allowances, and subsistence allowance. The Department of Economic Opportunity shall implement the plan administered by the former Agency for Workforce Innovation. The agency shall develop a plan by no later than October 1, 2005, subject to the notice, review, and objection procedures of s. 216.177, to administer the application and payment procedures for the matching grant program. The Agency for Workforce Innovation shall not award any matching grants prior to the approval of the plan.~~

Section 394. Section 450.261, Florida Statutes, is amended to read:

450.261 Interstate Migrant Labor Commission; Florida membership.—In selecting the Florida membership of the Interstate Migrant Labor Commission, the Governor may designate the secretary of the Department of *Economic Opportunity Community Affairs* as his or her representative. The two legislative members shall be chosen from among the members of the Legislative Commission on Migrant Labor, and at least one of the two members appointed by the Governor shall be chosen from among the members of the advisory committee to that commission.

Section 395. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce training and development; establishment of Rural Workforce Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those services needed to assist individuals and communities in rural areas to

improve their quality of life. It is with a great sense of urgency that a Rural Workforce Services Program is established within the *Department of Economic Opportunity Agency for Workforce Innovation*, under the direction of Workforce Florida, Inc., to provide equal access to all manpower training programs available to rural as well as urban areas.

Section 396. Section 446.50, Florida Statutes, is amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(1) INTENT.—It is the intent of the Legislature to require the *Department of Economic Opportunity Agency for Workforce Innovation* to enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

(2) DEFINITIONS.—For the purposes of this section, *the terms*:

(a) “displaced homemaker” means an individual who:

(a)1. Is 35 years of age or older;

(b)2. Has worked in the home, providing unpaid household services for family members;

(c)3. Is not adequately employed, as defined by rule of the agency;

(d)4. Has had, or would have, difficulty in securing adequate employment; and

(e)5. Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

(b) “Agency” means the *Agency for Workforce Innovation*.

(3) AGENCY POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) The *Department of Economic Opportunity Agency*, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.

b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

c. Utilization of the services of the state employment service in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as the *department agency* determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs *that which* the *department agency* determines would be of interest and benefit to displaced homemakers.

(b)1. The *department agency* shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of

establishing multipurpose service programs for displaced homemakers under this section. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The *department agency* shall designate catchment areas *that which* together, shall *compose comprise* the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the *department agency* shall contract with, and make grants to, entities *that which* will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state’s workforce development regions. The *department agency* may give priority to existing displaced homemaker programs when evaluating bid responses to the *agency’s* request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the *department agency* and counted as part of the required local funding.

3. The *department agency* shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the *department agency*. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) The *department agency* shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the *department agency* considers appropriate to facilitate the coordination of multipurpose service programs established under this section with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this section shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The *department agency* shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds *from the agency* and any other rules necessary to administer this section.

(4) STATE PLAN.—

(a) The *Department of Economic Opportunity Agency for Workforce Innovation* shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report *that which* must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;

2. A compilation and report, by program, of data submitted to the *department agency* pursuant to subparagraph 3. by funded displaced homemaker service programs;

3. An identification and description of the programs in the state *which that* receive funding from the *department agency*, including funding information; and

4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the *department agency*.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) DISPLACED HOMEMAKER TRUST FUND.—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by the *Department of Economic Opportunity agency* for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by the *department agency* at the end of the budget cycle or through a supplemental budget approved by the *department agency* shall revert to the trust fund.

Section 397. Section 446.52, Florida Statutes, is amended to read:

446.52 Confidentiality of information.—Information about displaced homemakers who receive services under ss. 446.50 and 446.51 which is received through files, reports, inspections, or otherwise, by the *Department of Economic Opportunity division* or by its authorized employees ~~of the division~~, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. 446.50 and 446.51 through contracts with the *department division* is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a displaced homemaker, unless such person or the person's legal guardian provides written consent.

Section 398. Paragraph (a) of subsection (3) of section 448.109, Florida Statutes, is amended to read:

448.109 Notification of the state minimum wage.—

(3)(a) Each year the *Department of Economic Opportunity Agency for Workforce Innovation* shall, on or before December 1, create and make available to employers a poster in English and in Spanish which reads substantially as follows:

NOTICE TO EMPLOYEES

The Florida minimum wage is \$           (amount)           per hour, with a minimum wage of at least \$           (amount)           per hour for tipped employees, in addition to tips, for January 1,           (year)          , through December 31,           (year)          .

The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. Every year on January 1 the new Florida minimum wage takes effect.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.
2. Inform any person about an employer's alleged non-compliance with lawful minimum wage requirements.
3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney's fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of \$1,000 per violation, payable to the state.

The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

For details see Section 24, Article X of the State Constitution.

Section 399. Subsections (2), (4), and (11) of section 448.110, Florida Statutes, are amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution. *To implement s. 24, Art. X of the State Constitution, the Department of Economic Opportunity is designated as the state Agency for Workforce Innovation.*

(4)(a) Beginning September 30, 2005, and annually on September 30 thereafter, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, the *Department of Economic Opportunity agency* shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) ~~The Agency for Workforce Innovation and the Department of Revenue and the Department of Economic Opportunity~~ shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the ~~Department of Economic Opportunity agency~~ and the ~~Department of Revenue~~ by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the *Department of Economic Opportunity agency* shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. ~~The Department of Economic Opportunity is agency shall not be responsible for failure to provide notice due to incorrect or incomplete address information in the database. The Department of Economic Opportunity agency shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.~~

(11) Except for calculating the adjusted state minimum wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ in implementing s. 24, Art. X of the State Constitution, pursuant to this section, shall be limited to that authority expressly granted by the Legislature.

Section 400. Section 450.161, Florida Statutes, is amended to read:

450.161 Chapter not to affect career education of children; other exceptions.—Nothing in this chapter shall prevent minors of any age from receiving career education furnished by the United States, this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the ~~Department of Economic Opportunity Division of Jobs and Benefits~~, or prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4) and 450.061. Exemptions for the employment of student

learners 16 to 18 years of age are provided in s. 450.061. Such an exemption shall apply when:

(1) The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.

(2) Such student learner is employed under a written agreement *that which* provides:

(a) That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.

(b) That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.

(c) That safety instructions shall be given by the school and correlated by the employer with on-the-job training.

(d) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of the student learner and shall be signed by the employer, the school coordinator and principal, and the parent or legal guardian. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student learners may be revoked in any individual situation when it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he or she has completed training as a student learner, as provided in this section, even though he or she is not yet 18 years of age.

Section 401. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the *Department of Economic Opportunity Agency for Workforce Innovation* in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 402. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

(e) Failed to pay unemployment compensation taxes as determined by the *Department of Economic Opportunity Agency for Workforce Innovation*; or

Section 403. Subsection (3) of section 468.529, Florida Statutes, is amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(3) A licensed employee leasing company shall within 30 days after initiation or termination notify its workers' compensation insurance carrier, the Division of Workers' Compensation of the Department of Financial Services, and the state agency providing unemployment tax collection services under contract with the *Department of Economic Opportunity Agency for Workforce Innovation* through an interagency agreement pursuant to s. 443.1316 of both the initiation or the termination of the company's relationship with any client company.

Section 404. Subsection (21) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the department of ~~Community Affairs~~ showing compliance with the Florida Building Code.

Section 405. Subsection (3) of section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(3) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants must pay a fee of \$4 to the department at the time of application or renewal. The funds must be transferred at the end of each licensing period to the department of ~~Community Affairs~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida, to be selected by the Florida Building Commission. The board shall, at the time the funds are transferred, advise the department of ~~Community Affairs~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on changes in the state building code or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the department of ~~Community Affairs~~. The department of ~~Community Affairs~~ shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The department of ~~Community Affairs~~ shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 406. Subsection (3) of section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the department of ~~Community Affairs~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the department of ~~Community Affairs~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the department of ~~Community Affairs~~. The department of ~~Community Affairs~~ shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The department of ~~Community Affairs~~ shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 407. Subsection (2) of section 497.271, Florida Statutes, is amended to read:

497.271 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(2) The licensing authority shall adopt, by no later than July 1, 1999, rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria; however, in the case of significant alterations or renovations to existing structures, the rules shall apply only, when physically feasible, to the newly altered or renovated portion of such structures, except as specified in subsection (4). In developing and adopting such rules, the licensing authority may define different classes of structures or construction standards, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the licensing authority based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all construction. For example, and without limiting the generality of the foregoing, the licensing authority may determine that a small single-story ground level mausoleum does

not require the same level of construction standards that a large multistory mausoleum might require; or that a mausoleum located in a low-lying area subject to frequent flooding or hurricane threats might require different standards than one located on high ground in an area not subject to frequent severe weather threats. The licensing authority shall develop the rules in cooperation with, and with technical assistance from, the Florida Building Commission of the ~~Department of Community Affairs~~, to ensure that the rules are in the proper form and content to be included as part of the Florida Building Code under part IV of chapter 553. If the Florida Building Commission advises that some of the standards proposed by the licensing authority are not appropriate for inclusion in such building codes, the licensing authority may choose to include those standards in a distinct chapter of its rules entitled "Non-Building-Code Standards for Mausoleums" or "Additional Standards for Mausoleums," or other terminology to that effect. If the licensing authority elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the licensing authority, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Florida Building Commission pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation. Private or family mausoleums with all crypts bordering an exterior wall must contain pressure relief ventilation from the crypts to the outside of the mausoleum through the exterior wall or roof.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of s. 553.895 and chapter 633, any mausoleum or columbarium constructed of noncombustible materials, as defined in the Standard Building Code, shall not require a sprinkler system.

(e) Such structure must be resistant to hurricane and other storm damage to the highest degree provided under applicable building codes for buildings of that class.

(f) Suitable provisions must be made for securely and permanently sealing each crypt with durable materials after the interment or entombment of human remains, so that no effluvia or odors may escape therefrom except as provided by design and sanitary engineering standards. Panels for permanent seals must be solid and constructed of materials of sufficient weight, permanence, density, imperviousness, and strength as to ensure their durability and continued functioning. Permanent crypt sealing panels must be securely installed and set in with high quality fire-resistant, resilient, and durable materials after the interment or entombment of human remains. The outer or exposed covering of each crypt must be of a durable, permanent, fire-resistant material; however, plastic, fiberglass, and wood are not acceptable materials for such outer or exposed coverings.

(g) Interior and exterior fastenings for hangers, clips, doors, and other objects must be of copper, copper-base alloy, aluminum, or stainless steel of adequate gauges, or other materials established by rule which provide equivalent or better strength and durability, and must be properly installed.

Section 408. Paragraph (a) of subsection (1) of section 526.144, Florida Statutes, is amended to read:

526.144 Florida Disaster Motor Fuel Supplier Program.—

(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the *Division of Emergency Management* ~~Department of Community Affairs~~.

Section 409. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.

2. Creating opportunities for employment of residents of this state, including minority residents.

3. Ensuring opportunities for construction services from minority contractors.

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of the *Department of Economic Opportunity Agency for Workforce Innovation* in advertising employment opportunities. Beginning in June 2007, each slot machine licensee shall provide an annual report to the division containing information indicating compliance with this paragraph in regard to minority persons.

Section 410. Subsection (7) of section 553.36, Florida Statutes, is amended to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(7) "Department" means the Department of *Business and Professional Regulation* ~~Community Affairs~~.

Section 411. Section 553.382, Florida Statutes, is amended to read:

553.382 Placement of certain housing.—Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any residential manufactured building that is certified under this chapter by the department of ~~Community Affairs~~ may be placed on a mobile home lot in a mobile home park, recreational vehicle park, or mobile home condominium, cooperative, or subdivision. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit subject to this section shall be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116.

Section 412. Subsection (2) of section 553.512, Florida Statutes, is amended to read:

553.512 Modifications and waivers; advisory council.—

(2) The Accessibility Advisory Council shall consist of the following seven members, who shall be knowledgeable in the area of accessibility for persons with disabilities. The Secretary of *Business and Professional Regulation* ~~Community Affairs~~ shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Orga-

nizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

Section 413. Section 553.71, Florida Statutes, is amended to read:

553.71 Definitions.—As used in this part, the term:

(1) “Commission” means the Florida Building Commission created by this part.

(2) “Department” means the Department of *Business and Professional Regulation* ~~Community Affairs~~.

(9)(3) “State enforcement agency” means the agency of state government with authority to make inspections of buildings and to enforce the codes, as required by this part, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(3)(4) “Housing code” means any code or rule intending post-construction regulation of structures which would include, but not be limited to: standards of maintenance, condition of facilities, condition of systems and components, living conditions, occupancy, use, and room sizes.

(5) “Local enforcement agency” means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(7)(6) “Secretary” means the Secretary of *Business and Professional Regulation* ~~Community Affairs~~.

(11)(7) “Threshold building” means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

(4)(8) “Load management control device” means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility’s system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission.

(8)(9) “Special inspector” means a licensed architect or registered engineer who is certified under chapter 471 or chapter 481 to conduct inspections of threshold buildings.

(6)(10) “Prototype building” means a building constructed in accordance with architectural or engineering plans intended for replication on various sites and which will be updated to comply with the Florida Building Code and applicable laws relating to firesafety, health and sanitation, casualty safety, and requirements for persons with disabilities which are in effect at the time a construction contract is to be awarded.

(10)(11) “Temporary” includes, but is not limited to, buildings identified by, but not designated as permanent structures on, an approved development order.

Section 414. Section 553.721, Florida Statutes, is amended to read:

553.721 Surcharge.—In order for the Department of *Business and Professional Regulation* ~~Community Affairs~~ to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of 1.5 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and electronically remit the funds collected to the department on a quarterly calendar basis beginning not later than December 31, 2010, for the preceding quarter, and continuing each third month thereafter, and such unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the *Professional Regulation Trust Fund* ~~Operating Trust Fund~~. Funds collected from such surcharge shall be used exclusively for the duties of the Florida Building Commission and the Department of *Business and Professional Regulation* ~~Community Affairs~~ under this chapter and shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

Section 415. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and shall be located within the Department of *Business and Professional Regulation* ~~Community Affairs~~ for administrative purposes. Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 25 members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. The Florida Electrical Contractors Association and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(f) One general contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(h) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors National Association are encouraged to recommend a list of candidates for consideration.

(i) One residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(k) One member who represents the Department of Financial Services.

(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.

(m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.

(s) One member who is a representative of the insurance industry. The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.

(t) One member who is a representative of public education.

(u) One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. The Florida Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration.

(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, or a LEED-accredited professional.

(w) One member who shall be the chair.

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

Section 416. Subsections (2) and (5) of section 553.841, Florida Statutes, are amended to read:

553.841 Building code compliance and mitigation program.—

(2) The Department of *Business and Professional Regulation Community Affairs* shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster.

(5) Each biennium, upon receipt of funds by the Department of *Business and Professional Regulation Community Affairs* from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under ss. 489.109(3) and 489.509(3), the department shall determine the amount of funds available for the Florida Building Code Compliance and Mitigation Program.

Section 417. Subsections (2) and (3) of section 553.896, Florida Statutes, are amended to read:

553.896 Mitigation grant program guideline.—

(2) Beginning with grant funds approved after July 1, 2005, the construction of new or retrofitted window or door coverings that is funded by a hazard-mitigation grant program or shelter-retrofit program must conform to design drawings that are signed, sealed, and inspected by a structural engineer who is registered in this state. Before the *Division of Emergency Management Department of Community Affairs* forwards payment to a recipient of the grant, an inspection report and attestation or a copy of the signed and sealed plans shall be provided to the department.

(3) If the construction is funded by a hazard mitigation grant or shelter retrofit program, the *Division of Emergency Management Department of Community Affairs* shall advise the county, municipality, or other entity applying for the grant that the cost or price of the project is not the sole criterion for selecting a vendor.

Section 418. Section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.—The Department of *Business and Professional Regulation Community Affairs* shall prepare a thermal efficiency code to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Florida Building Commission shall adopt the Florida Energy Efficiency Code for Building Construction within the Florida Building Code, and shall modify, revise, update, and maintain the code to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least triennially, determine the most cost-effective energy-saving equipment and techniques available and report its determinations to the commission, which shall update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months prior to code implementation. The term "cost-effective," for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 419. Section 553.9085, Florida Statutes, is amended to read:

553.9085 Energy performance disclosure for residential buildings.—The energy performance level resulting from compliance with the provisions of this part, for each new residential building, shall be disclosed at the request of the prospective purchaser. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be completed and certified by the builder as accurate and correct before final approval of the building for occupancy. The energy performance level display card shall be included as an addendum to each

sales contract. The display card shall be uniform statewide and developed by the Department of *Business and Professional Regulation Community Affairs*. At a minimum, the display card shall list information indicating the energy performance level of the dwelling unit resulting from compliance with the code, shall be signed by the builder, and shall list general information about the energy performance level and the code.

Section 420. Section 553.954, Florida Statutes, is amended to read:

553.954 Adoption of standards.—The Department of *Business and Professional Regulation Community Affairs* shall adopt, modify, revise, update, and maintain the Florida Energy Conservation Standards to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120.

Section 421. Subsection (6) of section 553.955, Florida Statutes, is amended to read:

553.955 Definitions.—For purposes of this part:

(6) “Department” means the Department of *Business and Professional Regulation Community Affairs*.

Section 422. Subsection (1) of section 553.973, Florida Statutes, is amended to read:

553.973 Enforcement and penalties.—

(1) The Department of *Business and Professional Regulation Community Affairs* shall investigate any complaints received concerning violations of this part and shall report the results of its investigation to the Attorney General or state attorney. The Attorney General or state attorney may institute proceedings to enjoin any person found to be violating the provisions of this part.

Section 423. Section 553.992, Florida Statutes, is amended to read:

553.992 Adoption of rating system.—The Department of *Business and Professional Regulation Community Affairs* shall adopt, update, and maintain a statewide uniform building energy-efficiency rating system to implement the provisions of this part and amendments thereto in accordance with the procedures of chapter 120 and shall, upon the request of any builder, designer, rater, or owner of a building, issue non-binding interpretations, clarifications, and opinions concerning the application and use of the building energy rating system under rules that the department adopts in accordance with chapter 120.

Section 424. Subsection (4) of section 553.995, Florida Statutes, is amended to read:

553.995 Energy-efficiency ratings for buildings.—

(4) The department shall develop a training and certification program to certify raters. In addition to the department, ratings may be conducted by any local government or private entity, provided that the appropriate persons have completed the necessary training and have been certified by the department. The Department of Management Services shall rate state-owned or state-leased buildings, provided that the appropriate persons have completed the necessary training and have been certified by the Department of *Business and Professional Regulation Community Affairs*. A state agency which has building construction regulation authority may rate its own buildings and those it is responsible for, if the appropriate persons have completed the necessary training and have been certified by the Department of *Business and Professional Regulation Community Affairs*. The Department of *Business and Professional Regulation Community Affairs* may charge a fee not to exceed the costs for the training and certification of raters. The department shall by rule set the appropriate charges for raters to charge for energy ratings, not to exceed the actual costs.

Section 425. Subsection (10) of section 570.71, Florida Statutes, is amended to read:

570.71 Conservation easements and agreements.—

(10) The department, in consultation with the Department of Environmental Protection, the water management districts, the Department of *Economic Opportunity Community Affairs*, and the Florida Fish

and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in subsection (1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.

Section 426. Section 570.96, Florida Statutes, is amended to read:

570.96 Agritourism.—The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: *Enterprise Florida, Inc. the Florida Commission on Tourism*; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments. In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

Section 427. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services; ~~the Department of Economic Opportunity; the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs;~~ the Department of Environmental Protection; ~~the Department of Labor and Employment Security;~~ the Fish and Wildlife Conservation Commission; the statewide consortium of universities under the Florida Institute of Oceanography; Florida Agricultural and Mechanical University; the Institute of Food and Agricultural Sciences at the University of Florida; and the Florida Sea Grant Program. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

Section 428. Subsection (2) of section 604.006, Florida Statutes, is amended to read:

604.006 Mapping and monitoring of agricultural lands.—

(2) The Department of *Economic Opportunity Community Affairs* shall develop a program for mapping and monitoring the agricultural lands in the state. The department has the power to adopt rules necessary to carry out the purposes of this section, and it may contract with other agencies for the provision of necessary mapping and information services.

Section 429. Paragraphs (d) and (e) of subsection (2), paragraph (a) of subsection (4), and subsection (5) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Community pursuant to s. 20.18(6). Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

(e)1. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity, Office of Tourism, Trade, and Economic Development* shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those

projects, the *Department of Economic Opportunity*, ~~office~~ shall grant the tax credits for those applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the *Department of Economic Opportunity*, ~~office~~ shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the *Department of Economic Opportunity*, ~~office~~ shall grant the tax credits for those applications on a pro rata basis.

(4) ADMINISTRATION.—

(a)1. ~~The *Department of Economic Opportunity* may *Office of Tourism, Trade, and Economic Development* is authorized to adopt all rules necessary to administer this section, including rules for the approval or disapproval of proposals by insurers.~~

2. The decision of the director shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The *Department of Economic Opportunity* ~~office~~ shall monitor all projects periodically, in a manner consistent with available resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

4. ~~The *Department of Economic Opportunity* *Office of Tourism, Trade, and Economic Development* shall, in consultation with the *Department of Community Affairs*, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.~~

(5) DEFINITIONS.—~~As used in For the purpose of this section, the term:~~

(a) “Community contribution” means the grant by an insurer of any of the following items:

1. Cash or other liquid assets.
2. Real property.
3. Goods or inventory.
4. Other physical resources which are identified by the department.

(b) “Director” means the director of the *Department of Economic Opportunity* ~~*Office of Tourism, Trade, and Economic Development*~~.

(c) “Local government” means any county or incorporated municipality in the state.

~~(d) “Office” means the *Office of Tourism, Trade, and Economic Development*.~~

(d)(e) “Project” means an activity as defined in s. 220.03(1)(t).

Section 430. Section 625.3255, Florida Statutes, is amended to read:

625.3255 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by the *Enterprise Florida, Inc.*, ~~Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 431. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 11 members:

1. The insurance consumer advocate.
2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.
3. The Executive Director of the Citizens Property Insurance Corporation.
4. The Director of the Division of Emergency Management ~~of the Department of Community Affairs~~.
5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:

- a. An actuary who is employed full time by a property and casualty insurer ~~that which~~ was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner’s insurance in the calendar year preceding the member’s appointment to the commission.
- b. An expert in insurance finance who is a full-time member of the faculty of the State University System and who has a background in actuarial science.
- c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.
- d. An expert in computer system design who is a full-time member of the faculty of the State University System.
- e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

Section 432. Paragraph (b) of subsection (1) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1)

(b) ~~By February 1, 2011, the *Office of Insurance Regulation*, in consultation with the *Department of Financial Services* and the *Department of Community Affairs*, shall develop and make publicly available a proposed method for insurers to establish discounts, credits, or other rate differentials for hurricane mitigation measures which directly correlate to the numerical rating assigned to a structure pursuant to the uniform home grading scale adopted by the *Financial Services Commission* pursuant to s. 215.55865, including any proposed changes to the uniform home grading scale. By October 1, 2011, the commission shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers’ discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles~~

and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).

Section 433. Subsection (7) of section 627.3511, Florida Statutes, is amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.—

(7) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703(3), desiring to operate or become licensed as a property and casualty insurer may exempt up to \$50 of the escrow requirements of the take-out bonus, as described in this section. Such minority business, which has applied for a certificate of authority to engage in business as a property and casualty insurer, may simultaneously file the business' proposed take-out plan, as described in this section, with the corporation.

Section 434. Subsection (1) of section 641.217, Florida Statutes, is amended to read:

641.217 Minority recruitment and retention plans required.—

(1) Any entity contracting with the Agency for Health Care Administration to provide health care services to Medicaid recipients or state employees on a prepaid or fixed-sum basis must submit to the Agency for Health Care Administration the entity's plan for recruitment and retention of health care practitioners who are *minority persons* ~~minorities~~ as defined in s. 288.703(3). The plan must demonstrate an ability to recruit and retain *minority persons* ~~minorities~~ which shall include, but is not limited to, the following efforts:

(a) Establishing and maintaining contacts with various organizations representing the interests and concerns of minority constituencies to seek advice and assistance.

(b) Identifying and recruiting at colleges and universities which primarily serve minority students.

(c) Reviewing and analyzing the organization's workforce as to minority representation.

(d) Other factors identified by the Agency for Health Care Administration by rule.

Section 435. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of indebtedness issued by *Enterprise Florida, Inc.*, ~~the Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 436. Paragraph (g) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(g) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by *Enterprise Florida, Inc.*, ~~the Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 437. Subsection (2) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(2) In order to preserve a residential community and the associated infrastructure and common areas for the purposes described in this section, the parcel owners in a community that was previously subject to a declaration of covenants that has ceased to govern one or more parcels in the community may revive the declaration and the homeowners' association for the community upon approval by the parcel owners to be governed thereby as provided in this act, and upon approval of the declaration and the other governing documents for the association by the Department of *Economic Opportunity Community Affairs* in a manner consistent with this act.

Section 438. Section 720.404, Florida Statutes, is amended to read:

720.404 Eligible residential communities; requirements for revival of declaration.—Parcel owners in a community are eligible to seek approval from the Department of *Economic Opportunity Community Affairs* to revive a declaration of covenants under this act if all of the following requirements are met:

(1) All parcels to be governed by the revived declaration must have been once governed by a previous declaration that has ceased to govern some or all of the parcels in the community;

(2) The revived declaration must be approved in the manner provided in s. 720.405(6); and

(3) The revived declaration may not contain covenants that are more restrictive on the parcel owners than the covenants contained in the previous declaration, except that the declaration may:

(a) Have an effective term of longer duration than the term of the previous declaration;

(b) Omit restrictions contained in the previous declaration;

(c) Govern fewer than all of the parcels governed by the previous declaration;

(d) Provide for amendments to the declaration and other governing documents; and

(e) Contain provisions required by this chapter for new declarations that were not contained in the previous declaration.

Section 439. Subsection (1) of section 720.406, Florida Statutes, is amended to read:

720.406 Department of *Economic Opportunity Community Affairs*; submission; review and determination.—

(1) No later than 60 days after the date the proposed revived declaration and other governing documents are approved by the affected parcel owners, the organizing committee or its designee must submit the proposed revived governing documents and supporting materials to the Department of *Economic Opportunity Community Affairs* to review and determine whether to approve or disapprove of the proposal to preserve the residential community. The submission to the department must include:

(a) The full text of the proposed revived declaration of covenants and articles of incorporation and bylaws of the homeowners' association;

(b) A verified copy of the previous declaration of covenants and other previous governing documents for the community, including any amendments thereto;

(c) The legal description of each parcel to be subject to the revived declaration and other governing documents and a plat or other graphic depiction of the affected properties in the community;

(d) A verified copy of the written consents of the requisite number of the affected parcel owners approving the revived declaration and other governing documents or, if approval was obtained by a vote at a meeting of affected parcel owners, verified copies of the notice of the meeting, attendance, and voting results;

(e) An affidavit by a current or former officer of the association or by a member of the organizing committee verifying that the requirements for the revived declaration set forth in s. 720.404 have been satisfied; and

(f) Such other documentation that the organizing committee believes is supportive of the policy of preserving the residential community and operating, managing, and maintaining the infrastructure, aesthetic character, and common areas serving the residential community.

Section 440. Subsection (4) of section 760.854, Florida Statutes, is amended to read:

760.854 Center for Environmental Equity and Justice.—

(4) The Center for Environmental Equity and Justice shall sponsor students to serve as interns at the Department of Health, the Department of Environmental Protection, ~~the Department of Community Affairs~~, and other relevant state agencies. The center may enter into a memorandum of understanding with these agencies to address environmental equity and justice issues.

Section 441. Paragraph (d) of subsection (2) of section 768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(d) Any person whose acts or omissions are not otherwise covered by this section and who participates in emergency response activities under the direction of or in connection with a community emergency response team, local emergency management agencies, the Division of Emergency Management ~~of the Department of Community Affairs~~, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

Section 442. Section 943.03101, Florida Statutes, is amended to read:

943.03101 Counter-terrorism coordination.—The Legislature finds that with respect to counter-terrorism efforts and initial responses to acts of terrorism within or affecting this state, specialized efforts of emergency management ~~which that~~ are unique to such situations are required and that these efforts intrinsically involve very close coordination of federal, state, and local law enforcement agencies with the efforts of all others involved in emergency-response efforts. In order to best provide this specialized effort ~~with respect to counter terrorism efforts and responses~~, the Legislature has determined that such efforts should be coordinated by and through the Department of Law Enforcement, working closely with the Division of Emergency Management and others involved in preparation against acts of terrorism in or affecting this state, and in the initial response to such acts, in accordance with the state comprehensive emergency management plan prepared pursuant to s. 252.35(2)(a).

Section 443. Subsection (7) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the department with respect to domestic security.—

(7) As used in this section, the term “state agency” includes the Agency for Health Care Administration, ~~the Agency for Workforce Innovation~~, the Department of Agriculture and Consumer Services, the

Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Citrus, the Department of ~~Economic Opportunity Community Affairs~~, the Department of Corrections, the Department of Education, the Department of Elderly Affairs, ~~the Division of Emergency Management~~, the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans’ Affairs, the Fish and Wildlife Conservation Commission, the Parole Commission, the State Board of Administration, and the Executive Office of the Governor.

Section 444. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraphs (a) and (b) of subsection (4) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state’s regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall consist of the following voting members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management ~~within the Department of Community Affairs~~.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.
8. The adjutant general of the Florida National Guard.
9. The state chief information officer.
10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).
11. Each of the department’s special agents in charge who serve as a co-chair of a regional domestic security task force.
12. Two representatives of the Florida Fire Chiefs Association.
13. One representative of the Florida Police Chiefs Association.
14. One representative of the Florida Prosecuting Attorneys Association.
15. The chair of the Statewide Domestic Security Intelligence Committee.
16. One representative of the Florida Hospital Association.
17. One representative of the Emergency Medical Services Advisory Council.
18. One representative of the Florida Emergency Preparedness Association.

19. One representative of the Florida Seaport Transportation and Economic Development Council.

(2) ORGANIZATION.—

(b) The executive director of the Department of Law Enforcement shall serve as chair of the council, and the director of the Division of Emergency Management ~~within the Department of Community Affairs~~ shall serve as vice chair of the council. In the absence of the chair, the vice chair shall serve as chair. In the absence of the vice chair, the chair may name any member of the council to perform the duties of the chair if such substitution does not extend beyond a defined meeting, duty, or period of time.

(4) EXECUTIVE COMMITTEE.—

(a) The council shall establish an executive committee consisting of the following members:

1. The executive director of the Department of Law Enforcement.
2. The director of the Division of Emergency Management ~~within the Department of Community Affairs~~.
3. The Attorney General.
4. The Commissioner of Agriculture.
5. The State Surgeon General.
6. The Commissioner of Education.
7. The State Fire Marshal.

(b) The executive director of the Department of Law Enforcement shall serve as the chair of the executive committee, and the director of the Division of Emergency Management ~~within the Department of Community Affairs~~ shall serve as the vice chair of the executive committee.

Section 445. Paragraph (h) of subsection (3) of section 944.801, Florida Statutes, is amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(h) Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include labor market analyses ~~that which~~ demonstrate the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the department shall evaluate the feasibility of adding vocational education programs ~~that which~~ have been identified by the *Department of Economic Opportunity*, ~~the Department of Education, the Agency for Workforce Innovation~~ or a regional coordinating council as being in undersupply in this state. The department shall periodically reevaluate the vocational education programs in major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry Enhancement Program.

Section 446. Paragraph (d) of subsection (3) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department's records or to information contained in the department's records. However, except as to another inmate's or offender's records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department's records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, or any other similar application or claim with a state agency or federal agency.

Section 447. Subsection (4) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(4) The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

Section 448. Subsections (1) and (2) of section 1002.375, Florida Statutes, are amended to read:

1002.375 Alternative credit for high school courses; pilot project.—

(1) The Commissioner of Education shall implement a pilot project in up to three school districts beginning in the 2008-2009 school year which allows school districts to award alternative course credit for students enrolled in nationally or state-recognized industry certification programs, as defined by the *former* Agency for Workforce Innovation or the *Department of Economic Opportunity*, in accordance with the criteria described in s. 1003.492(2). The Commissioner of Education shall establish criteria for districts that participate in the pilot program. School districts interested in participating in the program must submit a letter of interest by July 15, 2008, to the Commissioner of Education identifying up to five nationally or state-recognized industry certification programs, as defined by the *former* Agency for Workforce Innovation or the *Department of Economic Opportunity*, in accordance with the criteria described in s. 1003.492(2), under which the district would like to award alternative credit for the eligible courses identified in subsection (2). The Commissioner of Education shall select up to three participating school districts by July 30, 2008. The Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives identifying the number of students choosing to earn alternative credit, the number of students that received alternative credit, and legislative recommendations for expanding the use of alternative credit for core academic courses required for high school graduation. The report shall be submitted by January 1, 2010.

(2) For purposes of designing and implementing a successful pilot project, eligible alternative credit courses include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology. Alternative credits shall be awarded for courses in which a student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate, as defined by the *former* Agency for Workforce Innovation or the *Department of Economic Opportunity*, in accordance with the criteria described in s. 1003.492(2), of which the majority of the standards-based content in the course description is consistent with the alternative credit course description approved by the Department of Education.

Section 449. Paragraph (b) of subsection (4) and subsection (5) of section 1002.53, Florida Statutes, are amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(4)

(b) The application must be submitted on forms prescribed by the *Office of Early Learning* ~~Agency for Workforce Innovation~~ and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s.

1002.71(6)(b)2., that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The *Office of Early Learning Agency for Workforce Innovation* may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the *Office of Early Learning Agency for Workforce Innovation*. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and

(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.

Section 450. Paragraphs (e) and (h) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(e) A private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. The *Office of Early Learning Agency for Workforce Innovation* shall adopt rules to implement this paragraph which shall include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the *Office of Early Learning Agency for Workforce Innovation*.

Section 451. Subsections (6) and (8) of section 1002.61, Florida Statutes, are amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(6) A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The *Office of Early Learning Agency for Workforce Innovation* shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the summer prekindergarten program must also:

(a) Register with the early learning coalition on forms prescribed by the *Office of Early Learning Agency for Workforce Innovation*; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 452. Subsections (6) and (8) of section 1002.63, Florida Statutes, are amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The *Office of Early Learning Agency for Workforce Innovation* shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year prekindergarten program must:

(a) Register with the early learning coalition on forms prescribed by the *Office of Early Learning Agency for Workforce Innovation*; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 453. Subsections (1) and (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.—

(1) ~~By April 1, 2005,~~ The department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(3)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the *Office of Early Learning Agency for Workforce Innovation* shall require the early learning coalition to remove the provider, and the Department of Education shall require the school district to remove the school, from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part.

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c) or a staff development plan to strengthen instruction in language development and phonological awareness approved by the department.

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum or a staff development

plan to strengthen instruction in language development and phonological awareness approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the Office of Early Learning Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(d) Each early learning coalition, the Office of Early Learning Agency for Workforce Innovation, and the department shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness programs under s. 411.01, and the licensing of providers under ss. 402.301-402.319.

Section 454. Paragraph (f) of subsection (7) of section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates.—

(7)

(f) The State Board of Education shall notify the Office of Early Learning Agency for Workforce Innovation of any good cause exemption granted to a private prekindergarten provider under this subsection. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the Office of Early Learning Agency for Workforce Innovation shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 455. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), and subsections (6) and (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Office of Early Learning Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the Office of Early Learning's agency's uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Office of Early Learning Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(5)

(b) The Office of Early Learning Agency for Workforce Innovation shall adopt procedures for the payment of private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments in accordance with the uniform attendance policy adopted under paragraph (6)(d). The procedures shall provide for the monthly distribution of funds by the Office of Early Learning Agency for Workforce Innovation to the early learning coalitions for payment by the coalitions to private prekindergarten providers and public schools. The department shall transfer to the Office of Early Learning Agency for Workforce Innovation at least once each quarter the funds available for payment to private prekindergarten providers and public schools in accordance with this paragraph from the funds appropriated for that purpose.

(6)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the private prekindergarten provider or district school board, as applicable. Upon enrollment of the child, the private prekindergarten provider or public school, as applicable, must provide the child's parent with a copy of the provider's or school district's attendance policy, as applicable.

(b)1. Each private prekindergarten provider's and district school board's attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the private prekindergarten provider or public school on forms prescribed by the Office of Early Learning Agency for Workforce Innovation. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE AND CERTIFICATION OF PARENTAL CHOICE

I, \_\_\_\_\_ (Name of Parent), swear (or affirm) that my child, \_\_\_\_\_ (Name of Student), attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose \_\_\_\_\_ (Name of Provider or School) to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

\_\_\_\_\_  
(Signature of Parent)

\_\_\_\_\_  
(Date)

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The Office of Early Learning Agency for Workforce Innovation shall adopt procedures for early learning coalitions and school districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts must comply with the review procedures.

(c) A private prekindergarten provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another private prekindergarten provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(d) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must include at least the following provisions:

1. ~~Beginning with the 2009-2010 fiscal year for school year programs,~~ A student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student.

2. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.

3. A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the 2010-2011 fiscal year, each early learning coalition may retain and expend no more than 4.5 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 456. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the ~~Office of Early Learning Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to the records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the ~~Office of Early Learning Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

Section 457. Subsections (1) and (5) of section 1002.77, Florida Statutes, are amended to read:

1002.77 Florida Early Learning Advisory Council.—

(1) There is created the Florida Early Learning Advisory Council within the ~~Office of Early Learning Agency for Workforce Innovation~~. The purpose of the advisory council is to submit recommendations to the department ~~and the Agency for Workforce Innovation~~ on the early learning policy of this state, including recommendations relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.

(5) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall provide staff and administrative support for the advisory council.

Section 458. Subsection (2) of section 1002.79, Florida Statutes, is amended to read:

1002.79 Rulemaking authority.—

(2) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the agency.

Section 459. Section 1002.75, Florida Statutes, is amended to read:

1002.75 ~~Office of Early Learning Agency for Workforce Innovation~~; powers and duties; operational requirements.—

(1) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall administer the operational requirements of the Voluntary Prekindergarten Education Program at the state level.

(2) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.

(b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

(c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

(d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61.

(e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.

(f) Paying private prekindergarten providers and public schools under s. 1002.71.

(g) Documenting and certifying student enrollment and student attendance under s. 1002.71.

(h) Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.

(i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.71.

(3) The ~~Office of Early Learning Agency for Workforce Innovation~~ shall adopt, in consultation with and subject to approval by the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.

(b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.

(c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.

(d) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.66.

(e) Paying specialized instructional services providers under s. 1002.66.

(4) The *Office of Early Learning Agency for Workforce Innovation* shall also adopt procedures for the agency's distribution of funds to early learning coalitions under s. 1002.71.

(5) Except as provided by law, the *Office of Early Learning Agency for Workforce Innovation* may not impose requirements on a private prekindergarten provider or public school that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

Section 460. Subsections (2) and (3), paragraph (c) of subsection (4), and subsection (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(2) ~~Beginning with the 2007-2008 school year~~, Each district school board shall develop, in collaboration with local workforce boards and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of the local workforce board in the strategic plan development is not feasible, the local school board, with the approval of the *Department of Economic Opportunity Agency for Workforce Innovation*, shall collaborate with the most appropriate local business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. Such plans must describe in detail provisions for efficient transportation of students, maximum use of shared resources, and access to courses through the Florida Virtual School when appropriate. Each strategic plan shall ~~be completed no later than June 30, 2008, and shall include provisions to have in place at least one operational career and professional academy, pursuant to s. 1003.492, no later than the beginning of the 2008-2009 school year.~~

(3) The strategic 5-year plan developed jointly between the local school district, local workforce boards, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 5 years, using labor projections of the United States Department of Labor and the *Department of Economic Opportunity Agency for Workforce Innovation*;

(b) Strategies to develop and implement career academies based on those careers determined to be in high demand;

(c) Maximum use of private sector facilities and personnel;

(d) Strategies that ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Alignment to requirements for middle school career exploration and high school redesign;

(f) Provisions to ensure that courses offered through career and professional academies are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

(g) Establishment of student eligibility criteria in career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who show aptitude to participate in academies. School boards shall address the analysis of eighth grade student achievement data to provide opportunities for students who may be deemed as potential dropouts to participate in career and professional academies;

(h) Strategies to provide sufficient space within academies to meet workforce needs and to provide access to all interested and qualified students;

(i) Strategies to engage Department of Juvenile Justice students in career and professional academy training that leads to industry certification;

(j) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(k) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(l) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career and professional courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses; and

(m) Strategies to provide professional development for secondary guidance counselors on the benefits of career and professional academies.

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards. The review of newly proposed core secondary courses shall be the responsibility of a curriculum review committee whose membership is approved by the Workforce Florida Board as described in s. 445.004, and shall include:

(c) Three workforce representatives recommended by the *Department of Economic Opportunity Agency for Workforce Innovation*.

(5) The submission and review of newly proposed core courses shall be conducted electronically, and each proposed core course shall be approved or denied within 60 days. All courses approved as core courses for high school graduation purposes shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by the *Department of Economic Opportunity Agency for Workforce Innovation* and the Commissioner of Education within 15 days. ~~The curriculum review committee must be established and operational no later than September 1, 2007.~~

Section 461. Subsections (2) and (3) of section 1003.492, Florida Statutes, are amended to read:

1003.492 Industry-certified career education programs.—

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.~~, to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. Industry certification shall be defined by the *Department of Economic Opportunity Agency for Workforce Innovation*, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.

(3) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and shall work with Workforce Florida, Inc., ~~and Enterprise Florida, Inc.~~, in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation

rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.

Section 462. Paragraphs (f), (j), and (k) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the *Department of Economic Opportunity Agency for Workforce Innovation*.

(j) Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 445.06 ~~s. 1004.99~~.

(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., ~~and Enterprise Florida, Inc.~~, in identifying industry experts to participate in developing and implementing such assessments.

Section 463. Subsection (3) of section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education and the *Office of Early Learning Agency for Workforce Innovation*.

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 464. Subsection (4) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—Each standard high school diploma shall include, as applicable:

(4) A designation reflecting a Florida Ready to Work Credential in accordance with s. 445.06 ~~s. 1004.99~~.

Section 465. Paragraph (c) of subsection (5) of section 1004.226, Florida Statutes, is amended to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

(5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

(c) The board, in consultation with senior administrators of state universities, state university foundation directors, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development*, the board of directors of Enterprise Florida, Inc., and leading members of private industry, shall develop and recommend to the Board of Governors criteria for the 21st Century World Class Scholars Program. Such criteria shall address, at a minimum, the following:

1. The presence of distinguished faculty members, including whether the university has a substantial history of external funding, along with the strong potential for attracting a scholar of national or international eminence.

2. The presence of academically outstanding students, along with the promise and potential for attracting additional highly qualified students.

3. The presence of adequate research and scholarly support services.

4. The existence of an academic environment having appropriate infrastructure, including buildings, classrooms, libraries, laboratories, and specialized equipment, that is conducive to the conduct of the highest quality of scholarship and research.

5. The demonstration of concordance with Florida's strategic plan for economic development or an emphasis on one or more emerging sciences or technologies that could favorably impact the state's economic future.

Section 466. Paragraph (a) of subsection (4) of section 1004.435, Florida Statutes, is amended to read:

1004.435 Cancer control and research.—

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(a) There is created within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Florida Cancer Control and Research Advisory Council. The council shall consist of 34 members, which includes the chairperson, all of whom must be residents of this state. All members, except those appointed by the Speaker of the House of Representatives and the President of the Senate, must be appointed by the Governor. At least one of the members appointed by the Governor must be 60 years of age or older. One member must be a representative of the American Cancer Society; one member must be a representative of the Florida Tumor Registrars Association; one member must be a representative of the Sylvester Comprehensive Cancer Center of the University of Miami; one member must be a representative of the Department of Health; one member must be a representative of the University of Florida Shands Cancer Center; one member must be a representative of the Agency for Health Care Administration; one member must be a representative of the Florida Nurses Association; one member must be a representative of the Florida Osteopathic Medical Association; one member must be a representative of the American College of Surgeons; one member must be a representative of the School of Medicine of the University of Miami; one member must be a representative of the College of Medicine of the University of Florida; one member must be a representative of NOVA Southeastern College of Osteopathic Medicine; one member must be a representative of the College of Medicine of the University of South Florida; one member must be a representative of the College of Public Health of the University of South Florida; one member must be a representative of the Florida Society of Clinical Oncology; one member must be a representative of the Florida Obstetric and Gynecologic Society who has had training in the specialty of gynecologic oncology; one member must be a representative of the Florida Medical Association; one member must be a member of the Florida Pediatric Society; one member must be a representative of the Florida Radiological Society; one member must be a representative of the Florida Society of Pathologists; one member must be a representative of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; three members must be representatives of the general public acting as consumer advocates; one member must be a member of the House of Representatives appointed by the Speaker of the House of Representatives; one member must be a member of the Senate appointed by the President of the Senate; one member must be a representative of the Florida Dental Association; one member must be a representative of the Florida Hos-

pital Association; one member must be a representative of the Association of Community Cancer Centers; one member shall be a representative from a statutory teaching hospital affiliated with a community-based cancer center; one member must be a representative of the Florida Association of Pediatric Tumor Programs, Inc.; one member must be a representative of the Cancer Information Service; one member must be a representative of the Florida Agricultural and Mechanical University Institute of Public Health; and one member must be a representative of the Florida Society of Oncology Social Workers. Of the members of the council appointed by the Governor, at least 10 must be individuals who are minority persons as defined by s. 288.703(3).

Section 467. Paragraph (g) of subsection (1) of section 1004.46, Florida Statutes, is amended to read:

1004.46 Multidisciplinary Center for Affordable Housing.—

(1) The Multidisciplinary Center for Affordable Housing is established within the School of Building Construction of the College of Architecture of the University of Florida with the collaboration of other related disciplines such as agriculture, business administration, engineering, law, and medicine. The center shall work in conjunction with other state universities. The Multidisciplinary Center for Affordable Housing shall:

(g) Establish a research agenda and general work plan in cooperation with the Department of *Economic Opportunity Community Affairs*, which is the state agency responsible for research and planning for affordable housing and for training and technical assistance for providers of affordable housing.

Section 468. Subsection (3) of section 1008.39, Florida Statutes, is amended to read:

1008.39 Florida Education and Training Placement Information Program.—

(3) The Florida Education and Training Placement Information Program must not make public any information that could identify an individual or the individual's employer. The Department of Education must ensure that the purpose of obtaining placement information is to evaluate and improve public programs or to conduct research for the purpose of improving services to the individuals whose social security numbers are used to identify their placement. If an agreement assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the unemployment insurance wage reports maintained by the *Department of Economic Opportunity Agency for Workforce Innovation*, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

Section 469. Subsection (3) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

- (a) The Florida Occupational Information System;
- (b) The Florida Education and Training Placement Information Program;
- (c) ~~The Department of Economic Opportunity Agency for Workforce Innovation;~~
- (d) The United States Department of Labor; and
- (e) Other sources of data developed using statistically valid procedures.

Section 470. Subsections (2), (3), (4), (5), and (6) of section 1011.76, Florida Statutes, are amended to read:

1011.76 Small School District Stabilization Program.—

(2) In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the district school board must submit a resolution to the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development concern or opportunity of regional impact. The resolution must be accompanied with documentation of the economic conditions in the community, provide information indicating the negative impact of these conditions on the school district's financial stability, and the school district must participate in a best financial management practices review to determine potential efficiencies that could be implemented to reduce program costs in the district.

(3) ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~, in consultation with the Department of Education, shall review the resolution and other information required by subsection (2) and determine whether the school district is eligible to participate in the program. Factors influencing the ~~office's~~ determination of the *Department of Economic Opportunity* may include, but are not limited to, reductions in the county tax roll resulting from business closures or other causes, or a reduction in student enrollment due to business closures or impacts in the local economy.

(4) ~~Effective July 1, 2000, and thereafter~~, When the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* authorizes a school district to participate in the program, the Legislature may give priority to that district for a best financial management practices review in the school district, subject to approval pursuant to s. 1008.35(7), to the extent that funding is provided annually for such purpose in the General Appropriations Act. The scope of the review shall be as set forth in s. 1008.35.

(5) ~~Effective July 1, 2000, and thereafter~~, The Department of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.

(6) Based on the availability of funds, the *Department of Economic Opportunity Office of Tourism, Trade, and Economic Development* or the Department of Education may enter into contracts or issue grants necessary to implement the program.

Section 471. Section 1012.2251, Florida Statutes, is amended to read:

1012.2251 End-of-course examinations for Merit Award Program.—~~Beginning with the 2007-2008 school year~~, School districts that participate in the Merit Award Program under s. 1012.225 must be able to administer end-of-course examinations based on the Sunshine State Standards in order to measure a student's understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment, College Board Advanced Placement Examination, International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national or state industry certification recognized by the *Department of Economic Opportunity Agency for Workforce Innovation* satisfy the requirements of this section for the respective grade groupings and subjects assessed by these examinations and assessments.

Section 472. Paragraph (a) of subsection (1) of section 1013.37, Florida Statutes, is amended to read:

1013.37 State uniform building code for public educational facilities construction.—

(1) UNIFORM BUILDING CODE.—A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of *Business and Professional Regulation* ~~Community Affairs~~ for factory inspections by certified building code inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

Section 473. Subsections (1) and (2) of section 1013.372, Florida Statutes, are amended to read:

1013.372 Education facilities as emergency shelters.—

(1) The Department of Education shall, in consultation with boards and county and state emergency management offices, include within the standards to be developed under this subsection public shelter design criteria to be incorporated into the Florida Building Code. The new criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes. A facility, or an appropriate area within a facility, for which a design contract is entered into after the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part of it is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the *Division of Emergency Management* ~~Department of Community Affairs~~. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as determined by the *Division of Emergency Management* ~~Department of Community Affairs~~, educational facilities within the planning council region are not required to incorporate the public shelter criteria.

(2) By January 31 of each even-numbered year, the *Division of Emergency Management* ~~Department of Community Affairs~~ shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by regional planning council region, and the general location and square footage of needed shelters, by regional planning council region, during the next 5 years. The plan must identify the types of public facilities that should be constructed to comply with emergency-shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, a board may not be required to build more emergency-shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to subsection (1) must be guided by the plan.

Section 474. Subsection (4) of section 1013.74, Florida Statutes, is amended to read:

1013.74 University authorization for fixed capital outlay projects.—

(4) The university board of trustees shall, in consultation with local and state emergency management agencies, assess existing facilities to identify the extent to which each campus has public hurricane evacuation shelter space. The board shall submit to the Governor and the Legislature by August 1 of each year a 5-year capital improvements program that identifies new or retrofitted facilities that will incorporate enhanced hurricane resistance standards and that can be used as public hurricane evacuation shelters. Enhanced hurricane resistance standards include fixed passive protection for window and door applications to provide mitigation protection, security protection with egress, and energy efficiencies that meet standards required in the 130-mile-per-hour wind zone areas. The board must also submit proposed facility retrofit projects to the *Division of Emergency Management* ~~Department of Community Affairs~~ for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3). Until a regional planning council region in which a campus is located has sufficient public hurricane evacuation shelter space, any campus building for which a design contract is entered into subsequent to July 1, 2001, and which has been identified by the board, with the concurrence of the local emergency management agency or the *Division of Emergency Management* ~~Department of Community Affairs~~, to be appropriate for use as a public hurricane evacuation shelter, must be constructed in accordance with public shelter standards.

Section 475. Section 20.505, Florida Statutes, is transferred, renumbered as section 20.605, Florida Statutes, and amended to read:

~~20.605~~ ~~20.505~~ Administrative Trust Fund of the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.—

(1) The Administrative Trust Fund is created within the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~.

(2) Funds shall be used for the purpose of supporting the administrative functions of the *department* ~~agency~~ as required by law, pursuant to legislative appropriation or an approved amendment to the *department's* ~~agency's~~ operating budget pursuant to the provisions of chapter 216.

(3) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 476. Section 1004.99, Florida Statutes, is transferred, renumbered as section 445.06, Florida Statutes, and amended to read:

~~445.06~~ ~~1004.99~~ Florida Ready to Work Certification Program.—

(1) There is created the Florida Ready to Work Certification Program to enhance the workplace skills of *Floridians* ~~Florida's students~~ to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice educational facilities. The program may be made available to other entities that provide job training. *The Department of Economic Opportunity*, in coordination with the Department of Education, shall establish institutional readiness criteria for program implementation.

(3) The Florida Ready to Work Certification Program shall be composed of:

(a) A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by the *Department of Economic Opportunity* ~~Agency for Workforce Innovation~~ and the Department of Education.

(b) A preinstructional assessment that delineates *an individual's* ~~the student's~~ mastery level on the specific workplace skills identified for that occupation.

(c) A targeted instructional program limited to those identified workplace skills in which the *individual student* is not proficient as measured by the preinstructional assessment. Instruction must utilize a web-based program and be customized to meet identified specific needs of local employers.

(d) A Florida Ready to Work Credential and portfolio awarded to *individuals students* upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the *individuals student* as evidence of the *individual's student's* preparation for employment.

(4) A Florida Ready to Work Credential shall be awarded to an *individual a student* who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment shall be scored on a scale of 3 to 7. The level of the credential each *individual student* receives is based on the following:

(a) A bronze-level credential requires a minimum score of 3 or above on each of the assessments.

(b) A silver-level credential requires a minimum score of 4 or above on each of the assessments.

(c) A gold-level credential requires a minimum score of 5 or above on each of the assessments.

(5) The ~~Department of Economic Opportunity State Board of Education~~, in consultation with the ~~Department of Education Agency for Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 477. *Section 14.2015, Florida Statutes, is repealed.*

Section 478. *Section 20.18, Florida Statutes, is repealed.*

Section 479. *Section 20.50, Florida Statutes, is repealed.*

Section 480. *Subsection (2) of section 23.22, Florida Statutes, is repealed.*

Section 481. *Paragraph (6) of section 165.031, Florida Statutes, is repealed.*

Section 482. *Section 165.093, Florida Statutes, is repealed.*

Section 483. *Sections 216.235, 216.236, 216.237, and 216.238, Florida Statutes, are repealed.*

Section 484. *Section 287.115, Florida Statutes, is repealed.*

Section 485. *Sections 288.1221, 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229, Florida Statutes, are repealed.*

Section 486. *Section 288.7011, Florida Statutes, is repealed.*

Section 487. *Sections 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, Florida Statutes, are repealed.*

Section 488. *Section 288.12295, Florida Statutes, is repealed.*

Section 489. *Section 288.90151, Florida Statutes, is repealed.*

Section 490. *Section 288.9415, Florida Statutes, is repealed.*

Section 491. *Sections 409.944, 409.945, and 409.946, Florida Statutes, are repealed.*

Section 492. *Section 943.402, Florida Statutes, is repealed.*

Section 493. *Section 42 of chapter 2005-71, Laws of Florida, and Section 1 of chapter 2005-261, Laws of Florida, are repealed.*

Section 494. Section 252.363, Florida Statutes, is created to read:

252.363 *Tolling and extension of permits and other authorizations.—*

(1)(a) *The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other author-*

*ization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:*

1. *The expiration of a development order issued by a local government.*

2. *The expiration of a building permit.*

3. *The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.*

4. *The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to s. 380.06(19)(c).*

(b) *Within 90 days after the termination of the emergency declaration, the holder of the permit or other authorization shall notify the issuing authority of the intent to exercise the tolling and extension granted under paragraph (a). The notice must be in writing and identify the specific permit or other authorization qualifying for extension.*

(c) *If the permit or other authorization for a phased construction project is extended, the commencement and completion dates for any required mitigation are extended such that the mitigation activities occur in the same timeframe relative to the phase as originally permitted.*

(d) *This subsection does not apply to:*

1. *A permit or other authorization for a building, improvement, or development located outside the geographic area for which the declaration of a state of emergency applies.*

2. *A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.*

3. *The holder of a permit or other authorization who is determined by the authorizing agency to be in significant noncompliance with the conditions of the permit or other authorization through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or an equivalent action.*

4. *A permit or other authorization that is subject to a court order specifying an expiration date or buildout date that would be in conflict with the extensions granted in this section.*

(2) *A permit or other authorization that is extended shall be governed by the laws, administrative rules, and ordinances in effect when the permit was issued, unless any party or the issuing authority demonstrates that operating under those laws, administrative rules, or ordinances will create an immediate threat to the public health or safety.*

(3) *This section does not restrict a county or municipality from requiring property to be maintained and secured in a safe and sanitary condition in compliance with applicable laws, administrative rules, or ordinances.*

Section 495. Subsection (6) is added to section 253.02, Florida Statutes, to read:

253.02 *Board of trustees; powers and duties.—*

(6) *The board of trustees shall report to the Legislature its recommendations as to whether any existing multistate compact for mutual aid should be modified or whether the state should enter into a new multistate compact to address the impacts of the Deepwater Horizon event or potentially similar future incidents. The report shall be submitted to the Legislature by February 1, 2012, and updated annually thereafter for 5 years.*

Section 496. *Commission on Oil Spill Response Coordination.—*

(1) *The Board of Trustees of the Internal Improvement Trust Fund shall appoint a commission consisting of a representative of the office of each board member, a representative of each state agency that directly and materially responded to the Deepwater Horizon disaster, and the chair of the board of county commissioners of each of the following*

counties: Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, and Wakulla County. The Governor shall select the chair of the commission from among the appointees.

(2) The commission shall prepare a report for review and approval by the board of trustees which:

(a) Identifies potential changes to state and federal law and regulations which will improve the oversight and monitoring of offshore drilling activities and increase response capabilities to offshore oil spills.

(b) Identifies potential changes to state and federal law and regulations which will improve protections for public health and safety, occupational health and safety, and the environment and natural resources.

(c) Evaluates the merits of the establishment of a federal Gulf-wide disaster relief fund.

(d) Evaluates the need for a unified and uniform advocacy process for damage claims.

(e) Evaluates the need for changes to interstate coordination agreements in order to reduce the potential for damage claims and lawsuits.

(f) Addresses any other related issues as determined by the commission.

(3) The board of trustees shall deliver the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Department of Economic Opportunity by September 1, 2012.

(4) This section expires September 30, 2012.

Section 497. (1) For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(2) When the Department of Economic Opportunity determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may between July 1, 2011, and June 30, 2014, waive any or all job or wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 up to the cumulative amount of \$5 million of all state incentives received per project. Prior to granting such waiver, the executive director of the department shall file with the Governor a written statement of the conditions and circumstances constituting the reason for the waiver.

(3) When the Department of Economic Opportunity determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may between July 1, 2011, and June 30, 2014, waive any or all job or wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts in excess of \$5 million but less than \$10 million of all state incentives received per project. Prior to granting such waiver, the department shall file with the Governor, the President of the Senate, and the Speaker of the House of Representatives a written statement of the conditions and circumstances constituting the reason for the waiver, and requesting written concurrence within 5 business days to the Governor from the President of the Senate and the Speaker of the House of Representatives. Without such concurrence, the waiver shall not occur.

(4) The Department of Economic Opportunity is not authorized under this paragraph to waive job and wage eligibility requirements under s. 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts \$10 million or more in state incentives received per project.

Section 498. (1) For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(2) There is appropriated for the 2011-2012, 2012-2013, and 2013-2014 fiscal years the sum of \$10 million each year in recurring funds from the General Revenue Fund to the Department of Economic Opportunity. The Department of Economic Opportunity shall use these funds to execute a contract for \$10 million annually, for a term not to exceed three years, with the Office of Economic Development and Engagement within the University of West Florida for the charitable purpose of developing and implementing an innovative economic development program for promoting research and development, commercialization of research, economic diversification, and job creation in a Disproportionally Affected County.

(3) The contract between the Department of Economic Opportunity and the Office of Economic Development and Engagement within the University of West Florida shall, at a minimum, require the Office of Economic Development and Engagement to report quarterly to the Department of Economic Opportunity and to collaborate with educational entities, economic development organizations, local governments, and relevant state agencies to create a program framework and strategy, including specific criteria governing the expenditure of funds. The criteria for the expenditure of funds shall, at a minimum, require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which provides for expedited permitting in order to promote research and development, commercialization of research, economic diversification, and job creation within their respective jurisdictions. The criteria for the expenditure of funds shall, at a minimum, also require a funding preference for any Disproportionally Affected County and any municipality within a Disproportionally Affected County which combines its permitting processes and expedites permitting in order to promote research and development, commercialization of research, economic diversification, and job creation within their respective jurisdictions.

(4) The funds appropriated in this section shall be placed in reserve by the Executive Office of the Governor, and may be released as authorized by law or the Legislative Budget Commission.

Section 499. (1) For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

(2) Any funds received by the state from any governmental or private entity for damages caused by the Deepwater Horizon oil spill shall be deposited into the applicable state trust funds and expended pursuant to state law or as approved by the Legislative Budget Commission.

(3) Seventy-five percent of such moneys may be used for:

(a) Scientific research into the impact of the oil spill on fisheries and coastal wildlife and vegetation along any Disproportionally Affected County's shoreline and the development of strategies to implement restoration measures suggested by such research;

(b) Environmental restoration of coastal areas damaged by the oil spill in any Disproportionally Affected County;

(c) Economic incentives directed to any Disproportionally Affected County; and

(d) Initiatives to expand and diversify the economies of any Disproportionally Affected County.

(4) The remaining 25 percent of such moneys may be used for:

(a) Scientific research into the impact of the oil spill on fisheries and coastal wildlife and vegetation along any of the state's shoreline that is not a Disproportionally Affected County's shoreline, and the development of strategies to implement restoration measures suggested by such research;

(b) Environmental restoration of coastal areas damaged by the oil spill in any county other than a Disproportionally Affected County;

(c) Economic incentives directed to any county other than a Disproportionally Affected County; and

(d) Initiatives to expand and diversify the economies of any county other than a Disproportionally Affected County.

(5)(a) *The Department of Environmental Protection is the lead agency for expending the funds designated for environmental restoration efforts.*

(b) *The Department of Economic Opportunity is the lead agency for expending the funds designated for economic incentives and diversification efforts.*

Section 500. *The powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Energy and Climate Commission within the Executive Office of the Governor are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Agriculture and Consumer Services.*

Section 501. Subsections (3), (4), (5), and (8) and paragraph (b) of subsection (6) of section 220.192, Florida Statutes, are amended to read:

220.192 Renewable energy technologies investment tax credit.—

(3) CORPORATE APPLICATION PROCESS.—Any corporation wishing to obtain tax credits available under this section must submit to the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* an application for tax credit that includes a complete description of all eligible costs for which the corporation is seeking a credit and a description of the total amount of credits sought. *The Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall make a determination on the eligibility of the applicant for the credits sought and certify the determination to the applicant and the Department of Revenue. The corporation must attach the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission's* certification to the tax return on which the credit is claimed. *The Department of Agriculture and Consumer Services Florida Energy and Climate Commission shall be* responsible for ensuring that the corporate income tax credits granted in each fiscal year do not exceed the limits provided for in this section. *The Department of Agriculture and Consumer Services may Florida Energy and Climate Commission is authorized to* adopt the necessary rules, guidelines, and forms application materials for the application process.

(4) TAXPAYER APPLICATION PROCESS.—To claim a credit under this section, each taxpayer must apply to the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* for an allocation of each type of annual credit by the date established by the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*. The application form adopted may be established by the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*. The form must include an affidavit from each taxpayer certifying that all information contained in the application, including all records of eligible costs claimed as the basis for the tax credit, are true and correct. Approval of the credits under this section *is shall be accomplished* on a first-come, first-served basis, based upon the date complete applications are received by the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*. A taxpayer must *shall* submit only one complete application based upon eligible costs incurred within a particular state fiscal year. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line. If a taxpayer does not receive a tax credit allocation due to the exhaustion of the annual tax credit authorizations, then such taxpayer may reapply in the following year for those eligible costs and will have priority over other applicants for the allocation of credits.

(5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

(a) In addition to its existing audit and investigation authority, the Department of Revenue may perform any additional financial and technical audits and investigations, including examining the accounts, books, and records of the tax credit applicant, which are necessary to verify the eligible costs included in the tax credit return and to ensure compliance with this section. *The Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall provide technical assistance when requested by the Department of Revenue on any technical audits or examinations performed pursuant to this section.

(b) It is grounds for forfeiture of previously claimed and received tax credits if the Department of Revenue determines, as a result of an audit

or examination or from information received from the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*, that a taxpayer received tax credits pursuant to this section to which the taxpayer was not entitled. The taxpayer is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state.

(c) *The Department of Agriculture and Consumer Services Florida Energy and Climate Commission* may revoke or modify any written decision granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. *The Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer must notify the Department of Revenue of any change in its tax credit claimed.

(d) The taxpayer shall file with the Department of Revenue an amended return or such other report as the Department of Revenue prescribes by rule and shall pay any required tax and interest within 60 days after the taxpayer receives notification from the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* that previously approved tax credits have been revoked or modified. If the revocation or modification order is contested, the taxpayer shall file an amended return or other report as provided in this paragraph within 60 days after a final order is issued after proceedings.

(e) A notice of deficiency may be issued by the Department of Revenue at any time within 3 years after the taxpayer receives formal notification from the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* that previously approved tax credits have been revoked or modified. If a taxpayer fails to notify the Department of Revenue of any changes to its tax credit claimed, a notice of deficiency may be issued at any time.

(6) TRANSFERABILITY OF CREDIT.—

(b) To perfect the transfer, the transferor shall provide the Department of Revenue with a written transfer statement notifying the Department of Revenue of the transferor's intent to transfer the tax credits to the transferee; the date the transfer is effective; the transferee's name, address, and federal taxpayer identification number; the tax period; and the amount of tax credits to be transferred. The Department of Revenue shall, upon receipt of a transfer statement conforming to the requirements of this section, provide the transferee with a certificate reflecting the tax credit amounts transferred. A copy of the certificate must be attached to each tax return for which the transferee seeks to apply such tax credits.

(8) PUBLICATION.—*The Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall determine and publish on a regular basis the amount of available tax credits remaining in each fiscal year.

Section 502. Subsection (9) of section 288.9607, Florida Statutes, is amended to read:

288.9607 Guaranty of bond issues.—

(9) The membership of the corporation is authorized and directed to conduct such investigation as it may deem necessary for promulgation of regulations to govern the operation of the guaranty program authorized by this section. The regulations may include such other additional provisions, restrictions, and conditions as the corporation, after its investigation referred to in this subsection, shall determine to be proper to achieve the most effective utilization of the guaranty program. This may include, without limitation, a detailing of the remedies that must be exhausted by bondholders, a trustee acting on their behalf, or other credit provided before calling upon the corporation to perform under its guaranty agreement and the subrogation of other rights of the corporation with reference to the capital project and its operation or the financing in the event the corporation makes payment pursuant to the applicable guaranty agreement. The regulations promulgated by the corporation to govern the operation of the guaranty program may contain specific provisions with respect to the rights of the corporation to enter, take over, and manage all financed properties upon default. These

regulations shall be submitted by the corporation to the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* for approval.

Section 503. Subsection (5) of section 366.82, Florida Statutes, is amended to read:

366.82 Definition; goals; plans; programs; annual reports; energy audits.—

(5) The *Department of Agriculture and Consumer Services Florida Energy and Climate Commission* shall be a party in the proceedings to adopt goals and shall file with the commission comments on the proposed goals, including, but not limited to:

(a) An evaluation of utility load forecasts, including an assessment of alternative supply-side and demand-side resource options.

(b) An analysis of various policy options that can be implemented to achieve a least-cost strategy, including nonutility programs targeted at reducing and controlling the per capita use of electricity in the state.

(c) An analysis of the impact of state and local building codes and appliance efficiency standards on the need for utility-sponsored conservation and energy efficiency measures and programs.

Section 504. Subsection (3) of section 366.92, Florida Statutes, is amended to read:

366.92 Florida renewable energy policy.—

(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.

(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.

(b) The commission's rule:

1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. 366.91(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. 366.91(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.

2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.

3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.

4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.

5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.

6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.

7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.

8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.

(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.

Section 505. Section 377.6015, Florida Statutes, is amended to read:

377.6015 *Department of Agriculture and Consumer Services; powers and duties Florida Energy and Climate Commission.*—

~~(1) The Florida Energy and Climate Commission is created within the Executive Office of the Governor. The commission shall be comprised of nine members appointed by the Governor, the Commissioner of Agriculture, and the Chief Financial Officer.~~

~~(a) The Governor shall appoint one member from three persons nominated by the Florida Public Service Commission Nominating Council, created in s. 350.031, to each of seven seats on the commission. The Commissioner of Agriculture shall appoint one member from three persons nominated by the council to one seat on the commission. The Chief Financial Officer shall appoint one member from three persons nominated by the council to one seat on the commission.~~

~~1. The council shall submit the recommendations to the Governor, the Commissioner of Agriculture, and the Chief Financial Officer by September 1 of those years in which the terms are to begin the following October or within 60 days after a vacancy occurs for any reason other than the expiration of the term. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer may proffer names of persons to be considered for nomination by the council.~~

~~2. The Governor, the Commissioner of Agriculture, and the Chief Financial Officer shall fill a vacancy occurring on the commission by appointment of one of the applicants nominated by the council only after a background investigation of such applicant has been conducted by the Department of Law Enforcement.~~

~~3. Members shall be appointed to 3 year terms; however, in order to establish staggered terms, for the initial appointments, the Governor shall appoint four members to 3 year terms, two members to 2 year terms, and one member to a 1 year term, and the Commissioner of Agriculture and the Chief Financial Officer shall each appoint one member to a 3 year term and shall appoint a successor when that appointee's term expires in the same manner as the original appointment.~~

~~4. The Governor shall select from the membership of the commission one person to serve as chair.~~

~~5. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment.~~

~~6. If the Governor, the Commissioner of Agriculture, or the Chief Financial Officer has not made an appointment within 30 consecutive calendar days after the receipt of the recommendations, the council shall initiate, in accordance with this section, the nominating process within 30 days.~~

~~7. Each appointment to the commission shall be subject to confirmation by the Senate during the next regular session after the va-~~

ency occurs. If the Senate refuses to confirm or fails to consider the appointment of the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days.

~~8. The Governor or the Governor's successor may recall an appointee.~~

~~9. Notwithstanding subparagraph 7. and for the initial appointments to the commission only, each initial appointment to the commission is subject to confirmation by the Senate by the 2010 Regular Session. If the Senate refuses to confirm or fails to consider an appointment made by the Governor, the Commissioner of Agriculture, or the Chief Financial Officer, the council shall initiate, in accordance with this section, the nominating process within 30 days after the Senate's refusal to confirm or failure to consider such appointment. This subparagraph expires July 1, 2010.~~

~~(b) Members must meet the following qualifications and restrictions:~~

~~1. A member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, transportation and land use, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.~~

~~2. Each member shall, at the time of appointment and at each commission meeting during his or her term of office, disclose:~~

~~a. Whether he or she has any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~b. Whether he or she is employed by or is engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may be affected by the policy recommendations developed by the commission.~~

~~(c) The chair may designate the following ex officio, nonvoting members to provide information and advice to the commission at the request of the chair:~~

~~1. The chair of the Florida Public Service Commission, or his or her designee.~~

~~2. The Public Counsel, or his or her designee.~~

~~3. A representative of the Department of Agriculture and Consumer Services.~~

~~4. A representative of the Department of Financial Services.~~

~~5. A representative of the Department of Environmental Protection.~~

~~6. A representative of the Department of Community Affairs.~~

~~7. A representative of the Board of Governors of the State University System.~~

~~8. A representative of the Department of Transportation.~~

~~(2) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(3) Meetings of the commission may be held in various locations around the state and at the call of the chair; however, the commission must meet at least six times each year.~~

~~(1)(4) The department commission may:~~

~~(a) Employ staff and counsel as needed in the performance of its duties.~~

~~(b) Prosecute and defend legal actions in its own name.~~

~~(c) Form advisory groups consisting of members of the public to provide information on specific issues.~~

~~(2)(6) The department commission shall:~~

~~(a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.~~

~~(b) Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.~~

~~(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.~~

~~(d) Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.~~

~~(e) Administer petroleum planning and emergency contingency planning pursuant to ss. 377.701, 377.703, and 377.704.~~

~~(e)(f) Represent Florida in the Southern States Energy Compact pursuant to ss. 377.71-377.712.~~

~~(g) Complete the annual assessment of the efficacy of Florida's Energy and Climate Change Action Plan, upon completion by the Governor's Action Team on Energy and Climate Change pursuant to the Governor's Executive Order 2007-128, and provide specific recommendations to the Governor and the Legislature each year to improve results.~~

~~(f)(h) Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. 377.801-377.807 377.801-377.806.~~

~~(g)(i) Advocate for energy and climate change issues and provide educational outreach and technical assistance in cooperation with the state's academic institutions.~~

~~(h)(j) Be a party in the proceedings to adopt goals and submit comments to the Public Service Commission pursuant to s. 366.82.~~

~~(i)(k) Adopt rules pursuant to chapter 120 in order to implement all powers and duties described in this section.~~

Section 506. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 377.602, Florida Statutes, are amended to read:

377.602 Definitions.—As used in ss. 377.601-377.608:

(1) "Department" "Commission" means the *Department of Agriculture and Consumer Services Florida Energy and Climate Commission*.

(2) "Energy resources" includes, but shall not be limited to:

(a) Energy converted from solar radiation, wind, hydraulic potential, tidal movements, biomass, geothermal sources, and other energy resources the *department commission* determines to be important to the production or supply of energy.

(b) Propane, butane, motor gasoline, kerosene, home heating oil, diesel fuel, other middle distillates, aviation gasoline, kerosene-type jet fuel, naphtha-type jet fuel, residual fuels, crude oil, and other petroleum products and hydrocarbons as may be determined by the *department commission* to be of importance.

Section 507. Section 377.603, Florida Statutes, is amended to read:

377.603 Energy data collection; powers and duties of the *department commission*.—

(1) The *department commission* may collect data on the extraction, production, importation, exportation, refinement, transportation, transmission, conversion, storage, sale, or reserves of energy resources in this state in an efficient and expeditious manner.

(2) The *department commission* may prepare periodic reports of energy data it collects.

(3) The *department commission* may adopt and promulgate such rules and regulations as are necessary to carry out the provisions of ss. 377.601-377.608. Such rules shall be pursuant to chapter 120.

(4) The ~~department commission~~ shall maintain internal validation procedures to assure the accuracy of information received.

Section 508. Section 377.604, Florida Statutes, is amended to read:

377.604 Required reports.—Every person who produces, imports, exports, refines, transports, transmits, converts, stores, sells, or holds known reserves of any form of energy resources used as fuel shall report to the ~~department commission~~, at the request of and in a manner prescribed by the ~~department commission~~, on forms provided by the ~~department commission~~. Such forms shall be designed in such a manner as to indicate:

- (1) The identity of the person or persons making the report.
- (2) The quantity of energy resources extracted, produced, imported, exported, refined, transported, transmitted, converted, stored, or sold except at retail.
- (3) The quantity of energy resources known to be held in reserve in the state.
- (4) The identity of each refinery from which petroleum products have normally been obtained and the type and quantity of products secured from that refinery for sale or resale in this state.
- (5) Any other information which the ~~department commission~~ deems proper pursuant to the intent of ss. 377.601-377.608.

Section 509. Section 377.605, Florida Statutes, is amended to read:

377.605 Use of existing information.—The ~~department commission~~ may utilize to the fullest extent possible any existing energy information already prepared for state or federal agencies. Every state, county, and municipal agency shall cooperate with the ~~department commission~~ and shall submit any information on energy to the ~~department commission~~ upon request.

Section 510. Section 377.606, Florida Statutes, is amended to read:

377.606 Records of the ~~department commission~~; limits of confidentiality.—The information or records of individual persons, as defined in this section, obtained by the ~~department commission~~ as a result of a report, investigation, or verification required by the ~~department commission~~ shall be open to the public, except such information the disclosure of which would be likely to cause substantial harm to the competitive position of the person providing such information and which is requested to be held confidential by the person providing such information. Such proprietary information is confidential and exempt from the provisions of s. 119.07(1). Information reported by entities other than the ~~department commission~~ in documents or reports open to public inspection shall under no circumstances be classified as confidential by the ~~department commission~~. Divulgence of proprietary information as is requested to be held confidential, except upon order of a court of competent jurisdiction or except to an officer of the state entitled to receive the same in his or her official capacity, shall be a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. ~~Nothing in~~ This section ~~does not~~ shall be construed to prohibit the publication or divulgence by other means of data so classified as to prevent identification of particular accounts or reports made to the ~~department commission~~ in compliance with s. 377.603 or to prohibit the disclosure of such information to properly qualified legislative committees. The ~~department commission~~ shall establish a system which permits reasonable access to information developed.

Section 511. Section 377.608, Florida Statutes, is amended to read:

377.608 Prosecution of cases by state attorney.—The state attorney shall prosecute all cases certified to him or her for prosecution by the ~~department commission~~ immediately upon receipt of the evidence transmitted by the ~~department commission~~, or as soon thereafter as practicable.

Section 512. Subsections (1), (2), and (3) of section 377.701, Florida Statutes, are amended to read:

377.701 Petroleum allocation.—

(1) The ~~Division of Emergency Management Florida Energy and Climate Commission~~ shall assume the state's role in petroleum allocation and conservation, including the development of a fair and equitable petroleum plan. The ~~Division of Emergency Management commission~~ shall constitute the responsible state agency for performing the functions of any federal program delegated to the state, which relates to petroleum supply, demand, and allocation.

(2) The ~~Division of Emergency Management commission~~ shall, in addition to assuming the duties and responsibilities provided by subsection (1), perform the following:

- (a) In projecting available supplies of petroleum, coordinate with the Department of Revenue to secure information necessary to assure the sufficiency and accuracy of data submitted by persons affected by any federal fuel allocation program.
- (b) Require such periodic reports from public and private sources as may be necessary to the fulfillment of its responsibilities under this act. Such reports may include: petroleum use; all sales, including end-user sales, except retail gasoline and retail fuel oil sales; inventories; expected supplies and allocations; and petroleum conservation measures.

(c) In cooperation with the Department of Revenue and other relevant state agencies, provide for long-range studies regarding the usage of petroleum in the state in order to:

1. Comprehend the consumption of petroleum resources.
2. Predict future petroleum demands in relation to available resources.
3. Report the results of such studies to the Legislature.

(3) For the purpose of determining accuracy of data, all state agencies shall timely provide the ~~Division of Emergency Management commission~~ with petroleum-use information in a format suitable to the needs of the allocation program.

Section 513. Section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~.—

(1) LEGISLATIVE INTENT.—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601(2), the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) ~~FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES~~.—The ~~department commission~~ shall perform the following functions, *unless as otherwise provided*, consistent with the development of a state energy policy:

(a) The ~~Division of Emergency Management is responsible for the commission shall assume the responsibility for~~ development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The ~~Division of Emergency Management commission~~ shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of s. 252.36(5) to carry out any emergency actions required by a serious shortage of energy sources.

(b) The ~~department is commission shall be~~ responsible for performing or coordinating the functions of any federal energy programs delegated to the state, including energy supply, demand, conservation, or allocation.

(c) The *department commission* shall analyze present and proposed federal energy programs and make recommendations regarding those programs to the Governor and the Legislature.

(d) The *department commission* shall coordinate efforts to seek federal support or other support for state energy activities, including energy conservation, research, or development, and ~~is shall be~~ responsible for the coordination of multiagency energy conservation programs and plans.

(e) The *department commission* shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which ~~is responsible shall have responsibility~~ for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and an analysis of the extent to which renewable energy sources are being utilized in the state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years to identify strategies for long-range action, including identification of potential social, economic, and environmental effects.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated effects on the state's environment and social services resulting from energy resource development activities or from energy supply constraints, or both.

(f) The *department commission* shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations of policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the people of Florida. The report shall include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and shall include recommendations for energy conservation programs for the state, including, but not limited to, the following factors:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy conservation.

3. Development and conduct of educational and training programs relating to energy conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601(2), the state energy policy, and recommendations for better fulfilling this policy.

(g) The *department may commission has authority to* adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(h) The *department commission* shall promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, Enterprise Florida, Inc., and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Community Affairs, Enterprise Florida, Inc., the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the *department commission* shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(i) The *department commission* shall promote energy conservation in all energy use sectors throughout the state and shall constitute the state agency primarily responsible for this function. ~~To this end, The Department of Management Services, in consultation with the department, commission~~ shall coordinate the energy conservation programs of all state agencies and review and comment on the energy conservation programs of all state agencies.

(j) The *department commission* shall serve as the state clearinghouse for indexing and gathering all information related to energy programs in state universities, in private universities, in federal, state, and local government agencies, and in private industry and shall prepare and distribute such information in any manner necessary to inform and advise the citizens of the state of such programs and activities. This shall include developing and maintaining a current index and profile of all research activities, which shall be identified by energy area and may include a summary of the project, the amount and sources of funding, anticipated completion dates, or, in case of completed research, conclusions, recommendations, and applicability to state government and private sector functions. The *department commission* shall coordinate, promote, and respond to efforts by all sectors of the economy to seek financial support for energy activities. The *department commission* shall provide information to consumers regarding the anticipated energy-use and energy-saving characteristics of products and services in coordination with any federal, state, or local governmental agencies as may provide such information to consumers.

(k) The *department commission* shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the *department commission* shall:

1. Provide assistance to other state agencies, counties, municipalities, and regional planning agencies to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the *department commission* data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the *department commission*.

3. Promote the development and use of renewable energy resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public

Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

(l) The *department commission* shall develop, coordinate, and promote a comprehensive research plan for state programs. Such plan shall be consistent with state energy policy and shall be updated on a biennial basis.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the *Division of Emergency Management commission* shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective solar energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

(3) The *Department of Environmental Protection is commission shall* be responsible for the administration of the Coastal Energy Impact Program provided for and described in Pub. L. No. 94-370, 16 U.S.C. s. 1456a.

Section 514. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made, in the case of Florida, through the Department of Agriculture and Consumer Services ~~Commerce~~.

Section 515. Section 377.801, Florida Statutes, is amended to read:

377.801 Short title.—Sections 377.801-377.807 ~~377.801-377.806~~ may be cited as the “Florida Energy and Climate Protection Act.”

Section 516. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.—As used in ss. 377.801-377.807 ~~377.801-377.806~~, the term:

(1) “Act” means the Florida Energy and Climate Protection Act.

(2) “Department” “~~Commission~~” means the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~.

(3) “Person” means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(4) “Renewable energy” means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, as defined in s. 366.91, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(5) “Renewable energy technology” means any technology that generates or utilizes a renewable energy resource.

(6) “Solar energy system” means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy shall be included in this definition.

(7) “Solar photovoltaic system” means a device that converts incident sunlight into electrical current.

(8) “Solar thermal system” means a device that traps heat from incident sunlight in order to heat water.

Section 517. Subsection (1), paragraph (f) of subsection (2), and subsections (3) through (6) of section 377.804, Florida Statutes, are amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(1) The Renewable Energy and Energy-Efficient Technologies Grants Program is established within the *department commission* to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings.

(2) Matching grants for projects described in subsection (1) may be made to any of the following:

(f) Other qualified persons, as determined by the *department commission*.

(3) The *department commission* may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

(4) Factors the *department commission* shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The *department commission* shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The *department commission* shall solicit the expertise of state agencies, Enterprise Florida, Inc., and state universities, and may solicit the expertise of other public and private entities it deems appropriate, in evaluating project proposals. State agencies shall cooperate with the *department commission* and provide such assistance as requested.

(6) ~~The commission shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for re-~~

~~renewable energy technology.~~ Factors for consideration in awarding grants relating to bioenergy projects may include, but are not limited to, the degree to which:

(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

(b) The project produces bioenergy from Florida-grown crops or biomass.

(c) The project demonstrates efficient use of energy and material resources.

(d) The project fosters overall understanding and appreciation of bioenergy technologies.

(e) Matching funds and in-kind contributions from an applicant are available.

(f) The project duration and the timeline for expenditures are acceptable.

(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Section 518. Subsections (1), (6), and (7) of section 377.806, Florida Statutes, are amended to read:

**377.806 Solar Energy System Incentives Program.—**

(1) **PURPOSE.**—The Solar Energy System Incentives Program is established within the *Department of Agriculture and Consumer Services* ~~commission~~ to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(6) **REBATE AVAILABILITY.**—The ~~department commission~~ shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) **RULES.**—The ~~department commission~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications and administer the issuance of rebates.

Section 519. Section 377.807, Florida Statutes, is amended to read:

**377.807 Energy-efficient appliance rebate program.—**

(1) ~~The department may Florida Energy and Climate Commission is authorized to~~ develop and administer a consumer rebate program for residential energy-efficient appliances, consistent with 42 U.S.C. s. 15821 and any federal agency guidance or regulations issued in furtherance of federal law.

(2) The ~~department commission~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 designating eligible appliances, rebate amounts, and the administration of the issuance of rebates. The rules shall be consistent with 42 U.S.C. s. 15821 and any subsequent implementing federal regulations or guidance.

(3) ~~The department may commission is authorized to~~ enter into contracts or memoranda of agreement with other agencies of the state,

public-private partnerships, or other arrangements such that the most efficient means of administering consumer rebates can be achieved.

Section 520. Subsections (2) through (5) of section 377.808, Florida Statutes, are amended to read:

**377.808 Florida Green Government Grants Act.—**

(2) ~~The department Florida Energy and Climate Commission~~ shall use funds specifically appropriated to award grants under this section to assist local governments, including municipalities, counties, and school districts, in the development and implementation of programs that achieve green standards. Green standards shall be determined by the ~~department commission~~ and shall provide for cost-efficient solutions, reducing greenhouse gas emissions, improving quality of life, and strengthening the state's economy.

(3) ~~The department commission~~ shall adopt rules pursuant to chapter 120 to administer the grants provided for in this section. In accordance with the rules adopted by the ~~department commission~~ under this section, the ~~department commission~~ may provide grants from funds specifically appropriated for this purpose to local governments for the costs of achieving green standards, including necessary administrative expenses. The rules of the ~~department commission~~ shall:

(a) Designate one or more suitable green government standards frameworks from which local governments may develop a greening government initiative and from which projects may be eligible for funding pursuant to this section.

(b) Require that projects that plan, design, construct, upgrade, or replace facilities reduce greenhouse gas emissions and be cost-effective, environmentally sound, permissible, and implementable.

(c) Require local governments to match state funds with direct project cost sharing or in-kind services.

(d) Provide for a scale of matching requirements for local governments on the basis of population in order to assist rural and undeveloped areas of the state with any financial burden of addressing climate change impacts.

(e) Require grant applications to be submitted on appropriate forms developed and adopted by the ~~department commission~~ with appropriate supporting documentation and require records to be maintained.

(f) Establish a system to determine the relative priority of grant applications. The system shall consider greenhouse gas reductions, energy savings and efficiencies, and proven technologies.

(g) Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

(h) Provide for termination of grants when program requirements are not met.

(4) Each local government is limited to not more than two grant applications during each application period announced by the ~~department commission~~. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.

(5) ~~The department commission~~ shall perform an adequate overview of each grant, which may include technical review, site inspections, disbursement approvals, and auditing to successfully implement this section.

Section 521. Subsections (3) and (6) of section 403.44, Florida Statutes, are amended to read:

**403.44 Florida Climate Protection Act.—**

(3) The department may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. When developing the rules, the department shall consult with the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ and the Florida Public Service Commission and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010. The rules shall not become effective until ratified by the Legislature.

(6) Recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration, the department shall submit the proposed rules to the ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~, which shall review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the department. The report shall address:

(a) The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting state-wide targets.

(b) The administrative burden to the state of implementing, monitoring, and enforcing the program.

(c) The administrative burden on entities covered under the cap.

(d) The impacts on electricity prices for consumers.

(e) The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.

(f) The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.

(g) The potential effects on leakage if economic activity relocates out of the state.

(h) The effectiveness of the combination of measures in meeting identified targets.

(i) The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.

(j) The overall costs and benefits of a cap-and-trade system to the economy of the state.

(k) The impacts on low-income consumers that result from energy price increases.

(l) The consistency of the program with other state and possible federal efforts.

(m) The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.

(n) The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.

(o) The conditions and options for eliminating the Florida program if a federal program were to supplant it.

(p) The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.

(q) The desirability of and possibilities of broadening the scope of the state's cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.

Section 522. Section 526.207, Florida Statutes, is amended to read:

526.207 Studies and reports.—

(1) The ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ shall conduct a study to evaluate and recommend the life-cycle greenhouse gas emissions associated with all renewable fuels, including, but not limited to, biodiesel, renewable die-

sel, biobutanol, and ethanol derived from any source. In addition, the ~~department commission~~ shall evaluate and recommend a requirement that all renewable fuels introduced into commerce in the state, as a result of the renewable fuel standard, shall reduce the life-cycle greenhouse gas emissions by an average percentage. The ~~department commission~~ may also evaluate and recommend any benefits associated with the creation, banking, transfer, and sale of credits among fuel refiners, blenders, and importers.

(2) The ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ shall submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2010.

Section 523. Subsection (3) of section 570.954, Florida Statutes, is amended to read:

570.954 Farm-to-fuel initiative.—

~~(3) The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.~~

Section 524. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; ~~energy and water policy coordination~~.—The commissioner may create an Office of ~~Energy and Water Coordination~~ under the supervision of a senior manager exempt under s. 110.205 in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to *energy and water policy* affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 525. Sections 1 and 2 of chapter 2010-282, Laws of Florida, are amended to read:

Section 1. (1) As provided in this section and section 2, a portion of the total amount appropriated in this act shall be ~~used~~ <sup>utilized</sup> by the ~~Department of Agriculture and Consumer Services Florida Energy and Climate Commission~~ to pay rebates to eligible applicants who submit an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program administered by the ~~department commission~~, as approved by the United States Department of Energy. An applicant is eligible for a rebate under this section if:

(a) A complete application is submitted to the ~~department commission~~ on or before November 30, 2010.

(b) The central air conditioner, air source heat pump, or geothermal heat pump system replacement for which the applicant is seeking a rebate was purchased from or contracted for purchase with a Florida-licensed contractor after August 29, 2010, but before September 15, 2010, and fully installed prior to submission of the application for a rebate.

(c) The ~~department commission~~ determines that the application complies with this section and any existing agreement with the United States Department of Energy governing the Florida ENERGY STAR Residential HVAC Rebate Program.

(d) The applicant provides the following information to the ~~department commission~~ on or before November 30, 2010:

1.a. A copy of the sales receipt indicating a date of purchase after August 29, 2010, but before September 15, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system; or

b. A copy of the contract for the purchase and installation of the system indicating a contract date after August 29, 2010, but before September 15, 2010, and a copy of the sales receipt indicating a date of purchase after August 29, 2010, but on or before November 30, 2010, with the make and model number identified and circled along with the name and address of the Florida-licensed contractor who installed the system.

2. A copy of the mechanical building permit issued by the county or municipality and pulled by the Florida-licensed contractor who installed the system for the residence.

3. A copy of the Air Distribution System Test Report results from a Florida-certified Class 1 energy gauge rater, a Florida-licensed mechanical contractor, or a recognized test and balance agent. The results from the test must indicate the home has no more than 15 percent leakage to the outside as measured by 0.10 Qn.out or less.

4. A copy of the summary of the Manual J program completed for the residence to indicate that the proper methodology for sizing the new system was completed.

(2) The *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall pay a \$1,500 rebate to each consumer who submits an application pursuant to the Florida ENERGY STAR Residential HVAC Rebate Program if the application is approved by the ~~department commission~~ in accordance with this act. The ~~department commission~~ shall pay all rebates authorized in this section prior to paying any rebates authorized in section 2.

Section 2. Notwithstanding s. 377.806(6), Florida Statutes, the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ shall utilize up to \$28,902,623, less any amount in excess of \$2,467,244 used to pay rebates pursuant to section 1, to pay a percentage of each unpaid and approved rebate application submitted pursuant to the Solar Energy System Incentives Program established in s. 377.806, Florida Statutes. An applicant is eligible for a rebate under this section if the application submitted complies with s. 377.806, Florida Statutes. The percentage of each approved rebate to be paid shall be derived by dividing the remaining appropriation by the total dollar value of the backlog of final approved solar rebates, pursuant to the authorized limits provided in s. 377.806, Florida Statutes.

Section 526. Subsections (5), (11), (12), and (13) of section 1004.648, Florida Statutes, are amended to read:

1004.648 Florida Energy Systems Consortium.—

(5) The director, whose office ~~is shall be~~ located at the University of Florida, shall report to the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission created pursuant to s. 377.6015~~.

(11) The oversight board, in consultation with the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~, shall ensure that the consortium:

(a) Maintains accurate records of any funds received by the consortium.

(b) Meets financial and technical performance expectations, which may include external technical reviews as required.

(12) The steering committee shall consist of the university representatives included in the Centers of Excellence proposals for the Florida Energy Systems Consortium and the Center of Excellence in Ocean Energy Technology-Phase II which were reviewed during the 2007-2008 fiscal year by the Florida Technology, Research, and Scholarship Board created in s. 1004.226(4); a university representative appointed by the President of Florida International University; and a representative of the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~. The steering committee ~~is shall be~~ responsible for establishing and ensuring the success of the consortium's mission under subsection (9).

(13) By November 1 of each year, the consortium shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the *Department of Agriculture and Consumer Services* ~~Florida Energy and Climate Commission~~ regarding its activities, including, but not limited to, education and research related to, and the development and deployment of, alternative energy technologies.

Section 527. *For the 2011-2012 fiscal year only, notwithstanding s. 216.181(2)(b), Florida Statutes, the Department of Agriculture may submit an amendment to the Legislative Budget Commission for increased budget authority for a fixed capital outlay appropriation for federal en-*

*ergy grants. Any such amendment is subject to the review and notice procedures provided in s. 216.177, Florida Statutes.*

Section 528. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to governmental reorganization; transferring the functions and trust funds of the Agency for Workforce Innovation to other agencies; transferring the Office of Early Learning to the Department of Education; transferring the Office of Unemployment Compensation to the Department of Economic Opportunity; transferring the Unemployment Appeals Commission to the Department of Economic Opportunity; transferring the Office of Workforce Services to the Department of Economic Opportunity; requiring the Auditor General to conduct an audit of the Office of Early Learning; transferring the functions and trust funds of the Department of Community Affairs to other agencies; transferring the Florida Housing Finance Corporation to the Department of Economic Opportunity; transferring the Division of Housing and Community Development to the Department of Economic Opportunity; transferring the Division of Community Planning to the Department of Economic Opportunity; transferring the Division of Emergency Management to the Executive Office of the Governor; transferring the Florida Building Commission to the Department of Business and Professional Regulation; transferring the responsibilities under the Florida Communities Trust to the Department of Environmental Protection; transferring the responsibilities under the Stan Mayfield Working Waterfronts Program to the Department of Environmental Protection; transferring functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Department of Economic Opportunity; transferring the Ready to Work program to the Department of Education; providing legislative intent with respect to the transfer of programs and administrative responsibilities; providing for a transition period; providing for coordination between the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development and other state agencies to implement the transition; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; authorizing the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act; directing the nonprofit entities to enter into a plan for merger; transitioning the Florida Tourism Marketing Corporation d/b/a VISIT Florida to Enterprise Florida, Inc.; providing legislative intent with respect to the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, and the Florida Black Business Investment Board, Inc., into, and the transition of the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida to, Enterprise Florida, Inc.; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; providing for the transfer of any funds held in trust by the entities to be transferred to Enterprise Florida, Inc., to be used for the funds' original purposes; requiring that the Governor submit information and obtain waivers as required by federal law; requiring the Department of Economic Opportunity to submit a business plan by September 1, 2011; specifying report details; requiring the Department of Economic Opportunity to submit a report on streamlining economic development and workforce functions by January 1, 2012; requiring a review of the Department of Economic Opportunity by July 1, 2016; specifying the details of the review; providing a directive to the Division of Statutory Revision to assist substantive committees to prepare conforming legislation; creating s. 14.2016, F.S.; establishing the Division of Emergency Management as a separate budget entity within the Executive Office of the Governor; providing for the director of the division to serve at the pleasure of the Governor; amending s. 20.15, F.S.; establishing the Office of Early Learning as a separate budget entity within the Department of Education; providing for the office to administer the school readiness system and the Voluntary Prekindergarten Education Program; providing for the director of the office to serve at the pleasure of the Governor; creating s. 20.60, F.S.; creating the Department of Economic Opportunity as a new department of state government; providing for the executive director of the Department of Economic Opportunity to be appointed by the Governor and confirmed by the Senate; establishing divisions of the Department of Economic Opportunity and specifying their responsibilities; providing for the Department of Economic Opportunity to serve as the designated agency for the purposes of federal

workforce development grants; authorizing the Department of Economic Opportunity to contract for training for employees of administrative entities and case managers of contracted providers; specifying that the Unemployment Appeals Commission is not subject to control, supervision, or direction from the Department of Economic Opportunity; specifying the responsibilities of the executive director of the Department of Economic Opportunity; requiring an annual report on the business climate and economic development in the state; requiring the Department of Economic Opportunity to establish annual performance standards for public-private partnerships; providing for the Department of Economic Opportunity to have an official seal; providing for the Department of Economic Opportunity to administer the role of state government with respect to laws relating to housing; amending s. 14.32, F.S.; specifying powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to public-private partnerships; amending s. 201.15, F.S.; revising the distribution of excise taxes on documents; providing for specified distributions of funds to the State Economic Enhancement and Development Trust Fund in the Department of Economic Opportunity; amending s. 215.559, F.S.; providing for the Hurricane Loss Mitigation Program to be housed within the Division of Emergency Management; extending the repeal date of the program; deleting an obsolete provision relating to the use of funds for programs to retrofit certain existing hurricane shelters; creating s. 288.005, F.S.; defining the terms "economic benefits," "department," and "executive director"; amending s. 288.061, F.S.; providing for the Department of Economic Opportunity and Enterprise Florida, Inc., to review applications for state economic development incentives; reducing the review and approval period to 10 business days; authorizing the Department of Economic Opportunity to enter into an agreement with an applicant relating to all incentives offered by the state; amending s. 288.095, F.S.; providing for the Department of Economic Opportunity to approve applications for certification or requests for participation in certain economic development programs; amending s. 288.1081, F.S.; providing for the Economic Gardening Business Loan Pilot Program to be administered by the Department of Economic Opportunity; amending s. 288.1082, F.S.; providing for the Economic Gardening Technical Assistance Pilot Program to be administered by the Department of Economic Opportunity; amending s. 288.901, F.S.; creating Enterprise Florida, Inc., as a nonprofit corporation; specifying that Enterprise Florida, Inc., is subject to the provisions of chs. 119 and 286, F.S.; specifying that the board of directors of Enterprise Florida, Inc., is subject to certain requirements in ch. 112, F.S.; specifying the purposes of Enterprise Florida, Inc.; creating the board of directors for Enterprise Florida, Inc.; naming the Governor as chair of the board of directors; specifying appointment procedures, terms of office, selecting a vice chairperson, filling vacancies, and removing board members; providing for the appointment of at-large members to the board of directors; specifying terms; allowing the at-large members to make contributions to Enterprise Florida, Inc.; specifying ex officio, nonvoting members of the board of directors; specifying that members of the board of directors serve without compensation, but are entitled to reimbursement for all reasonable, necessary, and actual expenses as determined by the board of directors; amending s. 288.9015, F.S.; specifying the powers of Enterprise Florida, Inc., and the board of directors; authorizing liberal construction of the statutory powers of Enterprise Florida, Inc.; prohibiting Enterprise Florida, Inc., from pledging the full faith and credit of the state; allowing Enterprise Florida, Inc., to indemnify, purchase, and maintain insurance on its board members, officers, and employees; amending s. 288.903, F.S.; specifying the duties of Enterprise Florida, Inc.; amending s. 288.904, F.S.; providing for legislative appropriations; requiring a private match equal to at least 100 percent of the appropriation of public funds; specifying potential sources of private funding; requiring a one-to-one match for private to public contributions for marketing and advertising activities; directing the board of directors to develop annual budgets; providing for Enterprise Florida, Inc., to enter into an agreement with the Department of Economic Opportunity; requiring performance measures; requiring review of the activities of Enterprise Florida, Inc., as a return on the public's financial investment; amending s. 288.905, F.S.; directing the board of directors of Enterprise Florida, Inc., to hire a president, who serves at the pleasure of the Governor; specifying that the president also be known as the "Secretary of Commerce"; defining the president's role and responsibilities; forbidding an employee of Enterprise Florida, Inc., from earning more than the Governor, but providing for the granting of performance-based incentive payments to employees which may increase their total compensation in excess of the Governor's; amending s. 288.906, F.S.; requiring Enterprise Florida, Inc., to prepare an annual report by December 1 of each year;

specifying the content of the annual report; creating s. 288.907, F.S.; requiring Enterprise Florida, Inc., to create an annual incentives report; specifying the required components of the report; creating s. 288.912, F.S.; requiring that certain counties and municipalities annually provide to the partnership an overview of certain local economic development activities; creating s. 288.92, F.S.; authorizing Enterprise Florida, Inc., to create divisions; requiring certain divisions; providing for hiring of staff; creating s. 288.923, F.S.; creating the Division of Tourism Marketing; providing definitions; requiring Enterprise Florida, Inc., to contract with the Florida Tourism Industry Marketing Corporation; specifying the division's responsibilities and duties, including a 4-year marketing plan; requiring an annual report; amending s. 288.1226, F.S.; establishing the Florida Tourism Marketing Corporation as a direct-support organization of Enterprise Florida, Inc.; establishing the membership of the board of directors of the corporation; establishing the membership of the board of directors of the corporation; making changes to conform to the act; amending s. 409.942, F.S.; deleting requirements that Workforce Florida, Inc., establish an electronic transfer benefit program; amending s. 411.0102, F.S.; requiring each participating early learning coalition board to develop a plan for the use of child care purchasing pool funds; amending ss. 11.40, 11.45, 14.20195, 15.182, 16.615, 17.61, 20.181, 39.001, 45.031, 69.041, 112.63, 112.665, 112.3135, 119.071, 120.54, 120.80, 125.045, 159.803, 159.8081, 159.8083, 159.809, 161.142, 161.54, 163.3164, 166.021, 171.204, 175.021, 186.504, 186.505, 189.403, 189.412, 189.413, 189.425, 189.427, 189.4035, 190.009, 190.047, 191.009, 191.015, 202.037, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5588, 216.136, 216.292, 216.231, 218.32, 218.37, 218.64, 220.03, 220.181, 220.182, 220.183, 220.1895, 220.1896, 220.1899, 220.191, 222.15, 250.06, 252.34, 252.35, 252.355, 252.371, 252.373, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.042, 255.099, 258.004, 259.035, 259.105, 260.0142, 267.0625, 272.11, 282.34, 282.709, 287.0931, 287.0943, 287.09451, 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021, 288.0251, 288.035, 288.037, 288.041, 288.047, 288.063, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1083, 288.1088, 288.1089, 288.109, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.1175, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.7015, 288.703, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.8175, 288.826, 288.95155, 288.955, 288.9604, 288.9605, 288.9606, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0058, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 290.042, 290.043, 290.044, 290.046, 290.047, 290.048, 290.0491, 290.053, 290.06561, 310.0015, 311.09, 311.105, 327.803, 311.11, 311.115, 311.22, 320.08058, 320.63, 331.3051, 331.3081, 332.112, 333.065, 339.135, 339.175, 342.201, 369.303, 369.318, 369.321, 369.322, 369.323, 369.324, 373.199, 373.4149, 373.453, 375.021, 376.60, 376.86, 377.809, 378.411, 379.2291, 380.031, 380.06, 380.061, 380.0677, 380.285, 380.503, 380.504, 380.5115, 381.0054, 381.0086, 381.0303, 381.7354, 383.14, 393.067, 395.1055, 395.1056, 397.321, 397.801, 400.23, 400.497, 400.506, 400.605, 400.935, 400.967, 401.245, 402.281, 402.45, 402.56, 403.0752, 403.42, 403.507, 403.508, 403.524, 403.526, 403.527, 403.757, 403.7032, 403.941, 403.9411, 403.973, 404.056, 404.0617, 409.017, 409.1451, 409.2576, 409.508, 409.509, 410.502, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103, 411.0104, 411.0105, 411.0106, 411.011, 411.226, 411.227, 414.24, 414.40, 414.295, 414.411, 418.12, 420.0003, 420.0004, 420.0005, 420.101, 420.111, 420.36, 420.424, 420.503, 420.504, 420.506, 420.5095, 420.602, 420.609, 420.622, 420.631, 420.635, 421.001, 422.001, 423.001, 427.012, 429.41, 429.907, 429.929, 440.12, 440.15, 440.45, 422.001, 473.3065, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.113, 443.115, 443.116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002, 445.003, 445.004, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051, 445.056, 450.261, 446.41, 446.50, 446.52, 448.109, 448.110, 450.161, 450.191, 450.31, 468.529, 489.103, 489.109, 489.509, 497.271, 526.144, 551.104, 553.36, 553.382, 553.512, 553.71, 553.721, 553.74, 553.841, 553.896, 553.901, 553.9085, 553.954, 553.955, 553.973, 553.992, 553.995, 570.71, 570.96, 597.006, 604.006, 624.5105, 625.3255, 627.0628, 627.0629, 627.3511, 641.217, 657.042, 658.67, 720.403, 720.404, 720.406, 760.854, 768.13, 943.03101, 943.0311, 943.0313, 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1002.75, 1003.491, 1003.492,

1003.493, 1003.575, 1003.4285, 1004.226, 1004.435, 1004.46, 1008.39, 1008.41, 1011.76, 1012.2251, 1013.37, 1013.372, and 1013.74, F.S.; conforming provisions to changes made by the act; conforming cross-references; deleting obsolete provisions; amending s. 288.012, F.S.; creating the state protocol officer; amending s. 411.01, F.S.; providing that the Department of Education provides preservation of parental choice; amending s. 1002.67, F.S.; providing for private prekindergarten providers or public schools that are on probation to use a staff development plan to strengthen instruction in language development and phonological awareness approved by the department; transferring, renumbering, and amending ss. 20.505 and 1004.99, F.S.; conforming provisions to changes made by the act; repealing s. 14.2015, F.S., relating to the creation of the Office of Tourism, Trade, and Economic Development; repealing s. 20.18, F.S., relating to the creation of the Department of Community Affairs; repealing s. 20.50, F.S., relating to the creation of the Agency for Workforce Innovation; repealing 23.22(2), F.S., to conform a cross-reference; repealing 165.031(6), F.S., which includes the Department of Community Affairs in a definition; repealing 165.093, F.S., relating to the directing of all state and local agencies to cooperate in administering ch. 165, F.S.; repealing ss. 216.235, 216.236, 216.237, and 216.238, F.S., relating to the Innovation Investment Program, the selection of review boards to evaluate innovative investment projects, the appointment of the State Innovation Committee and approval of such projects, the funding, recordkeeping, and reporting for such projects, the establishment by state agencies of internal innovations funds, and the adoption of rules by the Department of Management Services for the program; repealing s. 287.115, F.S., relating to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed; repealing ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229, F.S., relating to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation; repealing s. 288.7011, F.S., relating to contracts between the Office of Tourism, Trade, and Economic Development and a certain nonprofit statewide development corporation; repealing ss. 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, F.S., relating to the Black Business Investment Board; repealing s. 288.12295, F.S., relating to a public-records exemption for donors for a direct-support organization on promotion and development of sports-related industries and amateur athletics; repealing s. 288.90151, F.S., relating to return on investment from activities of Enterprise Florida, Inc.; repealing s. 288.9415, F.S., relating to Enterprise Florida, Inc., and international trade grants; repealing ss. 409.944, 409.945, and 409.946, F.S., relating to the Inner City Redevelopment Assistance Grants Program, eligibility criteria for the program, and the membership of the Inner City Redevelopment Review Panel; repealing s. 943.402, F.S., relating to transfer of the criminal justice program of the Department of Community Affairs to the Department of Law Enforcement; repealing s. 42, ch. 2005-71, and s. 1, ch. 2005-261, Laws of Florida, relating to the authorization for funding certain dredging projects, to delete obsolete provisions; amending s. 220.191, F.S.; waiving the requirement that a facility located in a Disproportionally Affected County be in a high-impact sector in order to qualify for the capital investment tax credit; amending s. 288.106, F.S.; creating a process for the Department of Economic Opportunity to waive wage or local financial support eligibility requirements; providing a special incentive under the tax refund program for a limited time for a qualified target industry business that relocates from another state to a Disproportionally Affected County; creating s. 252.363, F.S.; tolling and extending the expiration dates of certain building permits or other authorizations following the declaration of a state of emergency by the Governor; providing exceptions; providing for the laws, administrative rules, and ordinances in effect when the permit was issued to apply to activities described in a permit or other authorization; providing an exception; amending s. 253.02, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to recommend to the Legislature whether existing multistate compacts for mutual aid should be modified or if a new multistate compact is necessary to address the Deepwater Horizon event or similar future incidents; requiring that the Board of Trustees of the Internal Improvement Trust Fund appoint members to the Commission on Oil Spill Response Coordination; providing for the designation of the chair of the commission by the Governor; requiring the commission to prepare a report for review and approval by the board of trustees; specifying the subject matter of the report; providing for future expiration; defining the term “Disproportionally Affected County”; creating a process for the Department of Economic Opportunity to waive any or all job or wage eligibility requirements under certain circumstances when in the best interest of the public; defining the term “Disproportionally Affected

County”; providing an appropriation to the Department of Economic Opportunity to contract with the Office of Economic Development and Engagement within the University of West Florida in order to develop and implement an economic development program for a Disproportionally Affected County; specifying a preference for a Disproportionally Affected County or municipalities within a Disproportionally Affected County which provide for expedited or combined permitting for certain purposes; providing for the appropriation to be placed in reserve by the Executive Office of the Governor for release as authorized by law or the Legislative Budget Commission; defining the term “Disproportionally Affected County”; providing for the deposit of funds received by entities involved in the Deepwater Horizon oil spill into applicable state trust funds; specifying permissible uses of such funds; designating the Department of Environmental Protection as the lead agency for expending funds for environmental restoration; designating the Department of Economic Opportunity as the lead agency for funds designated for economic incentives and diversification efforts; providing for a type two transfer of the Florida Energy and Climate Commission within the Executive Office of the Governor to the Department of Agriculture and Consumer Services; amending ss. 220.192, 288.9607, 366.82, 366.92, 377.6015, 377.602, 377.603, 377.604, 377.605, 377.606, 377.608, F.S.; eliminating the Florida Energy and Climate Commission and transferring its duties to the Department of Agriculture and Consumer Services; conforming provisions to changes made by the act; amending s. 377.701; transferring the duties of petroleum allocation from the Florida Energy and Climate Commission to the Division of Emergency Management; amending s. 377.703; conforming provisions to changes made by the act; transferring energy emergency contingency plans to the Division of Emergency Management; providing that the Department of Management Services shall coordinate the energy conservation programs of all state agencies; transferring administration of the Coastal Energy Impact Program to the Department of Environmental Protection; amending ss. 377.711, 377.801, 377.803, 377.804, 377.806, 377.807, 377.808, 403.44, 526.207, 570.954, and 1004.648, F.S.; conforming provisions to changes made by the act; amending s. 570.074, F.S.; providing for the creation of the Office of Energy and Water within the Department of Agriculture and Consumer Services; amending chapter 2010-282, Laws of Florida; conforming provisions to changes made by the act; authorizing the Department of Agriculture and Consumer Services to submit a budget amendment for a fixed capital outlay appropriation for federal energy grants; providing an effective date.

On motion by Senator Hays, the Conference Committee Report on **SB 2156** was adopted. **SB 2156** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—33

Mr. President	Flores	Negron
Alexander	Gaetz	Norman
Altman	Garcia	Oelrich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Dean	Jones	Simmons
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Storms
Evers	Margolis	Thrasher
Fasano	Montford	Wise

Nays—6

Braynon	Joyner	Siplin
Dockery	Rich	Sobel

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2144

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2144, same being:

An act relating to Medicaid, having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Committee Chair  
Gary Aubuchon, At Large  
Richard Corcoran  
*s/ Jose Felix Diaz*  
*s/ Gayle B. Harrell*  
Mia L. Jones  
*s/ John Legg, At Large*  
*s/ Seth McKeel, At Large*  
*s/ William L. "Bill" Proctor,*  
At Large  
Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck,*  
At Large  
Will W. Weatherford, At Large  
*s/ Dana D. Young*

*s/ Matt Hudson*  
Chair  
Charles S. "Chuck" Chestnut IV  
*s/ Daniel Davis*  
James C. "Jim" Frishe  
*s/ Dorothy L. Hukill, At Large*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
Mark S. Pafford  
Kenneth L. "Ken" Roberson  
*s/ Darryl Ervin Rouson, At Large*  
Ron Saunders, At Large  
*s/ William D. Snyder, At Large*  
*s/ W. Gregory "Greg" Steube*  
John Wood

Managers on the part of the House

The Conference Committee Amendment for SB 2144, 1st Eng., relating to Medicaid, provides for the following:

- Modifies the nursing home staffing requirements to allow for a combined direct care staffing requirement of 3.6 hours per resident per day and modifies the formula for calculating the direct care subcomponent of the nursing home reimbursement.
- Modifies the requirements for the Agency for Health Care Administration to deny licensure and renewal requests.

- Repeals the sunset of the Medically Needy for adults and the Medicaid Aged and Disabled (MEDS-AD) waiver, which will sunset June 30, 2011.
- Eliminates a requirement for a hospitalist program in non-teaching hospitals.
- Modifies the formula used for calculating reimbursements to providers of prescribed drugs.
- Repeals the sunset date for the freeze on Medicaid institutional unit cost; and deletes obsolete workgroups and reporting requirements.
- Provides for the allowed aggregated amount of assessments for all nursing home facilities to increase to conform to federal regulations and revises the criteria for exempting qualified public, non-state-owned or operated nursing home facilities from quality assessments.
- Repeals the sunset of the quality assessment on privately operated intermediate care facilities for the developmentally disabled.
- Revises the years of audited data used in determining Medicaid and charity care days for hospitals in the Disproportionate Share Hospital (DSH) Program; and changes the distribution criteria for Medicaid DSH payments to implement funding decisions for the DSH program.
- Eliminates the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; and allowing electronic access to certain pharmacology drug information.
- Authorizes the implementation of a home delivery of pharmacy products program; establishes the requirements for the procurement and the program; and eliminates the requirement for the expansion of the mail-order-pharmacy diabetes-supply program.
- Eliminates certain specific components of the prescription drug management system program.
- Authorizes an additional Program of All-inclusive Care for the Elderly (PACE) site in Palm Beach County and approves up to 150 initial enrollees, subject to a specific appropriation.
- Authorizes the agency in conjunction with the specialty behavioral health plan to develop a clinically effective, evidence-based alternatives as downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services
- Deletes a provision that sunsets the ability of tobacco companies to deposit a limited amount of security with the Florida Supreme Court.
- Authorizes the use of a managing entity in the Medipass program in certain counties to implement program initiatives to improve care coordination, patient outcomes, and reduce costs.
- Assigns Medicaid program recipients diagnosed with HIV/AIDS residing in Broward, Miami-Dade, or Palm Beach counties to an HIV/AIDS specialty plan.
- Exempts from Insurance Premiums Tax the premiums, contributions, and assessments received under a contract with Medicaid to solely provide services to Medicaid recipients by a prepaid limited health service organization (PLHSO) licensed under chapter 636, Florida Statute. Provides that the provisions within the bill will operate prospectively and does not provide a basis for an assessment of taxes not paid, or a basis for determining any right to a refund of taxes paid, prior to the effective date.
- The amendment has an effective date of July 1, 2011.

**Conference Committee Amendment (784096)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a)1. The agency shall adopt rules providing minimum staffing requirements for nursing ~~home facilities homes~~. These requirements ~~must shall~~ include, for each ~~nursing home~~ facility:

a. A minimum weekly average of certified nursing assistant and licensed nursing staffing combined of 3.6 ~~3.9~~ hours of direct care per resident per day. As used in this sub-subparagraph, a week is defined as Sunday through Saturday.

b. A minimum certified nursing assistant staffing of 2.5 ~~2.7~~ hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.

c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.

2. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants ~~only~~ if their job responsibilities include only nursing-assistant-related duties.

3. Each nursing home *facility* must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public.

4. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants ~~if, provided that~~ the *nursing home* facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. ~~In no event may~~ The hours of a licensed nurse with dual job responsibilities ~~may not~~ be counted twice.

Section 2. Section 408.815, Florida Statutes, is amended to read:

408.815 License or application denial; revocation.—

(1) In addition to the grounds provided in authorizing statutes, grounds that may be used by the agency for denying and revoking a license or change of ownership application include any of the following actions by a controlling interest:

(a) False representation of a material fact in the license application or omission of any material fact from the application.

(b) An intentional or negligent act materially affecting the health or safety of a client of the provider.

(c) A violation of this part, authorizing statutes, or applicable rules.

(d) A demonstrated pattern of deficient performance.

(e) The applicant, licensee, or controlling interest has been or is currently excluded, suspended, or terminated from participation in the state Medicaid program, the Medicaid program of any other state, or the Medicare program.

(2) If a licensee lawfully continues to operate while a denial or revocation is pending in litigation, the licensee must continue to meet all other requirements of this part, authorizing statutes, and applicable rules and ~~must~~ file subsequent renewal applications for licensure and pay all licensure fees. The provisions of ss. 120.60(1) and 408.806(3)(c) ~~do shall~~ not apply to renewal applications filed during the time period in

which the litigation of the denial or revocation is pending until that litigation is final.

(3) An action under s. 408.814 or denial of the license of the transferor may be grounds for denial of a change of ownership application of the transferee.

(4) ~~Unless an applicant is determined by the agency to satisfy the provisions of subsection (5) for the action in question, the agency shall deny an application for a license or license renewal based upon any of the following actions of an applicant, a controlling interest of the applicant, or any entity in which a controlling interest of the applicant was an owner or officer when the following actions occurred. In addition to the grounds provided in authorizing statutes, the agency shall deny an application for a license or license renewal if the applicant or a person having a controlling interest in an applicant has been:~~

(a) ~~A conviction or~~ ~~Convicted of, or enters~~ a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, Medicaid fraud, Medicare fraud, or insurance fraud, unless the sentence and any subsequent period of probation for such convictions or plea ended more than 15 years ~~before~~ ~~prior to~~ the date of the application; or

(b) ~~Termination~~ ~~Terminated~~ for cause from the ~~Medicare Florida Medicaid program or a state Medicaid program pursuant to s. 400.913,~~ unless the applicant has been in good standing with the Medicare program or a state the Florida Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of the application; ~~or~~

(c) ~~Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from the federal Medicare program or from any other state Medicaid program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years prior to the date of the application.~~

(5) For any application subject to denial under subsection (4), the agency may consider mitigating circumstances as applicable, including, but not limited to:

(a) Completion or lawful release from confinement, supervision, or sanction, including the terms of probation, and full restitution;

(b) Execution of a compliance plan with the agency;

(c) Compliance with an integrity agreement or compliance plan with another government agency;

(d) Determination by any state Medicaid program or the Medicare program that the controlling interest or entity in which the controlling interest was an owner or officer is currently allowed to participate in the state Medicaid program or the Medicare program, directly as a provider or indirectly as an owner or officer of a provider entity;

(e) Continuation of licensure by the controlling interest or entity in which the controlling interest was an owner or officer, directly as a licensee or indirectly as an owner or officer of a licensed entity in the state where the action occurred;

(f) Overall impact upon the public health, safety, or welfare; or

(g) Determination that a license denial is not commensurate with the prior action taken by the Medicare or state Medicaid program.

After considering the circumstances set forth in this subsection, the agency shall grant the license, with or without conditions, grant a provisional license for a period of no more than the licensure cycle, with or without conditions, or deny the license.

(6) In order to ensure the health, safety, and welfare of clients when a license has been denied, revoked, or is set to terminate, the agency may extend the license expiration date for up to 30 days for the sole purpose of allowing the safe and orderly discharge of clients. The agency may impose conditions on the extension, including, but not limited to, prohibiting or limiting admissions, expedited discharge planning, required status reports, and mandatory monitoring by the agency or third parties. When

imposing these conditions, the agency shall consider the nature and number of clients, the availability and location of acceptable alternative placements, and the ability of the licensee to continue providing care to the clients. The agency may terminate the extension or modify the conditions at any time. This authority is in addition to any other authority granted to the agency under chapter 120, this part, and authorizing statutes but creates no right or entitlement to an extension of a license expiration date.

Section 3. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) ~~Effective January 1, 2006, and~~ Subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care services, hospice services, or home and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage. ~~This subsection expires June 30, 2011.~~

(2)(a) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the “medically needy,” is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. ~~This paragraph expires June 30, 2011.~~

~~(b) Effective July 1, 2011, a pregnant woman or a child younger than 21 years of age who would be eligible under any group listed in s. 409.903, except that the income or assets of such group exceed established limitations. For a person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A person eligible under the coverage known as the “medically needy” is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.~~

Section 4. Paragraphs (d), (e), and (f) of subsection (5) of section 409.905, Florida Statutes, are amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

~~(d) The agency shall implement a hospitalist program in nonteaching hospitals, select counties, or statewide. The program shall require hospitalists to manage Medicaid recipients’ hospital admissions and lengths of stay. Individuals who are dually eligible for Medicare and Medicaid are exempted from this requirement. Medicaid participating physicians and other practitioners with hospital admitting privileges shall coordinate and review admissions of Medicaid recipients with the hospitalist. The agency may competitively bid a contract for selection of a single qualified organization to provide hospitalist services. The agency may procure hospitalist services by individual county or may combine counties in a single procurement. The qualified organization shall contract with or employ board eligible physicians in Miami Dade, Palm Beach, Hillsborough, Pasco, and Pinellas Counties. The agency is authorized to seek federal waivers to implement this program.~~

~~(d)(e)~~ The agency shall implement a comprehensive utilization management program for hospital neonatal intensive care stays in certain high-volume participating hospitals, select counties, or statewide, and shall replace existing hospital inpatient utilization management programs for neonatal intensive care admissions. The program shall be designed to manage the lengths of stay for children being treated in neonatal intensive care units and must seek the earliest medically appropriate discharge to the child’s home or other less costly treatment setting. The agency may competitively bid a contract for the selection of a qualified organization to provide neonatal intensive care utilization management services. The agency ~~may~~ ~~is authorized to seek any~~ federal waivers to implement this initiative.

~~(e)(f)~~ The agency may develop and implement a program to reduce the number of hospital readmissions among the non-Medicare population eligible in areas 9, 10, and 11.

Section 5. Paragraph (b) of subsection (2) and subsections (14) and (23) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider’s rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

~~(b)~~ Subject to any limitations or directions ~~provided for~~ in the General Appropriations Act, the agency shall establish and implement a ~~state Florida~~ Title XIX Long-Term Care Reimbursement Plan (~~Medicaid~~) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care sub-components of the patient care component of the per diem rate. These two sub-components together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent may be limited by the lower of the cost-based

class ceiling, the target rate class ceiling, or the individual provider target.

2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, ~~minimum data set, and care plan coordinators,~~ staff development, ~~and~~ staffing coordinator, ~~and the administrative portion of the minimum data set and care plan coordinators.~~

3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. ~~There shall be no~~ Costs may not be allocated directly or indirectly ~~allocated~~ to the direct care subcomponent from a home office or management company.

4. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

5. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. The Medicaid maximum allowable fee for ingredient cost ~~will~~ be based on the ~~lowest~~ ~~lower~~ of: the average wholesale price (AWP) minus 16.4 percent, ~~the~~ wholesaler acquisition cost (WAC) plus 1.5 ~~4.75~~ percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(a) Medicaid providers ~~must~~ ~~are required to~~ dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product.

(b) The agency ~~shall~~ ~~is directed to~~ implement a variable dispensing fee for ~~payments for~~ prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products.

(c) The agency may increase the pharmacy dispensing fee authorized by statute and in the ~~annual~~ General Appropriations Act by \$0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by \$0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list.

(d) The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee.

(e) The agency ~~may~~ ~~is authorized to~~ limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided ~~for~~ in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

(23)(a) The agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs ~~for 2 fiscal years effective July 1, 2011 2009.~~ Reimbursement rates ~~for the 2 fiscal years~~ shall be as provided in the General Appropriations Act.

(b) This subsection applies to the following provider types:

1. Inpatient hospitals.
2. Outpatient hospitals.
3. Nursing homes.
4. County health departments.
5. Community intermediate care facilities for the developmentally disabled.
6. Prepaid health plans.

(c) The agency shall apply the effect of this subsection to the reimbursement rates for nursing home diversion programs.

~~(e) The agency shall create a workgroup on hospital reimbursement, a workgroup on nursing facility reimbursement, and a workgroup on managed care plan payment. The workgroups shall evaluate alternative reimbursement and payment methodologies for hospitals, nursing facilities, and managed care plans, including prospective payment methodologies for hospitals and nursing facilities. The nursing facility workgroup shall also consider price-based methodologies for indirect care and acuity adjustments for direct care. The agency shall submit a report on the evaluated alternative reimbursement methodologies to the relevant committees of the Senate and the House of Representatives by November 1, 2009.~~

~~(d) This subsection expires June 30, 2011.~~

Section 6. Subsection (2) and paragraph (d) of subsection (3) of section 409.9082, Florida Statutes, are amended to read:

409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies.—

(2) Effective April 1, 2009, ~~a quality assessment~~ ~~there~~ is imposed upon each nursing home facility ~~a quality assessment~~. The aggregated amount of assessments for all nursing home facilities in a given year shall be an amount not exceeding ~~the maximum percentage allowed under federal law 5.5 percent~~ of the total aggregate net patient service revenue of assessed facilities. The agency shall calculate the quality assessment rate annually on a per-resident-day basis, exclusive of those resident days funded by the Medicare program, as reported by the facilities. The per-resident-day assessment rate ~~must~~ ~~shall~~ be uniform except as prescribed in subsection (3). Each facility shall report monthly to the agency its total number of resident days, exclusive of Medicare Part A resident days, and ~~shall~~ remit an amount equal to the assessment rate times the reported number of days. The agency shall collect, and each facility shall pay, the quality assessment each month. The agency shall collect the assessment from nursing home facility providers ~~by~~ ~~no~~ ~~later than~~ the 15th day of the next succeeding calendar month. The agency shall notify providers of the quality assessment and provide a standardized form to complete and submit with payments. The collection of the nursing home facility quality assessment shall commence no sooner than 5 days after the agency's initial payment of the Medicaid rates containing the elements prescribed in subsection (4). Nursing home facilities may not create a separate line-item charge for the purpose of passing ~~through~~ the assessment ~~through~~ to residents.

(3)

(d) Effective July 1, 2011 ~~2009~~, the agency may exempt from the quality assessment or apply a lower quality assessment rate to a qualified public, nonstate-owned or operated nursing home facility whose total annual indigent census days are greater than ~~20 25~~ percent of the facility's total annual census days.

Section 7. Subsection (8) of section 409.9083, Florida Statutes, is amended to read:

409.9083 Quality assessment on privately operated intermediate care facilities for the developmentally disabled; exemptions; purpose; federal approval required; remedies.—

~~(8) This section is repealed October 1, 2011.~~

Section 8. Paragraph (a) of subsection (2) of section 409.911, Florida Statutes, is amended, and paragraph (d) is added to subsection (4) of that section, to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 2004, 2005, and 2006 ~~2003, 2004, and 2005~~ audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2011-2012 ~~2010-2011~~ state fiscal year.

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(d) *Any nonstate government owned or operated hospital eligible for payments under this section on July 1, 2011, remains eligible for payments during the 2011-2012 state fiscal year.*

Section 9. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the agency shall design and implement a system for making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. The system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the 2011-2012 ~~2010-2011~~ state fiscal year, the agency may not distribute moneys under the regional perinatal intensive care centers disproportionate share program.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

$$TAE = HDSP/THDSP$$

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

$$TAP = TAE \times TA$$

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the Department of Health and the agency, in a form and manner ~~to be~~ prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals ~~that which~~ fail to comply with any of the conditions in subsection (3) or the applicable rules of the Department of Health and the agency may not receive any payments under this section until full compliance is achieved. A hospital ~~that which~~ is not in compliance in two or more consecutive quarters may not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 10. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the agency shall make disproportionate share payments to ~~statutorily defined~~ teaching hospitals, *as defined in s. 408.07*, for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the 2011-2012 ~~2010-2011~~ state fiscal year, the agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals, *as defined in s. 395.805, pursuant to this section* ~~under the teaching hospital disproportionate share program~~. The funds provided for statutorily defined teaching hospitals shall be distributed ~~in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed or~~ *otherwise provided in the General Appropriations Act*. The funds pro-

vided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the agency shall calculate an allocation fraction to be used for distributing funds to ~~state~~ statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, ~~as defined in s. 408.07~~, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of the following three primary factors, divided by three:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all ~~state~~ statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all ~~state~~ statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all ~~state~~ statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the agency to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total ~~Agency for Health Care Administration Service~~ index values, where the total is computed for all ~~state~~ statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the agency ~~for Health Care Administration~~ to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all ~~state~~ statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of

such Medicaid payments, where the total is computed for all ~~state~~ statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for ~~statutory~~ ~~statutorily defined~~ teaching hospitals:

$$TAP = THAF \times A$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 11. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the 2011-2012 ~~2010-2011~~ state fiscal year, the agency shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, ~~there shall be created a~~ primary care disproportionate share program *shall be established*.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

$$TAE = HDSP/THDSP$$

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

$$TAP = TAE \times TA$$

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In ~~establishing the establishment~~ and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, and payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up

to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide ~~at an onsite or offsite facility~~ primary care services within 24 hours *at an onsite or offsite facility* to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that hospitals may not be prevented from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 12. Paragraph (b) of subsection (4), paragraph (b) of subsection (16), and paragraph (a) of subsection (39) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's pro-

fessional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The Secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing The behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaird access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral

health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, The agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d), shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts must be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, that are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. *The agency shall work with the specialty plan to develop clinically effective, evidence-based alternatives as a downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services.* The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system and who reside in AHCA area 10 are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd).

(16)

(b) The responsibility of the agency under this subsection *includes* ~~shall include~~ the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud, waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that will eliminate provider and recipient fraud, waste, and abuse. The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. ~~By September 30, 2002,~~ The agency ~~may shall~~ contract with an entity in the state to ~~provide Medicaid providers with electronic access to Medicaid prescription refill data and information relating to the Medicaid preferred drug list~~ ~~implement a wireless handheld clinical pharmacology drug information database for practitioners.~~ The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. ~~By April 1, 2006,~~ The agency shall contract with an entity to design a database of clinical utilization information or electronic medical records for Medicaid providers. ~~The database~~ ~~This system~~ must be web-based and allow providers to review on a real-time basis the utilization of Medicaid services, including, but not limited to, physician office visits, inpatient and outpatient hospitalizations, laboratory and pathology services, radiological and other imaging services, dental care, and patterns of dispensing prescription drugs in order to coordinate care and identify potential fraud and abuse.

6. The agency may apply for any federal waivers needed to administer this paragraph.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the ~~preferred drug list~~ on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. ~~The agency may is authorized to~~ seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to ~~administer~~ ~~implement~~ this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There is a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed is provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the ~~lowest~~ ~~lesser~~ of: the average wholesale price (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 1.5 ~~4.75~~ percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medi-

cal-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment ~~if when~~ it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, ~~it is authorized to~~ negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage ~~will~~ guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency ~~may is authorized to~~ contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. ~~Effective July 1, 2004,~~ Value-added programs as a substitution for supplemental rebates are prohibited. The agency ~~may is authorized to~~ seek any federal waivers to implement this initiative.

8. ~~The agency for Health Care Administration~~ shall expand home delivery of pharmacy products. ~~The agency may amend the state plan and issue a procurement, as necessary, in order to implement this program. The procurements must include agreements with a pharmacy or pharmacies located in the state to provide mail order delivery services at no cost to the recipients who elect to receive home delivery of pharmacy products. The procurement must focus on serving recipients with chronic~~

~~diseases for which pharmacy expenditures represent a significant portion of Medicaid pharmacy expenditures or which impact a significant portion of the Medicaid population. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail order pharmacy diabetes supply program to include all generic and brand name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract.~~ The agency may seek and implement any federal waivers necessary to implement this subparagraph.

9. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

10.a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. ~~The agency may be authorized to seek federal waivers to implement this program.~~

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

11.a. The agency shall implement a Medicaid prescription drug management system.

a. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guide-

lines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to ~~recipients~~ patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

~~(V) Track spending trends for prescription drugs and deviation from best practice guidelines.~~

~~(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.~~

~~(VII) Disseminate electronic and published materials.~~

~~(VIII) Hold statewide and regional conferences.~~

~~(IX) Implement disease management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.~~

12. The agency ~~may be authorized to~~ contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may, ~~but is not required to,~~ prior-authorize the use of a product:

a. For an indication not approved in labeling;

b. To comply with certain clinical guidelines; or

c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug. The agency may post prior authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.

15. The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

16. The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months ~~before~~ prior to the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

- a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;
- b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or
- c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

17. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. ~~The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2006.~~

Section 13. Paragraph (m) is added to subsection (2) and subsection (15) is added to section 409.9122, Florida Statutes, to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

*(m) If the Medicaid recipient is diagnosed with HIV/AIDS and resides in Broward, Miami-Dade, or Palm Beach counties, the agency shall assign the recipient to a managed care plan that is a health maintenance organization authorized under Chapter 641, under contract with the agency on July 1, 2011, and which offers a delivery system through a university-based teaching and research-oriented organization that specializes in providing health care services and treatment for individuals diagnosed with HIV/AIDS.*

*(15) The agency shall contract with a single provider service network to function as a managing entity for the MediPass program in all counties with fewer than two prepaid plans. The contractor shall be responsible for implementing preauthorization procedures, case management programs, and utilization management initiatives in order to improve care coordination and patient outcomes while reducing costs. The contractor may earn an administrative fee if the fee is less than any savings as determined by the reconciliation process under s. 409.912(4)(d)1.*

Section 14. Section 636.0145, Florida Statutes, is amended to read:

636.0145 Certain entities contracting with Medicaid.—Notwithstanding the requirements of s. 409.912(4)(b), an entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties through a capitated, prepaid arrangement pursuant to the federal waiver provided for in s. 409.905(5) must become

licensed under chapter 636 by December 31, 1998. Any entity licensed under this chapter which provides services solely to Medicaid recipients under a contract with Medicaid ~~is shall be~~ exempt from ss. 636.017, 636.018, 636.022, 636.028, ~~and~~ 636.034, and 636.066(1).

Section 15. *The amendments to s. 636.0145, Florida Statutes, under this act shall operate prospectively and do not provide a basis for relief from or assessment of taxes not paid, or for determining any denial of or right to a refund of taxes paid before the effective date of the act.*

Section 16. (1) *The Legislature finds that hundreds of millions of dollars appropriated annually in support of the state's Medicaid program and other critical health programs come directly from revenues resulting from the settlement in State of Florida v. American Tobacco Co., No. 95-1466AH (Fla. 15th Cir. Ct.), that maintaining those revenues is critical to the health of this state's residents, that s. 569.23(3), Florida Statutes, protects the continued receipt of those revenues, that the sunset of s. 569.23(3), Florida Statutes, will undermine financial support for the state's Medicaid and other critical health programs, and that the sunset of that subsection should therefore be repealed.*

(2) *Paragraph (f) of subsection (3) of section 569.23, Florida Statutes, is repealed.*

Section 17. *Notwithstanding s. 430.707, Florida Statutes, and subject to federal approval of the application to be a site for the Program of All-inclusive Care for the Elderly, the Agency for Health Care Administration shall contract with one private health care organization, the sole member of which is a private, not-for-profit corporation that owns and manages health care organizations which provide comprehensive long-term care services, including nursing home, assisted living, independent housing, home care, adult day care, and care management, with a board-certified, trained geriatrician as the medical director. This organization shall provide these services to frail and elderly persons who reside in Palm Beach County. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to an appropriation, shall approve up to 150 initial enrollees in the Program of All-inclusive Care for the Elderly established by this organization to serve elderly persons who reside in Palm Beach County.*

Section 18. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 400.23, F.S.; revising the minimum staffing requirements for nursing homes; amending s. 408.815, F.S.; requiring that the Agency for Health Care Administration deny an application for a license or license renewal of an applicant, a controlling interest of the applicant, or any entity in which a controlling interest of the applicant was an owner or officer during the occurrence of certain actions; authorizing the agency to consider certain mitigating circumstances; authorizing the agency to extend a license expiration date under certain circumstances; amending s. 409.904, F.S.; repealing the sunset of provisions authorizing the federal waiver for certain persons age 65 and older or who have a disability; repealing the sunset of provisions authorizing a specified medically needy program; eliminating the limit to services placed on the medically needy program for pregnant women and children younger than age 21; amending s. 409.905, F.S.; deleting provisions requiring that the agency implement hospitalist programs; amending s. 409.908, F.S.; revising the factors that are excluded from the direct care subcomponent of the long-term care reimbursement plan for nursing home care; revising the factors for calculating the maximum allowable fee for pharmaceutical ingredient costs; continuing the requirement that the Agency for Health Care Administration set certain institutional provider reimbursement rates in a manner that results in no automatic cost-based statewide expenditure increase; deleting an obsolete requirement to establish workgroups to evaluate alternate reimbursement and payment methods; eliminating the repeal date of the suspension of the use of cost data to set certain institutional provider reimbursement rates; amending s. 409.9082, F.S.; revising the aggregated amount of the quality assessment for nursing home facilities; exempting certain nursing home facilities from the quality assessment; amending s. 409.9083, F.S.; eliminating the repeal date of the quality assessment on privately operated intermediate care facilities for the developmentally disabled; amending s. 409.911, F.S.; updating references to data to be used for the disproportionate share

program; providing that certain hospitals eligible for payments remain eligible for payments during the next fiscal year; amending s. 409.9112, F.S.; extending the prohibition against distributing moneys under the regional perinatal intensive care centers disproportionate share program for another year; amending s. 409.9113, F.S.; extending the disproportionate share program for teaching hospitals for another year; amending s. 409.9117, F.S.; extending the prohibition against distributing moneys under the primary care disproportionate share program for another year; amending s. 409.912, F.S.; providing for alternatives to the statewide inpatient psychiatric program; allowing the agency to continue to contract for electronic access to certain pharmacology drug information; eliminating the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; revising the factors for calculating the maximum allowable fee for pharmaceutical ingredient costs; deleting obsolete provisions; authorizing the agency to seek federal approval and to issue a procurement in order to implement a home delivery of pharmacy products program; establishing the provisions for the procurement and the program; eliminating the requirement for the expansion of the mail-order-pharmacy diabetes-supply program; eliminating certain provisions of the Medicaid prescription drug management program; amending s. 409.9122, F.S.; requiring the agency to assign Medicaid recipients with HIV/AIDS in certain counties to a certain type of managed care plan; requiring the agency to contract with a single provider service network to manage the MediPass program in certain counties; amending s. 636.0145, F.S.; exempting certain entities providing services solely to Medicaid recipients under a Medicaid contract from being subject to the premium tax imposed on premiums, contributions, and assessments received by prepaid limited health service organizations; providing for prospective operation and specifying that the act does not provide a basis for relief from or assessment of taxes not paid, or for determining any denial of or right to a refund of taxes paid, before the effective date of the act; providing legislative intent with respect to the need to maintain revenues that support critical health programs; repealing s. 569.23(3)(f), F.S.; abrogating the repeal of provisions requiring that appellants of tobacco settlement agreement judgments provide specified security; authorizing the agency to contract with an organization to provide certain benefits under a federal program in Palm Beach County; providing an exemption from ch. 641, F.S., for the organization; authorizing, subject to appropriation, enrollment slots for the Program of All-inclusive Care for the Elderly in Palm Beach County; providing an effective date.

On motion by Senator Negron, the Conference Committee Report on SB 2144 was adopted. SB 2144 passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—24

Table with 3 columns: Name, Evers, Negron. Lists names of senators who voted 'Yeas'.

Nays—15

Table with 3 columns: Name, Jones, Ring. Lists names of senators who voted 'Nays'.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2094

The Honorable Mike Haridopolos
President of the Senate

May 5, 2011

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2094, same being:

An act relating to state employees.

having met, and after full and free conference, do recommend to their respective houses as follows:

- 1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

- s/ JD Alexander Chair
s/ Thad Altman
s/ Michael S. "Mike" Bennett
s/ Oscar Braynon II
s/ Charles S. "Charlie" Dean, Sr.
s/ Miguel Diaz de la Portilla
s/ Greg Evers
s/ Anitere Flores
s/ Rene Garcia
s/ Alan Hays
s/ Dennis L. Jones, D.C.
Jack Latvala
s/ Gwen Margolis
s/ Jim Norman
s/ Nan H. Rich, At Large
s/ Jeremy Ring
s/ David Simmons
s/ Christopher L. "Chris" Smith
s/ Ronda Storms
s/ Stephen R. Wise
s/ Joe Negron Vice Chair
s/ Lizbeth Benacquisto
s/ Ellyn Setnor Bogdanoff
Larcenia J. Bullard
s/ Nancy C. Detert
Paula Dockery
s/ Mike Fasano
s/ Don Gaetz, At Large
s/ Andy Gardiner, At Large
s/ Anthony C. "Tony" Hill, Sr.
s/ Arthenia L. Joyner
s/ Evelyn J. Lynn
s/ Bill Montford
s/ Steve Oelrich
s/ Garrett Richter
s/ Maria Lorts Sachs
s/ Gary Siplin, At Large
s/ Eleanor Sobel
s/ John Thrasher, At Large

Managers on the part of the Senate

- s/ Denise Grimsley Chair
s/ Ben Albritton
Gary Aubuchon, At Large
Leonard L. Bembray
Mack Bernard
Jeffrey "Jeff" Brandes
s/ Douglas Vaughn "Doug" Broxson
Charles S. "Chuck" Chestnut IV, At Large
s/ Fredrick W. "Fred" Costello
s/ Daniel Davis
Chris Dorworth
s/ Clay Ford
James C. "Jim" Frishe
Joseph A. "Joe" Gibbons
Eduardo "Eddy" Gonzalez
James W. "J.W." Grant
s/ Doug Holder
s/ Mike Horner
s/ Dorothy L. Hukill, At Large
Mia L. Jones
Martin David "Marty" Kiar
s/ John Legg, At Large
Debbie Mayfield
s/ Seth McKeel, At Large
s/ Peter Nehr
Jeanette M. Nunez
Mark S. Pafford
s/ Janet H. Adkins
s/ Larry Ahern
s/ Frank Artiles
s/ Dennis K. Baxley
Lori Berman
Michael Bileca
s/ Jason T. Brodeur
s/ Matthew H. "Matt" Caldwell
Daphne D. Campbell
s/ Marti Coley
s/ Richard Corcoran
s/ Steve Crisafulli
s/ Jose Felix Diaz
Brad Drake
s/ Erik Fresen
s/ Matt Gaetz
s/ Richard "Rich" Glorioso
s/ Tom Goodson
s/ Gayle B. Harrell
s/ Ed Hooper
s/ Matt Hudson
s/ Clay Ingram
John Patrick Julien
s/ Paige Kreegel, At Large
s/ Carlos Lopez-Cantera, At Large
s/ Charles McBurney
s/ Larry Metz
s/ Bryan Nelson
s/ H. Marlene O'Toole
s/ Jimmy Patronis

s/ W. Keith Perry  
 Scott Plakon  
 s/ Stephen L. Precourt  
 s/ Lake Ray  
 Betty Reed  
 Hazelle P. "Hazel" Rogers  
 Darryl Ervin Rouson, At Large  
 Ron Saunders, At Large  
 Irving "Irv" Slosberg  
 s/ Jimmie T. Smith  
 Darren Soto  
 s/ W. Gregory "Greg" Steube  
 Will W. Weatherford, At Large  
 s/ Trudi K. Williams  
 Ritch Workman

s/ Ray Pilon  
 Elizabeth W. Porter  
 s/ William L. "Bill" Proctor,  
 At Large  
 Kenneth L. "Ken" Roberson  
 s/ Patrick Rooney, Jr.  
 Franklin Sands, At Large  
 s/ Robert C. "Rob" Schenck,  
 At Large  
 s/ William D. Snyder, At Large  
 Kelli Stargel  
 s/ Carlos Trujillo  
 Alan B. Williams  
 John Wood  
 s/ Dana D. Young

Managers on the part of the House

The Conference Committee Amendment for SB 2094, relating to state employees, provides for the following:

Resolves the noneconomic collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2011-2012 fiscal year.

The Conference Committee Amendment does not change substantive law.

**Conference Committee Amendment (580948)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *All collective bargaining issues at impasse for the 2011-2012 fiscal year between the State of Florida and the certified representatives of the bargaining units for state employees shall be resolved as follows:*

(1) *Collective bargaining issues at impasse between the State of Florida and the Florida State Fire Service Association regarding Article 3 "Dues Checkoff," Article 13 "Health and Welfare," and Article 16 "Retirement" shall be resolved pursuant to the state's last offer dated February 10, 2011.*

(2) *Collective bargaining issues at impasse between the State of Florida and the American Federation of State, County and Municipal Employees, Florida Council 79, regarding Article 3 "Dues Checkoff," Article 16 "Payroll Checkoff," Article 27 "Health Insurance," and Article 30 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011.*

(3) *Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Law Enforcement Unit regarding Article 3 "Dues Checkoff," Article 14 "Performance Review," and Article 27 "Insurance Benefits" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 6 "Grievance Procedure" and Article 24 "On-Call Assignment, Call-Back and Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(4) *Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Special Agent Unit regarding Article 3 "Dues Checkoff" and Article 27 "Insurance Benefits" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 23 "Workday, Workweek, and Overtime" and Article 24 "On-Call Assignment, Call-Back and Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(5) *Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists – State Employees Attorneys Guild regarding Article 3 "Dues Checkoff," Article 19 "Insurance Benefits," and Article 22 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 5 "Employee Rights, Management, and Union Communications," Article 7 "Employee Standards of Conduct and Performance," Article 11 "Classification Review and Professional Practice Scope," and Article 17 "Training and Education" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(6) *Collective bargaining issues at impasse between the State of Florida and the Florida Nurses Association regarding Article 3 "Dues Checkoff," Article 23 "Hours of Work/Compensatory Time," Article 27 "Insurance Benefits," and Article 31 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 8 "Work Force Reduction," Article 24 "On-Call Assignment," and Article 26 "Differential Pay" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(7) *Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists – SES Physicians Unit regarding Article 3 "Dues Checkoff," Article 7 "Employee Standards of Conduct and Performance," Article 19 "Insurance Benefits," and Article 22 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 5 "Employee Rights, Management, and Union Communications," Article 6 "Grievance Procedure," Article 8 "Termination Due to a Reduction in Force and Recall," Article 16 "Leaves of Absence, Hours of Work," and Article 17 "Training and Education" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(8) *Collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists – SES Supervisory Non-Professional Unit regarding Article 3 "Dues Checkoff," Article 23 "Insurance Benefits," and Article 27 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 5 "Union Activities and Employee Representation" and Article 15 "Scope of Professional Responsibilities" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(9) *Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Security Services Unit regarding Article 3 "Dues Checkoff," Article 14 "Performance Evaluations," Article 27 "Insurance Benefits," and Article 30 "Prevailing Rights" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 21 "Out of Title Work" shall be resolved pursuant to the state's last offer dated March 18, 2011. Article 6 "Grievance Procedure," Article 9 "Reassignment, Transfer, Change in Duty Station," Article 18 "Leaves of Absence," Article 23 "Hours of Work/Overtime," and Article 24 "On-Call Assignment and Call-Back" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(10) *Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association – Florida Highway Patrol Unit regarding Article 3 "Dues Checkoff," Article 16 "Employment Outside State Government," Article 18 "Hours of Work, Leave and Job-Connected Disability," and Article 27 "Insurance Benefits" shall be resolved pursuant to the state's last offer dated February 10, 2011. Article 6 "Grievance Procedure" and Article 24 "On-Call Assignment, Call-Back and Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.*

(11) *Collective bargaining issues at impasse between the Florida Department of Lottery and the Federation of Public Employees regarding Article 3 "Dues Checkoff" and Article 17 "Insurance and Benefits" shall be resolved pursuant to the state's last offer dated February 14, 2011.*

*All other mandatory collective bargaining issues at impasse for the 2011-2012 fiscal year which are not addressed by this act or the General Appropriations Act for the 2011-2012 fiscal year shall be resolved consistent with the personnel rules in effect on May 1, 2011, and by otherwise maintaining the status quo under the language of the applicable current collective bargaining agreements.*

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state employees; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing for all other mandatory collective bargaining issues that are at impasse and that are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules or by otherwise maintaining the status quo; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2094** was adopted. **SB 2094** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—29

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Sobel
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Evers	Margolis	

Nays—9

Braynon	Joyner	Ring
Dockery	Montford	Sachs
Hill	Rich	Smith

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5303, as amended by the Conference Committee Report.

*Robert L. "Bob" Ward, Clerk*

#### CONFERENCE COMMITTEE REPORT ON HB 5303

The Honorable Mike Haridopolos, President of the Senate May 5, 2011

The Honorable Dean Cannon, Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5303, same being:

An act relating to biomedical research.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
Christopher L. "Chris" Smith	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>

*s/ Stephen R. Wise*

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Committee Chair	<i>s/ Matt Hudson</i> Chair
Gary Aubuchon, At Large	Charles S. "Chuck" Chestnut IV
Richard Corcoran	<i>s/ Daniel Davis</i>
<i>s/ Jose Felix Diaz</i>	James C. "Jim" Frishe
<i>s/ Gayle B. Harrell</i>	<i>s/ Dorothy L. Hukill, At Large</i>
Mia L. Jones	<i>s/ Paige Kreegel, At Large</i>
<i>s/ John Legg, At Large</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Seth McKeel, At Large</i>	Mark S. Pafford
<i>s/ William L. "Bill" Proctor,</i> At Large	Kenneth L. "Ken" Roberson
Franklin Sands, At Large	<i>s/ Darryl Ervin Rouson, At Large</i>
<i>s/ Robert C. "Rob" Schenck,</i> At Large	Ron Saunders, At Large
Will W. Weatherford, At Large	<i>s/ William D. Snyder, At Large</i>
<i>s/ Dana D. Young</i>	<i>s/ W. Gregory "Greg" Steube</i>
	John Wood

Managers on the part of the House

The Conference Committee Amendment for HB 5303, relating to biomedical research, provides for the following:

- Revises provisions of s. 216.5602, F.S. (12) as follows:
  - Modifies the amount of revenue from the cigarette surcharge deposited in the Health Care Trust Fund to be reserved and subsequently transferred to the Biomedical Research Trust Fund within the Department of Health from \$50 million to \$25 million beginning in the 2011-2012 fiscal year .
  - Decreases the amount of funding provided to the James and Esther King Biomedical Research Program from \$20 to \$5 million subject to an annual appropriation in the General Appropriations Act.
  - Decreases the amount of funding provided to the William G. "Bill" Bankhead Coley Cancer Research Program from \$20 to \$5 million subject to an annual appropriation in the General Appropriations Act.
  - Decreases the amount of funding provided to the H. Lee Moffitt Cancer Center and Research Program from \$10 to \$5 million subject to an annual appropriation in the General Appropriations Act.
  - Provides \$5 million for the Sylvester Cancer Center at the University of Miami subject to an annual appropriation in the General Appropriations Act.
  - Provides \$5 million for the Shands Cancer Hospital at the University of Florida subject to an annual appropriation in the General Appropriations Act.
- The bill provides an effective date of July 1, 2011.

**Conference Committee Amendment (704097)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (12) of section 215.5602, Florida Statutes, is amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(12) From funds appropriated to accomplish the goals of this section, up to \$250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease. Beginning in the 2011-2012 ~~2010-2011~~ fiscal year and thereafter, \$25 ~~\$50~~ million from the revenue deposited into the Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved for research of tobacco-related or cancer-related illnesses. Of the revenue deposited in the Health Care Trust Fund pursuant to this section, \$25 ~~\$50~~ million shall be transferred to the Biomedical Research Trust Fund within the Department of Health. Subject to annual appropriations in the General Appropriations Act, \$5 ~~\$20~~ million shall be appropriated to the James and Esther King Biomedical Research Program, \$5 ~~\$20~~ million shall be ap-

propriated to the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program created under s. 381.922, \$5 ~~and \$10~~ million shall be appropriated to the H. Lee Moffitt Cancer Center and Research Institute established under s. 1004.43, \$5 million shall be appropriated to the Sylvester Comprehensive Cancer Center of the University of Miami, and \$5 million shall be appropriated to the University of Florida Shands Cancer Center.

Section 2. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to biomedical research; amending s. 215.5602, F.S.; revising provisions that specify amounts of revenue to be appropriated to the James and Esther King Biomedical Research Program, the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program, and the H. Lee Moffitt Cancer Center and Research Institute; specifying amounts of revenue to be appropriated to the Sylvester Comprehensive Cancer Center of the University of Miami and the University of Florida Shands Cancer Center; providing an effective date.

On motion by Senator Negron, the Conference Committee Report on **HB 5303** was adopted. **HB 5303** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Simmons
Bogdanoff	Hill	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Evers	Montford	
Fasano	Negron	

Nays—7

Braynon	Margolis	Sobel
Dockery	Rich	
Joyner	Smith	

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5401, as amended by the Conference Committee Report.

Robert L. “Bob” Ward, Clerk

**CONFERENCE COMMITTEE REPORT ON HB 5401**

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5401, same being:

An act relating to the Cybercrime Office.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.

2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ JD Alexander Chair	s/ Joe Negron Vice Chair
s/ Thad Altman	s/ Lizbeth Benacquisto
s/ Michael S. “Mike” Bennett	s/ Ellyn Setnor Bogdanoff
s/ Oscar Braynon II	Larcenia J. Bullard
s/ Charles S. “Charlie” Dean, Sr.	s/ Nancy C. Detert
s/ Miguel Diaz de la Portilla	Paula Dockery
s/ Greg Evers	s/ Mike Fasano
s/ Anitere Flores	s/ Don Gaetz, At Large
s/ Rene Garcia	s/ Andy Gardiner, At Large
s/ Alan Hays	s/ Anthony C. “Tony” Hill, Sr.
s/ Dennis L. Jones, D.C.	s/ Arthenia L. Joyner
Jack Latvala	s/ Evelyn J. Lynn
s/ Gwen Margolis	s/ Bill Montford
s/ Jim Norman	s/ Steve Oelrich
s/ Nan H. Rich, At Large	s/ Garrett Richter
s/ Jeremy Ring	s/ Maria Lorts Sachs
s/ David Simmons	s/ Gary Siplin, At Large
s/ Christopher L. “Chris” Smith	s/ Eleanor Sobel
s/ Ronda Storms	s/ John Thrasher, At Large
s/ Stephen R. Wise	

Managers on the part of the Senate

s/ Denise Grimsley Committee Chair	s/ Richard “Rich” Glorioso Chair
Gary Aubuchon, At Large	s/ Dennis K. Baxley
Charles S. “Chuck” Chestnut IV, At Large	James W. “J.W.” Grant
s/ Dorothy L. Hukill, At Large	s/ Doug Holder
s/ John Legg, At Large	s/ Paige Kreegel, At Large
s/ Charles McBurney	s/ Carlos Lopez-Cantera, At Large
s/ Larry Metz	s/ Seth McKeel, At Large
s/ W. Keith Perry	s/ Peter Nehr
s/ William L. “Bill” Proctor, At Large	s/ Ray Pilon
Ron Saunders, At Large	s/ Darryl Ervin Rouson
Irving “Irv” Slosberg	Franklin Sands, At Large
s/ William D. Snyder, At Large	Robert C. “Rob” Schenck, At Large
Will W. Weatherford, At Large	Darren Soto

Managers on the part of the House

The Conference Committee Amendment for HB 5401, relating to the Cybercrime Office, provides for the following:

The amendment repeals s. 16.61, F.S., and creates s. 943.0415, F.S., transferring the Cybercrime Office from the Department of Legal Affairs to the Department of Law Enforcement.

**Conference Committee Amendment (479575)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 16.61, Florida Statutes, is repealed.

Section 2. Section 943.0415, Florida Statutes, is created to read:

943.0415 Cybercrime Office.—There is created within the Department of Law Enforcement the Cybercrime Office. The office may investigate violations of state law pertaining to the sexual exploitation of children which are facilitated by or connected to the use of any device capable of storing electronic data.

Section 3. All powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, and unexpended balances of appropriations, allocations, and other funds for the administration of the Cybercrime Office are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Legal Affairs to the Department of Law Enforcement.

Section 4. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to criminal justice; repealing s. 16.61, F.S., relating to the Cybercrime Office within the Department of Legal Affairs; creating s. 943.0415, F.S.; creating the Cybercrime Office within the Department of Law Enforcement to investigate certain violations of state law pertaining to the sexual exploitation of children; transferring and reassigning functions and responsibilities of the Cybercrime Office from the Department of Legal Affairs to the Department of Law Enforcement; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **HB 5401** was adopted. **HB 5401** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5405, as amended by the Conference Committee Report.

*Robert L. "Bob" Ward, Clerk*

**CONFERENCE COMMITTEE REPORT ON HB 5405**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5405, same being:

An act relating to trust funds of the state courts system.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>

<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i> Committee Chair	<i>s/ Richard "Rich" Glorioso</i> Chair
Gary Aubuchon, At Large	<i>s/ Dennis K. Baxley</i>
Charles S. "Chuck" Chestnut IV, At Large	James W. "J.W." Grant
<i>s/ Dorothy L. Hukill, At Large</i>	<i>s/ Doug Holder</i>
<i>s/ John Legg, At Large</i>	<i>s/ Paige Kreegel, At Large</i>
<i>s/ Charles McBurney</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Larry Metz</i>	<i>s/ Seth McKeel, At Large</i>
<i>s/ W. Keith Perry</i>	<i>s/ Peter Nehr</i>
<i>s/ William L. "Bill" Proctor,</i> At Large	<i>s/ Ray Pilon</i>
Ron Saunders, At Large	<i>s/ Darryl Ervin Rouson</i>
Irving "Irv" Slosberg	Franklin Sands, At Large
<i>s/ William D. Snyder, At Large</i>	Robert C. "Rob" Schenck, At Large
Will W. Weatherford, At Large	Darren Soto

Managers on the part of the House

The Conference Committee Amendment for HB 5405, relating to trust funds of the state courts system, provides for the following:

The bill amends ss. 28.241, 34.041, 35.22, and 44.108, F.S., to redirect moneys generated from filing fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund. The moneys credited to the trust fund include fees for trial and appellate proceedings, filing fees from any civil action, suit, or proceeding in county court, clerk of district court filing fees, and a filing fee of \$1 on all proceedings in the circuit or county courts.

**Conference Committee Amendment (419467)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1)(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to \$395 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$280 ~~\$265~~ in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$195 ~~\$180~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.~~ One third of any filing fees collected by the clerk of the circuit court in excess of \$100 shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that

court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$180~~ ~~\$165~~ in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~\$95~~ ~~\$80~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.~~

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is \$50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$280~~ ~~\$265~~ in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~\$195~~ ~~\$180~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund;~~

(II) Nine hundred dollars in all cases in which the value of the claim is more than \$50,000 but less than \$250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$785~~ ~~\$770~~ in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~\$700~~ ~~\$685~~ must be remitted to the Department of Revenue for deposit into the State Courts

Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation described in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund;~~ or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is \$250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first ~~\$1,785~~ ~~\$1,770~~ in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~\$1,700~~ ~~\$1,685~~ must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. ~~The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.~~

e. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

Section 2. Paragraph (b) of subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Filing fees.—

(1)

(b) The first \$80 of the filing fee collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. The next \$15 of the filing fee collected under subparagraph (a)4., and the first \$10 of the filing fee collected under subparagraph (a)7., shall be deposited in the ~~State Courts Revenue Trust Fund~~ ~~state courts' Mediation and Arbitration Trust Fund~~. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall transfer \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided herein, all filing fees shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission. Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

Section 3. Subsection (7) of section 35.22, Florida Statutes, is amended to read:

35.22 Clerk of district court; appointment; compensation; assistants; filing fees; teleconferencing.—

(7) The clerk of the district court of appeal is authorized to collect a fee from the parties to an appeal reflecting the actual cost of conducting the proceeding through teleconferencing where the parties have re-

requested that an oral argument or mediation be conducted through teleconferencing. The fee collected for this purpose shall be used to offset the expenses associated with scheduling the teleconference and shall be deposited in the *State Courts Revenue Mediation/Arbitration Trust Fund*.

Section 4. Section 44.108, Florida Statutes, is amended to read:

44.108 Funding of mediation and arbitration.—

(1) Mediation and arbitration should be accessible to all parties regardless of financial status. A filing fee of \$1 is levied on all proceedings in the circuit or county courts to fund mediation and arbitration services which are the responsibility of the Supreme Court pursuant to the provisions of s. 44.106. The clerk of the court shall forward the moneys collected to the Department of Revenue for deposit in the *State Courts Revenue state courts' Mediation and Arbitration Trust Fund*.

(2) When court-ordered mediation services are provided by a circuit court's mediation program, the following fees, unless otherwise established in the General Appropriations Act, shall be collected by the clerk of court:

(a) One-hundred twenty dollars per person per scheduled session in family mediation when the parties' combined income is greater than \$50,000, but less than \$100,000 per year;

(b) Sixty dollars per person per scheduled session in family mediation when the parties' combined income is less than \$50,000; or

(c) Sixty dollars per person per scheduled session in county court cases.

No mediation fees shall be assessed under this subsection in residential eviction cases, against a party found to be indigent, or for any small claims action. Fees collected by the clerk of court pursuant to this section shall be remitted to the Department of Revenue for deposit into the *State Courts Revenue state courts' Mediation and Arbitration Trust Fund* to fund court-ordered mediation. The clerk of court may deduct \$1 per fee assessment for processing this fee. The clerk of the court shall submit to the chief judge of the circuit and to the Office of the State Courts Administrator, no later than 30 days after the end of each quarter of the fiscal year, beginning July 1, 2008, a report specifying the amount of funds collected and remitted to the *State Courts Revenue state courts' Mediation and Arbitration Trust Fund* under this section and any other section during the previous quarter of the fiscal year. In addition to identifying the total aggregate collections and remissions from all "statutory sources, the report must identify collections and remissions by each statutory source.

~~(3) For the 2010-2011 fiscal year only and notwithstanding any other provision of law to the contrary, moneys in the Mediation and Arbitration Trust Fund may be used as specified in the General Appropriations Act. This subsection expires July 1, 2011.~~

Section 5. This act shall take effect June 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to trust funds of the state courts system; amending s. 28.241, F.S.; redirecting proceeds from part of a filing fee from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund; amending s. 34.041, F.S.; redirecting the proceeds from a part of a filing fee from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund; amending s. 35.22, F.S.; redirecting the proceeds from a fee from the Mediation/Arbitration Trust Fund to the State Courts Revenue Trust Fund; amending s. 44.108, F.S.; redirecting the proceeds from a part of specified fees from the state courts' Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund; deleting an obsolete provision relating to use of moneys in the Mediation and Arbitration Trust Fund; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **HB 5405** was adopted. **HB 5405** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 7205, as amended by the Conference Committee Report and by the required constitutional three-fifths vote of the membership.

*Robert L. "Bob" Ward, Clerk*

#### CONFERENCE COMMITTEE REPORT ON HB 7205

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 7205, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair

*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*

Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
Christopher L. "Chris" Smith  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair

*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
 Chair  
 Charles S. “Chuck” Chestnut IV,  
 At Large  
*s/ John Legg, At Large*  
*s/ Seth McKeel, At Large*  
*s/ Darryl Ervin Rouson, At Large*  
 Franklin Sands, At Large  
 Robert C. “Rob” Schenck, At Large  
 Will W. Weatherford, At Large

Gary Aubuchon  
 Lead House Manager  
*s/ Dorothy L. Hukill, At Large*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ William L. “Bill” Proctor,*  
 At Large  
 Ron Saunders, At Large  
*s/ William D. Snyder, At Large*

Managers on the part of the House

The Conference Committee Amendment for HB 7205, relating to the State Economic Enhancement and Development Trust Fund, provides for the following:

This bill creates the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Moneys deposited in the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:

- Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;
- Affordable housing programs and projects in accordance with chapter 420, Florida Statutes;
- Economic development incentives for job creation and capital investment;
- Workforce training associated with locating a new business or expanding an existing business; and
- Tourism promotion and marketing services, functions, and programs.

The trust fund is established for use as a depository for funds credited to the trust fund, to consist of documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds.

In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

The effective date of this act is July 1, 2011.

**Conference Committee Amendment (302017)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 288.120, Florida Statutes, is created to read:

*288.120 State Economic Enhancement and Development Trust Fund.—*

*(1) There is created within the Department of Economic Opportunity the State Economic Enhancement and Development Trust Fund. Moneys deposited in the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:*

- (a) Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;*
- (b) Affordable housing programs and projects in accordance with chapter 420;*
- (c) Economic development incentives for job creation and capital investment;*
- (d) Workforce training associated with locating a new business or expanding an existing business; and*
- (e) Tourism promotion and marketing services, functions, and programs.*

*(2) The trust fund is established for use as a depository for funds to be used for the purposes specified in subsection (1). Moneys to be credited to the trust fund shall consist of documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment to the department’s operating budget pursuant to the provisions of chapter 216.*

*(3) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.*

*(4) In accordance with s. 19(f)(2), Article III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).*

Section 2. This act shall take effect July 1, 2011, but this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to trust funds; creating s. 288.120, F.S.; creating the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity; providing for the purpose of the trust fund and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

On motion by Senator Gaetz, the Conference Committee Report on **HB 7205** was adopted. **HB 7205** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Jones	Simmons
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—5

Braynon	Joyner	Smith
Hill	Siplin	

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed CS for CS for HB 1255 as further amended, and requests the concurrence of the Senate.

Robert L. “Bob” Ward, Clerk

**CS for CS for HB 1255**—A bill to be entitled An act relating to education accountability; amending s. 1001.20, F.S.; deleting a provision that requires the Florida Virtual School to be administratively housed within the Office of Technology and Information Services within the Office of the Commissioner of Education; amending s. 1001.42, F.S.; revising the powers and duties of district school boards relating to student access to Florida Virtual School courses; creating s. 1001.421, F.S.;

prohibiting district school board members and their relatives from soliciting or accepting certain gifts; amending s. 1002.37, F.S.; conforming provisions to changes made by the act; amending s. 1002.38, F.S.; providing that school grades shall be based on statewide assessments for purposes of the Opportunity Scholarship Program; amending s. 1002.39, F.S.; providing requirements for determining the end of the term of a John M. McKay Scholarship; amending s. 1002.45, F.S.; revising provisions relating to virtual instruction program provider qualifications; amending s. 1002.66, F.S.; providing an additional instructional service for children with disabilities in the Voluntary Prekindergarten Education Program; amending s. 1002.67, F.S.; requiring that the State Board of Education periodically review and revise the performance standards for the statewide kindergarten screening; amending s. 1002.69, F.S.; authorizing nonpublic schools to administer the statewide kindergarten screening to kindergarten students who were enrolled in the Voluntary Prekindergarten Education Program; revising provisions relating to the minimum kindergarten readiness rate and criteria for good cause exemptions from meeting the requirement; requiring prekindergarten enrollment screening and post-assessment under certain circumstances; amending s. 1002.71, F.S.; providing that a child may reenroll more than once in a prekindergarten program if granted a good cause exemption; amending s. 1002.73, F.S.; requiring the Department of Education to adopt procedures relating to prekindergarten enrollment screening, the standardized post-assessment, and reporting of the results of readiness measures; amending s. 1003.01, F.S.; providing an additional special education service; amending s. 1003.4156, F.S.; revising the general requirements for middle grades promotion; providing that a student with a disability may have end-of-course assessment results waived under certain circumstances; providing that a middle grades student may be exempt from reading remediation requirements under certain circumstances; creating s. 1003.4203, F.S.; authorizing each district school board to develop and implement a digital curriculum for students in grades 6 through 12; requiring the Department of Education to develop a model digital curriculum; authorizing partnerships with private businesses and consultants; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing that a high school student may be exempt from reading remediation requirements under certain circumstances; amending s. 1003.491, F.S.; revising provisions relating to the development, contents, and approval of the strategic plan to address workforce needs; amending s. 1003.493, F.S.; revising requirements for career and professional academies and enrollment of students; creating s. 1003.4935, F.S.; requiring each district school board to develop a plan to implement a career and professional academy in at least one middle school; providing requirements for middle school career and professional academies and academy courses; amending s. 1003.575, F.S.; providing requirements for completion of an assistive technology assessment; amending s. 1008.22, F.S.; revising provisions relating to the student assessment program for public schools; requiring that the Commissioner of Education direct school districts to participate in certain international assessment programs; authorizing a school principal to exempt certain students from the end-of-course assessment in civics education; revising provisions relating to administration and reporting of results of assessments; amending s. 1008.30, F.S.; revising provisions relating to evaluation of college readiness and providing for postsecondary preparatory instruction; requiring the State Board of Education to adopt certain rules; amending s. 1008.33, F.S.; revising provisions relating to public school improvement; requiring the Department of Education to categorize public schools based on a school's grade that relies on statewide assessments; amending s. 1008.34, F.S.; revising the basis for the designation of school grades; including achievement scores and learning gains for students who are hospital or homebound; amending s. 1011.01, F.S.; revising provisions relating to the annual operating budgets of district school boards and Florida College System institution boards of trustees; amending s. 1011.03, F.S.; revising provisions relating to adopted district school board budgets; creating s. 1011.035, F.S.; requiring each school district to post budgetary information on its website; amending s. 1011.62, F.S.; revising provisions relating to the funding model for exceptional student education programs; requiring the Department of Education to revise the descriptions of services and to implement the revisions; amending s. 1012.39, F.S.; revising provisions relating to the qualifications for nondegreed teachers of career education; providing effective dates.

**House Amendment 1 to Senate Amendment 1 (643243)**—Remove lines 188-193 and insert: *this state which can teach children who have*

*obtained an implant or assistive hearing device, using faculty certified as listening and*

**House Amendment 2 to Senate Amendment 1 (510789) (with title amendment)**—Remove lines 1520-1552 and insert:

(f) By September 1, ~~2011~~ ~~2009~~, the department shall approve *and a district may select* acceptable premethods and postmethods for measuring student learning gains, including standardized assessments, diagnostic assessments, criterion-referenced and skills-based assessments, or other applicable methods appropriate for each grade level, for use by supplemental educational services providers and local school districts in determining student learning gains. Each method must be able to measure student progress toward mastering the benchmarks or access points set forth in the Sunshine State Standards and the student's supplemental educational services plan. The use of a diagnostic and assessment instrument, which is aligned to a provider's curriculum, is an acceptable premethod and postmethod if the provider can demonstrate that the assessment meets the requirements in this paragraph and is not deemed unreliable or invalid by the department.

And the title is amended as follows:

Remove lines 2018-2023 and insert: *measuring student learning gains; amending s.*

**House Amendment 3 to Senate Amendment 1 (816693)**—Remove line 1810 and insert: *before the beginning of the 2012-2013 school year.*

On motion by Senator Wise, the Senate concurred in the House amendments to the Senate amendment.

**CS for CS for HB 1255** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benaquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Sachs
Dean	Jones	Simmons
Detert	Latvala	Siplin
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise

Nays—5

Hill	Rich	Sobel
Joyner	Smith	

Vote after roll call:

Yea to Nay—Montford

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 5005, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON CS for HB 5005

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for HB 5005, same being:

An act relating to the deregulation of professions and occupations.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
Bill Montford  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Chair  
Gary Aubuchon, At Large  
*s/ Paige Kreegel, At Large*  
*s/ John Legg, At Large*  
*s/ Seth McKeel, At Large*  
*s/ Darryl Ervin Rouson, At Large*  
Franklin Sands, At Large  
Robert C. "Rob" Schenck, At Large  
Will W. Weatherford, At Large

*s/ Dorothy L. Hukill*  
Lead House Manager  
Charles S. "Chuck" Chestnut IV,  
At Large  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ William L. "Bill" Proctor,*  
At Large  
Ron Saunders, At Large  
*s/ William D. Snyder, At Large*

Managers on the part of the House

The Conference Committee Amendment for CS for HB 5005, relating to the deregulation of professions and occupations, provides for the following:

- Removes the requirement for auctioneer apprenticeship licensure.
- Provides that out-of-state auctioneers may conduct motor vehicle auctions held for the purpose of sanctioned contests in this state.
- Repeal the registration requirement for the hair braider, hair wrapper, and body wrapper specialties.
- Deregulates the practice of interior design.
- Removes the license classification of rooming house.
- Repeals registration and regulatory requirements on sellers of "business opportunities," as defined in s. 559.801(1), F.S.

- Removes the requirements relating to access to and from public roads and other requirements that specifically apply to outdoor theatres.
- Removes the requirement that a contract to solicit orders within this state between a principal and a commissioned sales representative be in writing and specify the terms of the commission.
- Removes the requirement that cathode ray tubes (CRT, or television picture tubes) be correctly labeled to indicate the new and used components and materials in such picture tubes.
- Provides an effective date of July 1, 2011.

**Conference Committee Amendment (518261)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (4) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(4)(a) The following boards and programs are established within the Division of Professions:

1. Board of Architecture ~~and Interior Design~~, created under part I of chapter 481.
2. Florida Board of Auctioneers, created under part VI of chapter 468.
3. Barbers' Board, created under chapter 476.
4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.
5. Construction Industry Licensing Board, created under part I of chapter 489.
6. Board of Cosmetology, created under chapter 477.
7. Electrical Contractors' Licensing Board, created under part II of chapter 489.
8. Board of Employee Leasing Companies, created under part XI of chapter 468.
9. Board of Landscape Architecture, created under part II of chapter 481.
10. Board of Pilot Commissioners, created under chapter 310.
11. Board of Professional Engineers, created under chapter 471.
12. Board of Professional Geologists, created under chapter 492.
13. Board of Veterinary Medicine, created under chapter 474.
14. Home inspection services licensing program, created under part XV of chapter 468.
15. Mold-related services licensing program, created under part XVI of chapter 468.

Section 2. Section 468.381, Florida Statutes, is amended to read:

468.381 Purpose.—The Legislature finds that unqualified auctioneers ~~and apprentices~~ and unreliable auction businesses present a significant threat to the public. It is the intent of the Legislature to protect the public by creating a board to regulate auctioneers, ~~apprentices~~, and auction businesses ~~and~~ by requiring a license to operate.

Section 3. Subsection (10) is added to section 468.383, Florida Statutes, to read:

468.383 Exemptions.—This act does not apply to the following:

(10) Motor vehicle auctions, as defined in s. 320.27(1)(c)4., conducted by auctioneers licensed in other states and held for the purpose of con-

ducting sanctioned contests among auctioneers, if an auctioneer licensed pursuant to this part is on site to monitor the sanctioned contest.

Section 4. Subsection (3) of section 468.384, Florida Statutes, is amended to read:

468.384 Florida Board of Auctioneers.—

(3) The board shall receive and act upon applications for auctioneer, apprentice, and auction business licenses and shall have the power to issue, suspend, and revoke such licenses and to take such other action as is necessary to carry out the provisions of this act.

Section 5. Subsections (3), (5), (6), (7), and (8) of section 468.385, Florida Statutes, are amended to read:

468.385 Licenses required; qualifications; examination.—

(3) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer ~~or apprentice~~ if he or she:

- (a) Is under 18 years of age; or
- (b) Has committed any act or offense in this state or any other jurisdiction which would constitute a basis for disciplinary action under s. 468.389.

(5) Each apprentice shall work under the supervision of ~~application and license shall name~~ a licensed auctioneer who has agreed to serve as the supervisor of the apprentice. ~~An~~ No apprentice may not conduct, or contract to conduct, an auction without the express approval of his or her supervisor. The supervisor shall regularly review the apprentice's records, which are required by the board to be maintained, to determine if such records are accurate and current.

(6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer unless he or she:

- (a) Has ~~held an apprentice license and has~~ served as an apprentice for 1 year or more, or has completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the board;
- (b) Has passed the required examination; and
- (c) Is approved by the board.

(7)(a) Any auction that is subject to ~~the provisions of~~ this part must be conducted by an auctioneer who has an active license or an apprentice who is actively supervised by a licensed sponsor ~~has an active apprentice auctioneer license and who has received prior written sponsor consent.~~

(b) A ~~No~~ business may not ~~shall~~ auction or offer to auction any property in this state unless it is licensed as an auction business by the board or is exempt from licensure under this act. Each application for licensure shall include the names of the owner and the business, the business mailing address and location, and any other information which the board may require. The owner of an auction business shall report to the board within 30 days ~~after~~ of any change in this required information.

(8) A license issued by the department to an auctioneer, ~~apprentice,~~ or auction business is not transferable.

Section 6. Present subsections (5) through (10) of section 468.3855, Florida Statutes, are amended, and a new subsection (9) is added to that section, to read:

468.3855 Apprenticeship training requirements.—

~~(5) Each apprentice and sponsor shall file reports as required by board rule.~~

(5)(6) A sponsor may not authorize an apprentice to conduct an auction or act as principal auctioneer unless the sponsor has determined that the apprentice has received adequate training to do so.

(6)(7) The sponsor is ~~shall~~ be responsible for any acts or omissions of the apprentice which constitute a violation of law in relation to the conduct of an auction.

~~(8) All apprentice applications shall be valid for a period of 6 months after board approval. Any applicant who fails to complete the licensure process within that time shall be required to make application as a new applicant.~~

(7)(9) Any licensed apprentice who wishes to change the sponsor under whom he or she is supervised ~~licensed must submit a new application and application fee. However, a new license fee shall not be required and credit shall be awarded credit~~ for training received or any period of apprenticeship served under the previous sponsor.

(8)(10) Credit for training received or any period of apprenticeship served is ~~shall~~ not be allowed unless it occurred under the supervision of the sponsor ~~under whose supervision the apprentice is licensed.~~

(9) An apprentice must submit verification of his or her apprenticeship signed by the sponsor or sponsors on a form prescribed by the department at the time of submitting the application for an auctioneer license.

Section 7. Subsection (4) and paragraph (b) of subsection (11) of section 468.388, Florida Statutes, are amended to read:

468.388 Conduct of an auction.—

(4) Each auction must be conducted by an auctioneer who has an active license or by an apprentice ~~who has an active apprentice auctioneer license and~~ who has received prior written sponsor consent. Each auction must be conducted under the auspices of a licensed auction business. Any auctioneer or apprentice auctioneer conducting an auction, and any auction business under whose auspices such auction is held, shall be responsible for determining that any auctioneer, apprentice, or auction business with whom they are associated in conducting such auction has an active Florida auctioneer, ~~apprentice,~~ or auction business license.

(11)

(b) A ~~No~~ licensed auctioneer, ~~apprentice,~~ or licensed auction business, or apprentice may not disseminate or cause to be disseminated any advertisement or advertising which is false, deceptive, misleading, or untruthful. Any advertisement or advertising is ~~shall be deemed to be~~ false, deceptive, misleading, or untruthful if it:

1. Contains misrepresentations of facts.
2. Is misleading or deceptive because, in its content or in the context in which it is presented, it makes only a partial disclosure of relevant facts.
3. Creates false or unjustified expectations of the services to be performed.
4. Contains any representation or claim which the advertising licensee fails to perform.
5. Fails to include the name and license number of the principal auctioneer and the auction business.
6. Fails to include the name and license number of the sponsor if an apprentice is acting as the principal auctioneer.
7. Advertises an auction as absolute without specifying any and all items to be sold with reserve or with minimum bids.
8. Fails to include the percentage amount of any buyer's premium or surcharge which is a condition to sale.

Section 8. Section 468.391, Florida Statutes, is amended to read:

468.391 Penalty.—Any auctioneer, apprentice, or auction business or any owner or manager thereof, or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business, who operates without an active license or written sponsorship consent or violates any provision of the prohibited acts listed under s. 468.389 commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Section 477.0132, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 477.0132, F.S., for present text.)

477.0132 *Hair braiding, hair wrapping, and body wrapping; application of chapter.*—This chapter does not apply to a person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping.

Section 10. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but is not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.

~~(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.~~

(b)(e) The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 11. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

~~(f) For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed \$25.~~

Section 12. Paragraph (g) of subsection (1) of section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(g) Advertise or imply that skin care services ~~or body wrapping~~, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 13. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist ~~or, specialist, hair wrapper, hair braider, or body wrapper~~ unless duly licensed, ~~or~~ registered, or otherwise authorized; as provided in this chapter.

Section 14. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.—The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. ~~The Legislature further finds that it is in the interest of the public~~

~~to limit the practice of interior design to interior designers or architects who have the design education and training required by this part or to persons who are exempted from the provisions of this part.~~

Section 15. Section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part, *the term*:

~~(1)(3)~~ “Architect” or “registered architect” means a natural person who is licensed under this part to engage in the practice of architecture.

~~(2)(6)~~ “Architecture” means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

~~(3)(4)~~ “Board” means the Board of Architecture ~~and Interior Design~~.

~~(4)(5)~~ “Certificate of authorization” means a certificate issued by the department to a corporation or partnership to practice architecture ~~or interior design~~.

~~(5)(4)~~ “Certificate of registration” means a license issued by the department to a natural person to engage in the practice of architecture ~~or interior design~~.

~~(6)(2)~~ “Department” means the Department of Business and Professional Regulation.

~~(7)(8)~~ “Interior design” means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. “Interior design” includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. “Interior design” specifically excludes the design of or the responsibility for architectural and engineering *interior construction relating to the building systems work*, except for specification of fixtures and their location within interior spaces. As used in this subsection, “architectural and engineering interior construction relating to the building systems” includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects life-safety systems ~~pertaining to fire-safety protection~~ such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

~~(8)(10)~~ “Nonstructural *interior* element” means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building.

~~(9)(11)~~ “Reflected ceiling plan” means a ceiling design plan which is laid out as if it were projected downward and which may include lighting and other elements.

~~(9)~~ “Registered interior designer” or “interior designer” means a natural person who is licensed under this part.

~~(10)(16)~~ “Responsible supervising control” means the exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee under this part.

~~(11)(12)~~ “Space planning” means the analysis, programming, or design of spatial requirements, including preliminary space layouts and final planning.

~~(12)(7)~~ “Townhouse” is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the

requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:

(a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.

(b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.

(c) Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

~~(13) "Common area" means an area that is held out for use by all tenants or owners in a multiple unit dwelling, including, but not limited to, a lobby, elevator, hallway, laundry room, clubhouse, or swimming pool.~~

~~(14) "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (9).~~

~~(15) "Interior decorator services" includes the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface mounted lighting, surface mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.~~

Section 16. Subsection (1) and paragraph (a) of subsection (3) of section 481.205, Florida Statutes, are amended to read:

#### 481.205 Board of Architecture and Interior Design.—

(1) The Board of Architecture and Interior Design is created within the Department of Business and Professional Regulation. The board shall consist of ~~seven~~ **14** members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years; ~~three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects;~~ and ~~two~~ **three** members must be laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

(3)(a) Notwithstanding the provisions of ss. 455.225, 455.228, and 455.32, the duties and authority of the department to receive complaints and investigate and discipline persons licensed under this part, including the ability to determine legal sufficiency and probable cause; to initiate proceedings and issue final orders for summary suspension or restriction of a license pursuant to s. 120.60(6); to issue notices of non-compliance, notices to cease and desist, subpoenas, and citations; to retain legal counsel, investigators, or prosecutorial staff in connection with the licensed practice of architecture and interior design; and to investigate and deter the unlicensed practice of architecture and interior design as provided in s. 455.228 are delegated to the board. All complaints and any information obtained pursuant to an investigation authorized by the board are confidential and exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

Section 17. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish separate fees for architects and interior designers, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects and interior designers may not exceed \$775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or the National Council of Interior De-

sign Qualifications, respectively, or similar national organizations. The biennial renewal fee for architects may not exceed \$200. ~~The biennial renewal fee for interior designers may not exceed \$500.~~ The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and interior designers. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

Section 18. Section 481.209, Florida Statutes, is amended to read:

#### 481.209 Examinations.—

~~(1)~~ A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

~~(1)(a)~~ Has completed the application form and remitted a non-refundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

~~(2)(a)(b)1.~~ Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

~~(b)2.~~ Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States; and

~~(3)(e)~~ Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

~~(2)~~ A person desiring to be licensed as a registered interior designer shall apply to the department for licensure. The department shall administer the licensure examination for interior designers to each applicant who has completed the application form and remitted the application and examination fees specified in s. 481.207 and who the board certifies:

~~(a)~~ Is a graduate from an interior design program of 5 years or more and has completed 1 year of diversified interior design experience;

~~(b)~~ Is a graduate from an interior design program of 4 years or more and has completed 2 years of diversified interior design experience;

~~(c)~~ Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior design experience; or

~~(d)~~ Is a graduate from an interior design program of at least 2 years and has completed 4 years of diversified interior design experience.

~~Subsequent to October 1, 2000, for the purpose of having the educational qualification required under this subsection accepted by the board, the applicant must complete his or her education at a program, school, or college of interior design whose curriculum has been approved by the board as of the time of completion. Subsequent to October 1, 2003, all of the required amount of educational credits shall have been obtained in a program, school, or college of interior design whose curriculum has been approved by the board, as of the time each educational credit is gained. The board shall adopt rules providing for the review and approval of programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.~~

Section 19. Subsection (2) of section 481.211, Florida Statutes, is amended to read:

#### 481.211 Architecture internship required.—

(2) Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(4).

Section 20. Subsections (1) through (4) of section 481.213, Florida Statutes, are amended to read:

481.213 Licensure.—

(1) The department shall license *as an architect* any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee. ~~Licensure as an architect under this section shall be deemed to include all the rights and privileges of licensure as an interior designer under this section.~~

(2) The board shall certify for licensure *as an architect* by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211, ~~for architects, or the requirements of s. 481.209, for interior designers.~~

(3) The board shall certify as qualified for a license by endorsement as an architect ~~or as an interior designer~~ an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 ~~for architects or interior designers, as applicable~~, and has satisfied the internship requirements set forth in s. 481.211 ~~for architects~~;

(b) Holds a valid license to practice architecture ~~or interior design~~ issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; ~~provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder; or~~

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209(2)(1)(b). Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.

(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223; ~~or s. 481.225, or s. 481.2251~~, as applicable.

Section 21. Section 481.2131, Florida Statutes, is amended to read:

481.2131 Interior design; practice requirements; disclosure of compensation for professional services.—

(1) ~~The practice of interior design does not require licensure. A registered interior designer is authorized to perform "interior design" as defined in s. 481.203.~~

(2) Interior design documents ~~prepared by a registered interior designer~~ shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law. Interior design documents ~~that are prepared and sealed by a registered interior designer~~ may, if required by a permitting body, be submitted for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or that materially affect lifesafety systems ~~pertaining to firesafety protection~~ such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

~~(2) An interior designer shall, before entering into a contract, verbal or written, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, or supplier on the basis of a fee, percentage, or markup. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer shall not accept any form of compensation from a supplier of goods and services in cash or in kind.~~

Section 22. Subsections (3) and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license.—

(3) ~~A No~~ license renewal ~~may not shall~~ be issued to an architect ~~or an interior designer~~ by the department until the licensee submits proof satisfactory to the department that, during the 2 years ~~before~~ prior to application for renewal, the licensee participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture ~~or interior design~~. The board may make exception from the requirements of continuing education in emergency or hardship cases.

(5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's ~~respective~~ area of practice.

Section 23. Subsection (1) of section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license for a registered architect may not exceed 12 contact hours for each year the license was inactive. ~~The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one-half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.~~

Section 24. Section 481.219, Florida Statutes, is amended to read:

481.219 Certification of partnerships, limited liability companies, and corporations.—

(1) The practice of or the offer to practice architecture ~~or interior design~~ by licensees through a corporation, limited liability company, or partnership offering architectural ~~or interior design~~ services to the public, or by a corporation, limited liability company, or partnership offering architectural ~~or interior design~~ services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to ~~the provisions of this section.~~

(2) For the purposes of this section, a certificate of authorization ~~is shall~~ be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he ~~is shall~~ not be required to be certified under this section. ~~Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services.~~

~~(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section.~~

(3)(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or

documents involving the practice of architecture which are prepared or approved for the use of the corporation, limited liability company, or partnership and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

~~(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation, limited liability company, or partnership by an interior designer in her or his professional capacity and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.~~

(4)(6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set in s. 481.207.

(5)(7) The board shall certify an applicant as qualified for a certificate of authorization to offer architectural or interior design services, provided that:

(a) one or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part;

(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.

(6)(8) The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.

(7)(9) The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.

(8)(10) Each partnership, limited liability company, and corporation certified under this section shall notify the department within 30 days after of any change in the information contained in the application upon which the certification is based. Any registered architect or interior designer who qualifies the corporation, limited liability company, or partnership as provided in subsection (5) (7) shall be responsible for ensuring responsible supervising control of projects of the entity and upon termination of her or his employment with a partnership, limited liability company, or corporation certified under this section shall notify the department of the termination within 30 days.

(9)(11) A No corporation, limited liability company, or partnership may not shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, the architect who signs and seals the construction documents and instruments of service is shall be liable for the professional services performed, and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed.

(10)(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.

(11)(13) Nothing in This section does not shall be construed to mean that a certificate of registration to practice architecture or interior design shall be held by a corporation, limited liability company, or partnership. Nothing in This section does not prohibit prohibits corporations, limited liability companies, and partnerships from joining together to offer architectural, engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public, provided that each corporation, limited liability company, or partnership otherwise meets the requirements of law.

(14) Corporations, limited liability companies, or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer."

Section 25. Section 481.221, Florida Statutes, is amended to read:

481.221 Seals; display of certificate number.—

(1) The board shall prescribe, by rule, one or more forms of seals to be used by registered architects holding valid certificates of registration.

(2) Each registered architect shall obtain one seal in a form approved by rule of the board and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered architect may be transmitted electronically and may be signed by the registered architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

~~(3) The board shall adopt a rule prescribing the distinctly different seals to be used by registered interior designers holding valid certificates of registration. Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record shall bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered interior designer may be transmitted electronically and may be signed by the registered interior designer, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.~~

(3)(4) A No registered architect may not shall affix, or permit to be affixed, her or his seal or signature to any final construction document or instrument of service which includes any plan, specification, drawing, or other document which depicts work which she or he is not competent to perform.

~~(5) No registered interior designer shall affix, or permit to be affixed, her or his seal or signature to any plan, specification, drawing, or other document which depicts work which she or he is not competent or licensed to perform.~~

(4)(6) A No registered architect may not shall affix her or his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by her or him or under her or his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.

~~(7) No registered interior designer shall affix her or his signature or seal to any plans, specifications, or other documents which were not prepared by her or him or under her or his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.~~

(5)(8) Final construction documents or instruments of service which include plans, drawings, specifications, or other architectural documents prepared by a registered architect as part of her or his architectural practice shall be of a sufficiently high standard to clearly and accurately indicate or illustrate all essential parts of the work to which they refer.

~~(9) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.~~

(6)(10) Each registered architect or interior designer, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall include its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered architect, interior designer, corporation, limited liability company, or partnership. A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered

architects ~~or interior designers~~ employed by or working within the corporation, limited liability company, or partnership.

~~(7)(11)~~ When the certificate of registration of a registered architect ~~or interior designer~~ has been revoked or suspended by the board, the registered architect ~~or interior designer~~ shall surrender her or his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect ~~or interior designer~~ has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

~~(8)(12)~~ A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect ~~or interior designer~~ whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the executive director of the board and confirm in writing to the executive director the cancellation of the registered architect's ~~or interior designer's~~ electronic signature in accordance with ss. 668.001-668.006. When a registered architect's ~~or interior designer's~~ certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 26. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Board of Architecture and Interior Design rather than the Florida Building Code Administrators and Inspectors Board. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 27. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

~~(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein; however, an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Interior Designer, Retired" but may not otherwise render any interior design services.~~

~~(b)(e)~~ Use the name or title "architect" or "registered architect," ~~or "interior designer" or "registered interior designer,"~~ or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part.

~~(c)(d)~~ Present as his or her own the license of another.

~~(d)(e)~~ Give false or forged evidence to the board or a member thereof.

~~(e)(f)~~ Use or attempt to use an architect ~~or interior designer~~ license that has been suspended, revoked, or placed on inactive or delinquent status.

~~(f)(g)~~ Employ unlicensed persons to practice architecture ~~or interior design~~.

~~(g)(h)~~ Conceal information relative to violations of this part.

(2) Any person who violates any provision of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), ~~paragraph (1)(b),~~ or paragraph (1)(b)(e). The prevailing party is entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, the term "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), ~~paragraph (1)(b),~~ or paragraph (1)(b)(e) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 28. *Section 481.2251, Florida Statutes, is repealed.*

Section 29. Subsections (5) through (8) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

~~(5)(a) Nothing contained in this part shall prevent a registered architect or a partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer."~~

~~(b) Notwithstanding any other provision of this part, all persons licensed as architects under this part shall be qualified for interior design licensure upon submission of a completed application for such license and a fee not to exceed \$30. Such persons shall be exempt from the requirements of s. 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under s. 481.215 shall be deemed to satisfy the requirements for renewal of licensure as an interior designer under that section. Complaint processing, investigation, or other discipline related legal costs related to persons licensed as interior designers under this paragraph shall be assessed against the architects' account of the Regulatory Trust Fund.~~

~~(c) Notwithstanding any other provision of this part, any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services shall be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application therefor. For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.~~

~~(6) This part shall not apply to:~~

~~(a) A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer. For purposes of this paragraph, "residential applications" includes all types of residences, including, but not limited to, residence buildings, single family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one family or two family residences. However, "residential applications" does not include common areas associated with instances of multiple unit dwelling applications.~~

~~(b) An employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.~~

~~(5)(7) Nothing in This part may not shall be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, unless registered or certified as a contractor pursuant to chapter 489.~~

(6)(8) A manufacturer of commercial food service equipment or the manufacturer's representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect ~~or interior designer~~, if:

(a) The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.

(b) The designs, specifications, or layouts do not materially affect lifesafety systems pertaining to firesafety protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.

(c) Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural, ~~interior design~~, or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

Section 30. Subsection (1) of section 481.231, Florida Statutes, is amended to read:

481.231 Effect of part locally.—

(1) ~~Nothing in~~ This part ~~does not shall be construed to~~ repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects ~~or registered interior designers~~, than the provisions of this part; ~~provided, however, that a licensed architect shall be deemed licensed as an interior designer for purposes of offering or rendering interior design services to a county, municipality, or other local government or political subdivision.~~

Section 31. Paragraph (c) of subsection (5) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(5)

(c) The architect or engineer of record may act as the special inspector provided she or he is on the Board of Professional Engineers' or the Board of ~~Architecture's Architecture and Interior Design's~~ list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on one of the professional licensing board's list of persons qualified to be special inspectors.

Section 32. Subsection (7) of section 558.002, Florida Statutes, is amended to read:

558.002 Definitions.—As used in this chapter, the term:

(7) "Design professional" means a person, as defined in s. 1.01, licensed in this state as an architect, ~~interior designer~~, landscape architect, engineer, or surveyor.

Section 33. Subsection (1) of section 509.242, Florida Statutes, is amended to read:

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, resort condominium, nontransient apartment, transient apartment, ~~roominghouse~~, bed and breakfast inn, or resort dwelling if the establishment satisfies the following criteria:

(a) Hotel.—A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

(b) Motel.—A motel is any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, offstreet parking for each unit, a central office on the

property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

(c) Resort condominium.—A resort condominium is any unit or group of units in a condominium, cooperative, or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

(d) Nontransient apartment ~~or roominghouse~~.—A nontransient apartment ~~or roominghouse~~ is a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants.

(e) Transient apartment ~~or roominghouse~~.—A transient apartment ~~or roominghouse~~ is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

~~(f) Roominghouse. A roominghouse is any public lodging establishment that may not be classified as a hotel, motel, resort condominium, nontransient apartment, bed and breakfast inn, or transient apartment under this section. A roominghouse includes, but is not limited to, a boardinghouse.~~

~~(f)(g)~~ Resort dwelling.—A resort dwelling is any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

~~(g)(h)~~ Bed and breakfast inn.—A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

Section 34. Subsection (9) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(9) Subsections (2), (5), and (6) do not apply to any facility or unit classified as a resort condominium, nontransient apartment, or resort dwelling as described in s. 509.242(1)(c), (d), and ~~(f)(g)~~.

Section 35. *Chapter 555, Florida Statutes, consisting of sections 555.01, 555.02, 555.03, 555.04, 555.05, 555.07, and 555.08, is repealed.*

Section 36. *Part VIII of chapter 559, Florida Statutes, consisting of sections 559.80, 559.801, 559.802, 559.803, 559.805, 559.807, 559.809, 559.811, 559.813, and 559.815, is repealed.*

Section 37. Section 205.1971, Florida Statutes, is amended to read:

205.1971 Sellers of travel; consumer protection.—A county or municipality may not issue or renew a business tax receipt to engage in business as a seller of travel pursuant to part ~~X XI~~ of chapter 559 unless such business exhibits a current registration or letter of exemption from the Department of Agriculture and Consumer Services.

Section 38. Subsection (20) of section 501.604, Florida Statutes, is amended to read:

501.604 Exemptions.—The provisions of this part, except ss. 501.608 and 501.616(6) and (7), do not apply to:

(20) A person who is registered pursuant to part ~~X XI~~ of chapter 559 and who is soliciting within the scope of the registration.

Section 39. Paragraph (d) of subsection (3) of section 721.11, Florida Statutes, is amended to read:

721.11 Advertising materials; oral statements.—

(3) The term “advertising material” does not include:

(d) Any audio, written, or visual publication or material relating to the promotion of the availability of any accommodations or facilities, or both, for transient rental, including any arrangement governed by part ~~X~~ ~~XI~~ of chapter 559, so long as a mandatory tour of a timeshare plan or attendance at a mandatory sales presentation is not a term or condition of the availability of such accommodations or facilities, or both, and so long as the failure of any transient renter to take a tour of a timeshare plan or attend a sales presentation does not result in the transient renter receiving less than what was promised to the transient renter in such materials.

Section 40. *Section 686.201, Florida Statutes, is repealed.*

Section 41. *Section 817.559, Florida Statutes, is repealed.*

Section 42. *The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in the provisions of this act. The Division of Statutory Revision of the Office of Legislative Services is requested to provide the relevant substantive committees and subcommittees of the Senate and the House of Representatives with assistance, upon request, to enable such committees or subcommittees to prepare draft legislation to conform the Florida Statutes to the provisions of this act.*

Section 43. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the deregulation of professions and occupations; amending s. 20.165, F.S.; renaming the Board of Architecture and Interior Design, to conform to changes made by the act; amending s. 468.385, F.S.; deleting licensure requirements for auctioneer apprentices; amending ss. 468.381, 468.384, 468.3855, 468.388, and 468.391, F.S., to conform; amending s. 468.383, F.S.; exempting certain auctioneers conducting motor vehicle auction contests from licensure; amending s. 477.0132, F.S.; deleting provisions requiring the registration of persons whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping; providing that the Florida Cosmetology Act does not apply to such persons; amending ss. 477.019, 477.026, 477.0265, and 477.029, F.S., to conform; amending s. 481.2131, F.S.; deleting provisions relating to the registration of interior designers and the regulation of interior design; providing that the practice of interior design does not require licensure; repealing s. 481.2251, F.S., relating to the disciplinary proceedings against registered interior designers; amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design, to conform; amending s. 481.203, F.S.; revising definitions relating to the practice of architecture and the practice of interior design; amending s. 481.205, F.S.; renaming the Board of Architecture and Interior Design, to conform; revising membership of the board; conforming provisions; amending ss. 481.207, 481.209, 481.211, 481.213, 481.215, and 481.217, F.S., to conform; amending s. 481.219, F.S.; deleting provisions permitting the practice of or offer to practice interior design through certain business organizations; deleting provisions requiring certificates of authorization for certain business organizations offering interior design services to the public; conforming provisions; amending ss. 481.221, 481.222, 481.223, 481.229, 481.231, and 553.79, F.S., to conform; amending s. 558.002, F.S.; revising the definition of “design professional” for purposes of provisions relating to alternative dispute resolution of construction defects, to conform; amending s. 509.242, F.S.; revising the license classifications of public lodging establishments for purposes of provisions regulating such establishments; amending s. 509.221, F.S.; conforming a cross-reference; repealing chapter 555, F.S., relating to the regulation of outdoor theaters in which audiences view performances from parked vehicles; repealing part VIII of chapter 559, F.S., relating to the Sale of Business Opportunities Act and the regulation of certain business opportunities; amending ss. 205.1971, 501.604, and 721.11, F.S.; conforming a cross-reference; repealing s. 686.201, F.S., relating to contracts with sales representatives involving commissions; repealing s. 817.559, F.S., relating to the labeling of television picture tubes; providing a directive to the Division of Statutory Revision; providing an effective date.

On motion by Senator Hays, the Conference Committee Report on **CS for HB 5005** was adopted. **CS for HB 5005** as amended by the Conference Committee Report failed. The action of the Senate was certified to the House. The vote was:

Yeas—6

Mr. President Alexander	Gaetz Gardiner	Negron Thrasher
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Nays—32

Altman	Garcia	Rich
Benacquisto	Hays	Richter
Bennett	Hill	Ring
Bogdanoff	Jones	Sachs
Braynon	Joyner	Simmons
Dean	Latvala	Siplin
Detert	Lynn	Smith
Diaz de la Portilla	Margolis	Sobel
Dockery	Montford	Storms
Evers	Norman	Wise
Fasano	Oelrich	

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 5007, as amended by the Conference Committee Report.

Robert L. “Bob” Ward, Clerk

**CONFERENCE COMMITTEE REPORT ON CS for HB 5007**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for HB 5007, same being:

An act relating to reducing and streamlining regulations.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. “Mike” Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. “Charlie” Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. “Tony” Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>

s/ *Jeremy Ring*  
 s/ *David Simmons*  
 s/ *Christopher L. "Chris" Smith*  
 s/ *Ronda Storms*  
 s/ *Stephen R. Wise*

s/ *Maria Lorts Sachs*  
 s/ *Gary Siplin, At Large*  
 s/ *Eleanor Sobel*  
 s/ *John Thrasher, At Large*

#### Managers on the part of the Senate

s/ *Denise Grimsley*  
 Chair  
 Gary Aubuchon, At Large  
 s/ *Paige Kreegel, At Large*  
 s/ *John Legg, At Large*  
 s/ *Seth McKeel, At Large*  
 s/ *Darryl Ervin Rouson, At Large*  
 Franklin Sands, At Large  
 Robert C. "Rob" Schenck, At Large  
 Will W. Weatherford, At Large

s/ *Dorothy L. Hukill*  
 Lead House Manager  
 Charles S. "Chuck" Chestnut IV,  
 At Large  
 s/ *Carlos Lopez-Cantera, At Large*  
 s/ *William L. "Bill" Proctor,*  
 At Large  
 Ron Saunders, At Large  
 William D. Snyder, At Large

#### Managers on the part of the House

The Conference Committee Amendment for CS for HB 5007, relating to reducing and streamlining regulations, provides for the following:

- Authorizes the Department of Highway Safety and Motor Vehicles to provide copies of driver licenses to the Department of Business and Professional Regulation (DBPR) to assist in investigations of unlicensed activity.
- Authorizes the DBPR to grant fee waivers for financial hardship or because of errors caused by the department.
- Provides that inactive license holders may only be required to complete one full cycle of continuing education requirements, regardless of how many years they have been inactive.
- Authorizes the Board of Architecture and Interior Design to contract for services.
- Decriminalizes rule violations for real estate and cosmetology related professionals.
- Removes references to the Uniform Professional Appraisal Practice and replaces it with professional practices established by board rule.
- Extends the effective date for the regulation of appraisal management companies, from July 1, 2011, to July 1, 2014.
- Amends the grandfather provision for home inspector licensees to permit Division I contractors and building code inspectors to qualify for licensure. The grandfather provision is extended from March 1, 2011 until July 1, 2012.
- Reduces education requirements for persons licensed as mold assessors or mold remediators to require that the applicant have a high school diploma or its equivalent rather than college coursework. The amendment eliminates the requirement for mold related professionals to have documented coursework in water, mold, and respiratory protection.
- Amends the grandfather provision for mold related services to permit persons with at least one year of experience who have completed at least 10 remediations or assessments to qualify for license. The grandfather provision is extended from March 1, 2011 to July 2012.
- Eliminates the requirement for a licensed asbestos consultant or asbestos contractor to obtain an additional license when operating a sole proprietorship.
- Authorizes accountants with a Masters degree from an accredited state college or university to be licensed without course reviews.
- Authorizes an accountant licensed in another state to become licensed in Florida if the accountant has five years of experience and all applicable fees are paid, regardless of the scope of the out-of-state applicant's coursework.
- Revises the post-licensure education requirements for real estate brokers and sales associates, to provide that the post-licensure requirements do not apply if the broker or associate has received a bachelor's or higher degree in real estate from an accredited institution.
- Eliminates the requirement for a licensed architect to obtain an additional license when operating a sole proprietorship.
- Authorizes landscape designers to submit plans to governmental agencies for approval.
- Preempts to the state matters related to nutritional content and marketing of foods offered by public lodging establishments and public food service establishments.
- Requires public food service establishments that have violated ch. 509, F.S., to complete remedial food safety training from a provider whose program has been approved by the Division of Hotels and Restaurants within the DBPR.
- Increases the inactive license period from two to eight years for Fire Sprinkler Installers.
- Transfers the Department of Agriculture and Consumer Services' responsibilities under the Motor Vehicle Warranty Enforcement Act (or "Lemon Law") to the Attorney General.
- Deletes the authority for the Department of Agriculture and Consumer Services to enforce the prohibition against unconscionable prices relating to the rental or sale of essential commodities during a declared state of emergency (also known as the statutory "Price Gouging" restriction). In addition, the amendment allows consideration of "regional" commodity trends, in addition to the national and international commodity trends, which may be relied upon for legally pricing commodities during declared emergencies.
- Creates a regulatory system for cottage food operations, to exempt from permitting by the Department of Agriculture and Consumer Services a cottage food operation that sells less than \$15,000 annually, and provides for labeling requirements of cottage food products.
- Amends ch. 493, F.S., to allow application fees for firearms instructors, managers, recovery agents, private investigators, and others to be paid by electronic funds transfer and deletes authority to pay fees by certified checks.
- Requires the Department of Financial Services to review the merits of consolidating the regulatory structure of the title insurance industry – agents and agencies, as well as title insurance companies – under the department.
- Provides an effective date of July 1, 2011.

#### Conference Committee Amendment (774853)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 320.90, Florida Statutes, is amended to read:

320.90 Notification of consumer's rights.—The department shall develop a motor vehicle consumer's rights pamphlet which shall be distributed free of charge by the Department of ~~Legal Affairs, Agriculture and Consumer Services~~ to the motor vehicle owner upon request. Such pamphlet must contain information relating to odometer fraud and provide a summary of the rights and remedies available to all purchasers of motor vehicles.

Section 2. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for departmental administrative purposes; for the issuance

of duplicate licenses; in response to law enforcement agency requests; to the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation or for the purpose of identifying subjects under investigation for unlicensed activity pursuant to s. 455.228; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415; to the Department of Children and Family Services pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims.

Section 3. Subsection (12) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(12) *The department may grant a fee waiver for a license renewal to a licensee on a case-by-case basis due to financial hardship or an error caused by the department.*

Section 4. Section 468.8324, Florida Statutes, is amended to read:

468.8324 Grandfather clause.—

(1) *A person who performs home inspection services may qualify for licensure as a home inspector under this part if the person submits an application to the department postmarked on or before July 1, 2012, which shows that the applicant:*

(a) *Possesses certification as a one- and two-family dwelling inspector issued by the International Code Council or the Southern Building Code Congress International;*

(b) *Has been certified as a one- and two-family dwelling inspector by the Florida Building Code Administrators and Inspectors Board under part XII of this chapter; or*

(c) *Possesses a Division I contractor license issued under part I of chapter 489.*

~~(1) A person who performs home inspection services as defined in this part may qualify for licensure by the department as a home inspector if the person submits an application to the department postmarked on or before March 1, 2011, which shows that the applicant:~~

~~(a) Is certified as a home inspector by a state or national association that requires, for such certification, successful completion of a proctored examination on home inspection services and completes at least 14 hours of verifiable education on such services; or~~

~~(b) Has at least 3 years of experience as a home inspector at the time of application and has completed 14 hours of verifiable education on home inspection services. To establish the 3 years of experience, an applicant must submit at least 120 home inspection reports prepared by the applicant.~~

~~(2) The department may investigate the validity of a home inspection report submitted under paragraph (1)(b) and, if the applicant submits a false report, may take disciplinary action against the applicant under s. 468.832(1)(c) or (g).~~

(2)(~~3~~) An applicant may not qualify for licensure under this section if he or she has had a home inspector license or a license in any related field revoked at any time or suspended within the previous 5 years or has been assessed a fine that exceeds \$500 within the previous 5 years. For purposes of this subsection, a license in a related field includes, but

is not limited to, licensure in real estate, construction, mold-related services, or building code administration or inspection.

(3)(4) An applicant for licensure under this section must comply with the criminal history, good moral character, and insurance requirements of this part.

Section 5. Subsections (4) through (6) of section 468.8413, Florida Statutes, are renumbered as subsections (3) through (5), respectively, and present subsections (2) and (3) of that section are amended to read:

468.8413 Examinations.—

(2) An applicant may practice in this state as a mold assessor or mold remediator if he or she passes the required examination, is of good moral character, and *possesses a high school diploma or its equivalent* ~~completes one of the following requirements:~~

~~(a)1. For a mold remediator, at least a 2-year associate of arts degree, or the equivalent, with at least 30 semester hours in microbiology, engineering, architecture, industrial hygiene, occupational safety, or a related field of science from an accredited institution and a minimum of 1 year of documented field experience in a field related to mold remediation; or~~

~~2. A high school diploma or the equivalent with a minimum of 4 years of documented field experience in a field related to mold remediation.~~

~~(b)1. For a mold assessor, at least a 2-year associate of arts degree, or the equivalent, with at least 30 semester hours in microbiology, engineering, architecture, industrial hygiene, occupational safety, or a related field of science from an accredited institution and a minimum of 1 year of documented field experience in conducting microbial sampling or investigations; or~~

~~2. A high school diploma or the equivalent with a minimum of 4 years of documented field experience in conducting microbial sampling or investigations.~~

~~(3) The department shall review and approve courses of study in mold assessment and mold remediation.~~

Section 6. Subsections (2) and (3) of section 468.8414, Florida Statutes, are amended to read:

468.8414 Licensure.—

(2) The department shall certify for licensure any applicant who satisfies the requirements of s. 468.8413 *and passes, who has passed the licensing examination, and who has documented training in water, mold, and respiratory protection.* The department may refuse to certify any applicant who has violated any *provision of the provisions* of this part.

(3) The department shall certify as qualified for a license by endorsement an applicant who is of good moral character, who has the insurance coverage required under s. 468.8421, and who:

(a) Is qualified to take the examination as set forth in s. 468.8413 and has passed a certification examination offered by a nationally recognized or *state-recognized* organization that certifies persons in the specialty of mold assessment or mold remediation that has been approved by the department as substantially equivalent to the requirements of this part and s. 455.217; or

(b) Holds a valid license to practice mold assessment or mold remediation issued by another state or territory of the United States if the criteria for issuance of the license were substantially the same as the licensure criteria that is established by this part as determined by the department.

Section 7. Paragraphs (b) through (h) of subsection (1) of section 468.8419, Florida Statutes, are redesignated as paragraphs (a) through (g), respectively, paragraphs (b) through (g) of subsection (2) are redesignated as paragraphs (a) through (f), respectively, and present paragraph (a) of subsection (1), present paragraph (a) of subsection (2), and subsection (4) of that section are amended to read:

468.8419 Prohibitions; penalties.—

(1) A person may not:

~~(a) Effective July 1, 2011, perform or offer to perform any mold assessment unless the mold assessor has documented training in water, mold, and respiratory protection under s. 468.8414(2).~~

(2) A mold remediator, a company that employs a mold remediator, or a company that is controlled by a company that also has a financial interest in a company employing a mold remediator may not:

~~(a) Perform or offer to perform any mold remediation unless the remediator has documented training in water, mold, and respiratory protection under s. 468.8414(2).~~

(4) This section does not apply to unlicensed activity as described in paragraph (1)(a), paragraph (1)(a)(b), or s. 455.228 that occurs before July 1, 2011.

Section 8. Subsection (1) of section 468.8423, Florida Statutes, is amended to read:

468.8423 Grandfather clause.—

(1) A person who performs mold assessment or mold remediation as defined in this part may qualify for licensure by the department as a mold assessor or mold remediator if the person submits his or her application to the department by ~~July 1, 2012~~ ~~March 1, 2011~~, whether postmarked or delivered by that date, and if the person:

(a) Is certified as a mold assessor or mold remediator by a state or national association that requires, for such certification, successful completion of a proctored examination on mold assessment or mold remediation, as applicable, ~~and completes at least 60 hours of education on mold assessment or at least 30 hours of education on mold remediation, as applicable;~~ or

(b) At the time of application, has at least ~~1 year~~ ~~3 years~~ of experience as a mold assessor or mold remediator. To establish the ~~1 year~~ ~~3 years~~ of experience, an applicant must submit at least ~~10~~ ~~40~~ mold assessments or remediation invoices prepared by the applicant.

Section 9. Subsection (1) of section 469.006, Florida Statutes, is amended to read:

469.006 Licensure of business organizations; qualifying agents.—

(1) If an individual proposes to engage in consulting or contracting in that individual's own name, or a fictitious name under which the individual is doing business as a sole proprietorship, the license may be issued only to that individual.

Section 10. Paragraphs (r) and (s) of subsection (1) of section 475.611, Florida Statutes, are redesignated as paragraphs (q) and (r), respectively, and present paragraph (q) of that subsection is amended to read:

475.611 Definitions.—

(1) As used in this part, the term:

~~(q) "Uniform Standards of Professional Appraisal Practice" means the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.~~

Section 11. Effective July 1, 2014, paragraphs (w) and (x) of subsection (1) of section 475.611, Florida Statutes, as amended by chapter 2010-84, Laws of Florida, and this act, are redesignated as paragraphs (v) and (w), respectively, and paragraph (v) of that subsection is amended to read:

475.611 Definitions.—

(1) As used in this part, the term:

~~(v) "Uniform Standards of Professional Appraisal Practice" means the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.~~

Section 12. Paragraph (c) of subsection (5) of section 373.461, Florida Statutes, is amended to read:

373.461 Lake Apopka improvement and management.—

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the ~~Legislature's~~ ~~intent of the Legislature~~ that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 ~~may~~ ~~shall~~ not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the ~~Uniform~~ standards of professional ~~Appraisal~~ practice established by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of a real estate appraisal. This maximum purchase price limitation ~~does~~ ~~shall~~ not include, and does not apply ~~not~~ ~~be applicable~~ to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.

Section 13. Subsection (5) of section 475.615, Florida Statutes, is amended to read:

475.615 Qualifications for registration or certification.—

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge ~~that, upon registration or certification, she or he will~~ ~~to~~ comply with the ~~Uniform~~ standards of professional ~~Appraisal~~ practice established by board rule, including standards for the development or communication of a real estate appraisal, ~~upon registration or certification~~ and must also indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application shall expire 1 year after the date received by the department.

Section 14. Subsection (4) of section 475.6235, Florida Statutes, is amended to read:

475.6235 Registration of appraisal management companies required.—

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge ~~that, upon registration, she or he will~~ ~~to~~ comply with the ~~Uniform~~ standards of professional ~~Appraisal~~ practice established by board rule, including standards for the development or communication of a real estate appraisal, ~~upon registration~~ and must also indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application shall expire 1 year after the date received by the department.

Section 15. Subsection (1), paragraph (b) of subsection (2), and paragraph (b) of subsection (3) of section 475.617, Florida Statutes, are amended to read:

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the board that she or he has successfully completed at least 100 hours of approved academic courses in subjects related to real estate appraisal, which ~~must~~ ~~shall~~ include coverage of the Uniform Standards of Professional Appraisal Practice or equivalent standards established by board rule from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 125 hours. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an applicant must present satisfactory evidence to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser

qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which ~~must shall~~ include a 15-hour ~~course on the National Uniform Standards of Professional Appraisal Practice or equivalent standards established by board rule~~ course from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which ~~must shall~~ include a 15-hour ~~course on the National Uniform Standards of Professional Appraisal Practice or equivalent standards established by board rule~~ course from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

Section 16. Subsection (1) of section 475.6175, Florida Statutes, is amended to read:

475.6175 Registered trainee appraiser; postlicensure education required.—

(1) The board shall prescribe postlicensure educational requirements in order for a person to maintain a valid registration as a registered trainee appraiser. If prescribed, the postlicensure educational requirements consist of one or more courses which total no more than the total educational hours required to qualify as a state certified residential appraiser. Such courses must be in subjects related to real estate appraisal and ~~must shall~~ include coverage of the Uniform Standards of Professional Appraisal Practice ~~or equivalent standards established by board rule~~. Such courses are provided by a nationally or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451.

Section 17. Paragraph (t) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$5,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(t) Has violated any standard of professional practice ~~establish by rule of the Florida Real Estate Appraisal Board, including any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice, as defined in s. 475.611~~, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis,

broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.

Section 18. Subsection (14) of section 475.624, Florida Statutes, is amended to read:

475.624 Discipline.—The board may deny an application for registration or certification; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if it finds that the registered trainee, licensee, or certificateholder:

(14) Has violated any standard of professional practice ~~established by board rule, including any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice~~.

Section 19. Effective July 1, 2014, subsection (14) of section 475.624, Florida Statutes, as amended by chapter 2010-84, Laws of Florida, and this act, is amended to read:

475.624 Discipline of appraisers.—The board may deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the board finds that the registered trainee, licensee, or certificateholder:

(14) Has violated any standard of professional practice ~~established by board rule, including any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice~~.

Section 20. Paragraph (n) of subsection (1) of section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.—

(1) The board may deny an application for registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the board finds that the appraisal management company or any person listed in s. 475.6235(2)(f):

(n) Has instructed an appraiser to violate any standard of professional practice ~~established by board rule, including any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice~~.

Section 21. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—~~The board shall adopt rules establishing standards of professional practice that meet or exceed nationally recognized standards of appraisal practice, including those standards developed by the Appraisal Standards Board of the Appraisal Foundation.~~ Each appraiser registered, licensed, or certified under this part ~~must shall~~ comply with the ~~rules~~ Uniform Standards of Professional Appraisal Practice. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation, upon adoption by board rule, shall also be binding on any appraiser registered, licensed, or certified under this part.

Section 22. Paragraphs (f) through (o) of subsection (1) of section 475.42, Florida Statutes, are redesignated as paragraphs (e) through (n), respectively, and present paragraph (e) of that subsection is amended to read:

## 475.42 Violations and penalties.—

## (1) VIOLATIONS.—

~~(c) A person may not violate any lawful order or rule of the commission which is binding upon her or him.~~

Section 23. Paragraphs (d) through (g) of subsection (1) of section 475.626, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and present paragraphs (b) and (c) of that subsection are amended to read:

## 475.626 Violations and penalties.—

## (1) VIOLATIONS.—

~~(b) No person shall violate any lawful order or rule of the board which is binding upon her or him.~~

~~(c) No person shall commit any conduct or practice set forth in s. 475.624.~~

Section 24. Effective July 1, 2014, paragraphs (d) through (h) of subsection (1) of section 475.626, Florida Statutes, as amended by chapter 2010-84, Laws of Florida, and this act, are redesignated as paragraphs (b) through (f), respectively, and paragraphs (b) and (c) of that subsection are amended to read:

## 475.626 Violations and penalties.—

## (1) A person may not:

~~(b) Violate any lawful order or rule of the board which is binding upon her or him.~~

~~(c) If a registered trainee appraiser or a licensed or certified appraiser, commit any conduct or practice set forth in s. 475.624.~~

Section 25. Paragraphs (d) through (h) of subsection (1) of section 477.0265, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and present paragraph (c) of that subsection is amended to read:

## 477.0265 Prohibited acts.—

## (1) It is unlawful for any person to:

~~(c) Engage in willful or repeated violations of this chapter or of any rule adopted by the board.~~

Section 26. Subsection (10) of section 455.271, Florida Statutes, is amended to read:

## 455.271 Inactive and delinquent status.—

~~(10) The board, or the department when there is no board, may not require before reactivation, an inactive or delinquent licensee, except for a licensee under chapter 473 or chapter 475, to complete more than one renewal cycle of shall meet the same continuing education to reactivate a license requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent. This subsection does not apply to persons regulated under chapter 473.~~

Section 27. Subsection (2) of section 468.8317, Florida Statutes, is amended to read:

## 468.8317 Inactive license.—

(2) A license that *becomes has become* inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. *The rules may not require more than one renewal cycle of continuing education to reactivate requirements for reactivating a license may not exceed 14 hours for each year the license was inactive.*

Section 28. Subsection (2) of section 468.8417, Florida Statutes, is amended to read:

## 468.8417 Inactive license.—

(2) A license that *becomes has become* inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. *The rules may not require more than one renewal cycle of continuing education to reactivate requirements for reactivating a license may not exceed 14 hours for each year the license was inactive.*

Section 29. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

## 477.0212 Inactive status.—

(2) The board shall *adopt promulgate* rules relating to licenses *that which have* become inactive and for the renewal of inactive licenses. *The rules may not require more than one renewal cycle of continuing education to reactivate a license.* The board shall prescribe by rule a fee not to exceed \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license.

Section 30. Subsection (1) of section 481.217, Florida Statutes, is amended to read:

## 481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. *The rules may not require more than one renewal cycle of continuing education to reactivate requirements for reactivating a license for a registered architect or may not exceed 12 contact hours for each year the license was inactive. The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive.* The board *may shall* only approve continuing education for an interior designer *which that* builds upon the basic knowledge of interior design.

Section 31. Subsection (1) of section 481.315, Florida Statutes, is amended to read:

## 481.315 Inactive status.—

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. *The board may not require a licensee to complete more than one renewal cycle of continuing education requirements. The board may prescribe by rule continuing education requirements as a condition of reactivating the license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the license was inactive.*

Section 32. Subsections (3) and (6) of section 489.116, Florida Statutes, are amended to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(3) An inactive status certificateholder or registrant may change to active status at any time *if, provided* the certificateholder or registrant meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status certificateholder or registrant, *and* pays any applicable late fees, *and meets all continuing education requirements prescribed by the board.*

(6) *The board may not require an inactive certificateholder or registrant to complete more than one renewal cycle of shall comply with the same* continuing education for reactivating a certificate or registration requirements, if any, that are imposed on an active status certificateholder or registrant.

Section 33. Subsection (1) of section 489.519, Florida Statutes, is amended to read:

## 489.519 Inactive status.—

(1) A certificate or registration that *becomes has become* inactive may be reactivated under s. 489.517 upon application to the department. The board *may not require a licensee to complete more than one renewal cycle of prescribe, by rule,* continuing education to reactivate *require*

~~ments as a condition of reactivating a certificate or registration. The continuing education requirements for reactivating a certificate or registration may not exceed 12 classroom hours for each year the certificate or registration was inactive.~~

Section 34. Subsection (3), paragraph (a) of subsection (4), and paragraph (b) of subsection (7) of section 473.308, Florida Statutes, are amended to read:

473.308 Licensure.—

(3) An applicant for licensure must:

(a) ~~Complete~~ ~~have~~ at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business in the total educational program to the extent specified by the board; or

(b) *Graduate from an accredited university in the state with a master's degree in accounting or its equivalent.*

(4)(a) An applicant for licensure after December 31, 2008, must show that he or she has had 1 year of *relevant* work experience. This experience ~~must~~ ~~shall~~ include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, all of which must be verified by a certified public accountant who is licensed by a state or territory of the United States and who has supervised the applicant. This experience is acceptable if it was gained through employment in government, industry, academia, or public practice; constituted a substantial part of the applicant's duties; and was under the supervision of a certified public accountant licensed by a state or territory of the United States. The board shall adopt rules specifying standards and providing for the review and approval of the work experience required by this section.

(7) The board shall certify as qualified for a license by endorsement an applicant who:

(b)1.a. Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; or

b. Holds a valid license to practice public accounting issued by another state or territory of the United States but the criteria for issuance of such license did not meet the requirements of sub-subparagraph a.; has met the requirements of this section for ~~education, work experience, and good moral character; has at least 5 years of work experience that meets the requirements of subsection (4) or at least 5 years of experience in the practice of public accountancy or its equivalent that meets the requirements of subsection (8); and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; and~~

2. Has completed continuing education courses that are equivalent to the continuing education requirements for a Florida certified public accountant licensed in this state during the 2 years immediately preceding her or his application for licensure by endorsement.

Section 35. Subsection (6) of section 475.17, Florida Statutes, is amended to read:

475.17 Qualifications for practice.—

(6)(a) ~~The education course requirements for initial licensure as a sales associate, and the postlicensure education requirements of this section, and the education course requirements for one to become initially licensed, do not apply to any applicant or licensed sales associate who has received a bachelor's or higher degree in real estate from an accredited institution of higher education.~~

(b) ~~The education course requirements for initial licensure as a broker do not apply to any applicant or licensee who has received a bachelor's or higher 4-year degree in real estate from an accredited institution of higher education.~~

Section 36. Subsection (4) of section 481.205, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section to read:

481.205 Board of Architecture and Interior Design.—

(4) *In addition to the authority granted in subsection (3), the board may contract for all other services pursuant to s. 455.32.*

Section 37. Subsection (2) of section 481.219, Florida Statutes, is amended to read:

481.219 Certification of partnerships, limited liability companies, and corporations.—

(2) For the purposes of this section, a certificate of authorization ~~is shall be~~ required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, ~~or in a fictitious name under which the individual is doing business as a sole proprietorship,~~ she or he ~~is shall~~ not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services.

Section 38. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) ~~This Nothing in this part does not prohibit~~ ~~prohibits~~ any person from engaging in the practice of landscape design, as defined in s. 481.303(7) ~~or from submitting such plans to governmental agencies for approval.~~ Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 39. Subsection (3) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order or, at the discretion of the department, by *electronic funds transfer* ~~agency check~~ at the time the application is approved, except that the applicant for a Class "G" or Class "M" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 40. Subsection (3) of section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order or, at the discretion of the department, by *electronic funds transfer* ~~agency check~~ at the time the application is approved, except that the applicant for a Class "G," Class "C," Class "CC," Class "M," or Class "MA" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

Section 41. Subsections (7) and (8) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

(7) Any person who operates a *recovery agent* ~~repossessor~~ school or training facility or who conducts an Internet-based training course or a correspondence training course must have a Class "RS" license.

(8) Any individual who teaches or instructs at a Class "RS" *recovery agent* ~~repossessor~~ school or training facility shall have a Class "RI" license.

Section 42. Paragraphs (f) and (g) of subsection (1) and subsection (3) of section 493.6402, Florida Statutes, are amended to read:

493.6402 Fees.—

(1) The department shall establish by rule biennial license fees which shall not exceed the following:

(f) Class “RS” license—*recovery agent repossessor* school or training facility: \$60.

(g) Class “RI” license—*recovery agent repossessor* school or training facility instructor: \$60.

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order; or, at the discretion of the department, by *electronic funds transfer agency check* at the time the application is approved, except that the applicant for a Class “E,” Class “EE,” or Class “MR” license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee shall not be refunded.

Section 43. Section 493.6406, Florida Statutes, is amended to read:

493.6406 *Recovery agent Repossession services* school or training facility.—

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for Class “E” or Class “EE” applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed \$60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

(2) The application ~~must~~ shall be signed and *verified by the applicant under oath as provided in s. 92.525 notarized* and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, his or her name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted or the street address of the Class “RS” school offering Internet-based or correspondence training.

(c) A copy of the training curriculum and final examination to be administered.

(3) The department shall adopt rules establishing the criteria for approval of schools, training facilities, and instructors.

Section 44. Paragraphs (j) through (z) of subsection (1) of section 500.03, Florida Statutes, are redesignated as paragraphs (l) through (bb), respectively, present paragraphs (n) and (p) are amended, and new paragraphs (j) and (k) are added to that subsection, to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) “Cottage food operation” means a natural person who produces or packages cottage food products at his or her residence and sells such products in accordance with s. 500.80.

(k) “Cottage food product” means food that is not a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

(p)(~~a~~) “Food establishment” means any factory, food outlet, or any other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term does not include any business or activity that is regulated under s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

(r)(~~p~~) “Food service establishment” means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises

and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, *cottage food operations*, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

Section 45. Subsection (1) of section 500.121, Florida Statutes, is amended to read:

500.121 Disciplinary procedures.—

(1) In addition to the suspension procedures provided in s. 500.12, *if applicable*, the department may impose a fine not to exceed ~~exceeding~~ \$5,000 against any retail food store, or food establishment, or *cottage food operation that violates* ~~has violated~~ this chapter, which fine, when imposed and paid, shall be deposited by the department into the General Inspection Trust Fund. The department may revoke or suspend the permit of any such retail food store or food establishment if it is satisfied that the retail food store or food establishment has:

(a) Violated any of the provisions of this chapter.

(b) Violated or aided or abetted in the violation of any law of this state governing or applicable to retail food stores or food establishments or any lawful rules of the department.

(c) Knowingly committed, or been a party to, any material fraud, misrepresentation, conspiracy, collusion, trick, scheme, or device whereby any other person, lawfully relying upon the word, representation, or conduct of a retail food store or food establishment, acts to her or his injury or damage.

(d) Committed any act or conduct of the same or different character than that enumerated which constitutes fraudulent or dishonest dealing.

Section 46. Section 500.80, Florida Statutes, is created to read:

500.80 *Cottage food operations*.—

(1)(a) *A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed \$15,000.*

(b) *For purposes of this subsection, a cottage food operation’s annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation’s annual gross sales.*

(2) *A cottage food operation may not sell or offer for sale cottage food products over the Internet, by mail order, or at wholesale. Cottage food products that are resold must meet the requirements of subsection (3).*

(3) *Cottage food products may only be sold if they are prepackaged with a label affixed that contains the following information:*

(a) *The name and address of the cottage food operation.*

(b) *The name of the cottage food product.*

(c) *The ingredients of the cottage food product, in descending order of predominance by weight.*

(d) *The net weight or net volume of the cottage food product.*

(e) *Allergen information as specified by federal labeling requirements.*

(f) *If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.*

(g) *The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: “Made in a*

home kitchen that is not subject to routine inspection by the Department of Agriculture and Consumer Services.”

(4) A cottage food operation may only sell cottage food products that it stores on the premises of the cottage food operation.

(5) This section does not exempt a cottage food operation from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

(6) A cottage food operation must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products by a cottage food operation or from a person's residence.

(7)(a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.

(b) Only upon receipt of a complaint, the department's authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules, as applicable. A cottage food operation's refusal to permit the department's authorized officer or employee entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to s. 500.121.

(8) This section does not apply to a person operating under a food permit issued pursuant to s. 500.12.

Section 47. Paragraph (b) of subsection (1) and subsection (8) of section 501.160, Florida Statutes, are amended to read:

501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices.—

(1) As used in this section:

(b) It is prima facie evidence that a price is unconscionable if:

1. The amount charged represents a gross disparity between the price of the commodity or rental or lease of any dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately before prior to a declaration of a state of emergency, unless and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or regional, national, or international market trends; or

2. The amount charged grossly exceeds the average price at which the same or similar commodity was readily obtainable in the trade area during the 30 days immediately before prior to a declaration of a state of emergency, unless and the increase in the amount charged is not attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or regional, national, or international market trends.

(8) Any violation of this section may be enforced by the Department of Agriculture and Consumer Services, the office of the state attorney, or the Department of Legal Affairs.

Section 48. Subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—The regulation of public lodging establishments and public food service establishments, including, but not limited to, the inspection of public lodging establishments and public food service establishments for compliance with the sanitation standards, inspections adopted under this section, and the regulation of food safety protection standards for required training and testing of food service establishment personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, are preempted to the state. This subsection does not preempt the authority of a local government or local enforcement district to conduct inspections of

public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.022.

Section 49. Subsection (1) of section 509.261, Florida Statutes, is amended to read:

509.261 Revocation or suspension of licenses; fines; procedure.—

(1) Any public lodging establishment or public food service establishment that has operated or is operating in violation of this chapter or the rules of the division, operating without a license, or operating with a suspended or revoked license may be subject by the division to:

(a) Fines not to exceed \$1,000 per offense;

(b) Mandatory completion attendance, at personal expense, of a remedial ~~at an~~ educational program administered ~~sponsored~~ by a food safety training program provider whose program is approved by the division as provided in s. 509.049 ~~the Hospitality Education Program~~; and

(c) The suspension, revocation, or refusal of a license issued pursuant to this chapter.

Section 50. Subsection (2) of section 633.537, Florida Statutes, is amended to read:

633.537 Certificate; expiration; renewal; inactive certificate; continuing education.—

(2) A person who holds a valid certificate may maintain such certificate in an inactive status during which time she or he may not engage in contracting. An inactive status certificate shall be void after four ~~a~~ 2-year periods period. The biennial renewal fee for an inactive status certificate shall be \$75. An inactive status certificate may be reactivated upon application to the State Fire Marshal and payment of the initial application fee.

Section 51. Subsections (8) through (23) of section 681.102, Florida Statutes, are renumbered as subsections (7) through (22), respectively, and present subsection (7) of that section is amended to read:

681.102 Definitions.—As used in this chapter, the term:

(7) “Division” means the Division of Consumer Services of the Department of Agriculture and Consumer Services.

Section 52. Subsection (3) of section 681.103, Florida Statutes, is amended to read:

681.103 Duty of manufacturer to conform a motor vehicle to the warranty.—

(3) At the time of acquisition, the manufacturer shall inform the consumer clearly and conspicuously in writing how and where to file a claim with a certified procedure if such procedure has been established by the manufacturer pursuant to s. 681.108. The nameplate manufacturer of a recreational vehicle shall, at the time of vehicle acquisition, inform the consumer clearly and conspicuously in writing how and where to file a claim with a program pursuant to s. 681.1096. The manufacturer shall provide to the dealer and, at the time of acquisition, the dealer shall provide to the consumer a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared by the Department of Legal Affairs and shall contain a toll-free number for the department which division that the consumer can contact to obtain information regarding the consumer's rights and obligations under this chapter or to commence arbitration. If the manufacturer obtains a signed receipt for timely delivery of sufficient quantities of this written statement to meet the dealer's vehicle sales requirements, it shall constitute prima facie evidence of compliance with this subsection by the manufacturer. The consumer's signed acknowledgment of receipt of materials required under this subsection shall constitute prima facie evidence of compliance by the manufacturer and dealer. The form of the acknowledgments shall be approved by the Department of Legal Affairs, and the dealer shall maintain the consumer's signed acknowledgment for 3 years.

Section 53. Section 681.108, Florida Statutes, is amended to read:

## 681.108 Dispute-settlement procedures.—

(1) If a manufacturer has established a procedure ~~that, which~~ the ~~department division~~ has certified as substantially complying with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and the rules adopted under this chapter, and has informed the consumer how and where to file a claim with such procedure pursuant to s. 681.103(3), the provisions of s. 681.104(2) apply to the consumer only if the consumer has first resorted to such procedure. The decisionmakers for a certified procedure shall, in rendering decisions, take into account all legal and equitable factors germane to a fair and just decision, including, but not limited to, the warranty; the rights and remedies conferred under 16 C.F.R. part 703, in effect October 1, 1983; the provisions of this chapter; and any other equitable considerations appropriate under the circumstances. Decisionmakers and staff of a procedure shall be trained in the provisions of this chapter and in 16 C.F.R. part 703, in effect October 1, 1983. In an action brought by a consumer concerning an alleged nonconformity, the decision that results from a certified procedure is admissible in evidence.

(2) A manufacturer may apply to the ~~department division~~ for certification of its procedure. After receipt and evaluation of the application, the ~~department division~~ shall certify the procedure or notify the manufacturer of any deficiencies in the application or the procedure.

(3) A certified procedure or a procedure of an applicant seeking certification shall submit to the ~~department division~~ a copy of each settlement approved by the procedure or decision made by a decisionmaker within 30 days after the settlement is reached or the decision is rendered. The decision or settlement must contain at a minimum the:

- (a) Name and address of the consumer;
- (b) Name of the manufacturer and address of the dealership from which the motor vehicle was purchased;
- (c) Date the claim was received and the location of the procedure office that handled the claim;
- (d) Relief requested by the consumer;
- (e) Name of each decisionmaker rendering the decision or person approving the settlement;
- (f) Statement of the terms of the settlement or decision;
- (g) Date of the settlement or decision; and
- (h) Statement of whether the decision was accepted or rejected by the consumer.

(4) Any manufacturer establishing or applying to establish a certified procedure must file with the ~~department division~~ a copy of the annual audit required under the provisions of 16 C.F.R. part 703, in effect October 1, 1983, together with any additional information required for purposes of certification, including the number of refunds and replacements made in this state pursuant to the provisions of this chapter by the manufacturer during the period audited.

(5) The ~~department division~~ shall review each certified procedure at least annually, prepare an annual report evaluating the operation of certified procedures established by motor vehicle manufacturers and procedures of applicants seeking certification, and, for a period not to exceed 1 year, shall grant certification to, or renew certification for, those manufacturers whose procedures substantially comply with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and rules adopted under this chapter. If certification is revoked or denied, the ~~department division~~ shall state the reasons for such action. The reports and records of actions taken with respect to certification shall be public records.

(6) A manufacturer whose certification is denied or revoked is entitled to a hearing pursuant to chapter 120.

(7) If federal preemption of state authority to regulate procedures occurs, the provisions of subsection (1) concerning prior resort do not apply.

(8) The ~~department may division shall~~ adopt rules to ~~administer implement~~ this section.

Section 54. Section 681.109, Florida Statutes, is amended to read:

681.109 Florida New Motor Vehicle Arbitration Board; dispute eligibility.—

(1) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a decision is not rendered by the certified procedure within 40 days of filing, the consumer may apply to the ~~department division~~ to have the dispute removed to the board for arbitration.

(2) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a consumer is not satisfied with the decision or the manufacturer's compliance therewith, the consumer may apply to the ~~department division~~ to have the dispute submitted to the board for arbitration. A manufacturer may not seek review of a decision made under its procedure.

(3) If a manufacturer ~~does not have a has no~~ certified procedure or if ~~the a~~ certified procedure does not have jurisdiction to resolve the dispute, a consumer may apply directly to the ~~department division~~ to have the dispute submitted to the board for arbitration.

(4) A consumer must request arbitration before the board with respect to a claim arising during the Lemon Law rights period no later than 60 days after the expiration of the Lemon Law rights period, or within 30 days after the final action of a certified procedure, whichever date occurs later.

(5) The ~~department division~~ shall screen all requests for arbitration before the board to determine eligibility. The consumer's request for arbitration before the board shall be made on a form prescribed by the department. The ~~department division~~ shall forward to the board all disputes that the ~~department division~~ determines are potentially entitled to relief under this chapter.

(6) The ~~department division~~ may reject a dispute that it determines to be fraudulent or outside the scope of the board's authority. Any dispute deemed by the ~~department division~~ to be ineligible for arbitration by the board due to insufficient evidence may be reconsidered upon the submission of new information regarding the dispute. Following a second review, the ~~department division~~ may reject a dispute if the evidence is clearly insufficient to qualify for relief. ~~If the department rejects a dispute, the department must provide notice of the rejection and a brief explanation of the reason for rejection. Any dispute rejected by the division shall be forwarded to the department and a copy shall be sent by registered mail to the consumer and the manufacturer, containing a brief explanation as to the reason for rejection.~~

(7) If the ~~department division~~ rejects a dispute, the consumer may file a lawsuit to enforce the remedies provided under this chapter. In any civil action arising under this chapter and relating to a matter considered by the ~~department division~~, any determination made to reject a dispute is admissible in evidence.

(8) The ~~department may shall have the authority to~~ adopt ~~reasonable~~ rules to ~~administer carry out the provisions of~~ this section.

Section 55. Subsections (2), (3), (4), (5), (9), (11), and (12) of section 681.1095, Florida Statutes, are amended, and subsection (17) is added to that section, to read:

681.1095 Florida New Motor Vehicle Arbitration Board; creation and function.—

(2) The ~~board boards~~ shall hear cases in various locations throughout the state so any consumer whose dispute is approved for arbitration by the ~~department division~~ may attend an arbitration hearing at a reasonably convenient location and present a dispute orally. Hearings shall be conducted by panels of three board members assigned by the department. A majority vote of the three-member board panel shall be

required to render a decision. Arbitration proceedings under this section shall be open to the public on reasonable and nondiscriminatory terms.

(3) Each region of the board shall consist of up to eight members. The members of the board shall construe and apply the provisions of this chapter, and rules adopted ~~under this chapter~~ ~~thereunder~~, in making their decisions. An administrator and a secretary shall be assigned to each *region of the board* by the Department of Legal Affairs. At least one member of ~~the each board in each region~~ must ~~have~~ ~~be a person with~~ expertise in motor vehicle mechanics. A member ~~may~~ ~~must~~ not be employed by a manufacturer or a franchised motor vehicle dealer or be a staff member, a decisionmaker, or a consultant for a procedure. Board members shall be trained in the application of this chapter and any rules adopted under this chapter. ~~Members of the board,~~ shall be ~~reimbursed for travel expenses pursuant to s. 112.061, and shall be compensated at a rate or wage prescribed by the Attorney General and are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.~~

(4) Before filing a civil action on a matter subject to s. 681.104, the consumer must first submit the dispute to the ~~department division~~, and to the board if such dispute is deemed eligible for arbitration.

(5) Manufacturers shall submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the ~~department division~~ pursuant to s. 681.109.

(9) The decision of the board shall be sent by ~~any method providing a delivery confirmation registered mail~~ to the consumer and the manufacturer, and shall contain written findings of fact and rationale for the decision. If the decision is in favor of the consumer, the manufacturer must, within 40 days after receipt of the decision, comply with the terms of the decision. Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. In any civil action arising under this chapter and relating to a dispute arbitrated before the board, any decision by the board is admissible in evidence.

(11) ~~The All~~ provisions of ~~in~~ this section and s. 681.109 pertaining to compulsory arbitration before the board, the dispute eligibility screening by the ~~department division~~, the proceedings and decisions of the board, and any appeals thereof, are exempt from ~~the provisions of~~ chapter 120.

(12) An appeal of a decision by the board to the circuit court by a consumer or a manufacturer shall be by trial de novo. In a written petition to appeal a decision by the board, the appealing party must state the action requested and the grounds relied upon for appeal. Within ~~15~~ ~~30~~ days after ~~of~~ final disposition of the appeal, the appealing party shall furnish the department with ~~notice of such disposition and, upon request, shall furnish the department with~~ a copy of the ~~settlement or the~~ order or judgment of the court.

(17) *The department may adopt rules to administer this section.*

Section 56. Subsections (2) and (4) of section 681.1096, Florida Statutes, are amended to read:

681.1096 RV Mediation and Arbitration Program; creation and qualifications.—

(2) Each manufacturer of a recreational vehicle involved in a dispute that is determined eligible under this chapter, including chassis and component manufacturers which separately warrant the chassis and components and which otherwise meet the definition of manufacturer ~~set forth~~ in s. 681.102(44), shall participate in a mediation and arbitration program that is deemed qualified by the department.

(4) The department shall monitor the program for compliance with this chapter. If the program is determined not qualified or if qualification is revoked, then disputes shall be subject to the provisions of ss. 681.109 and 681.1095. If the program is determined not qualified or if qualification is revoked as to a manufacturer, all those manufacturers potentially involved in the eligible consumer dispute shall be required to submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the ~~department division~~ pursuant to s. 681.109. A consumer having a dispute involving one or more manufacturers for which the program has been determined not qualified, or for which qualification has been revoked, is not required to submit the dispute to the program irrespective

of whether the program may be qualified as to some of the manufacturers potentially involved in the dispute.

Section 57. Subsection (2) of section 681.112, Florida Statutes, is amended to read:

681.112 Consumer remedies.—

(2) An action brought under this chapter must be commenced within 1 year after the expiration of the Lemon Law rights period, or, if a consumer resorts to an informal dispute-settlement procedure or submits a dispute to the ~~department division~~ or board, within 1 year after the final action of the procedure, ~~department division~~, or board.

Section 58. Subsection (1) of section 681.117, Florida Statutes, is amended to read:

681.117 Fee.—

(1) A \$2 fee shall be collected by a motor vehicle dealer, or by a person engaged in the business of leasing motor vehicles, from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle. Such fees shall be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue. If the purchaser or lessee removes the motor vehicle from the state for titling and registration outside this state, the fee shall be remitted to the Department of Revenue. All fees, less the cost of administration, shall be transferred monthly to the Department of Legal Affairs for deposit into the Motor Vehicle Warranty Trust Fund. ~~The Department of Legal Affairs shall distribute monthly an amount not exceeding one-fourth of the fees received to the Division of Consumer Services of the Department of Agriculture and Consumer Services to carry out the provisions of ss. 681.108 and 681.109. The Department of Legal Affairs shall contract with the Division of Consumer Services for payment of services performed by the division pursuant to ss. 681.108 and 681.109.~~

Section 59. (1) Effective upon this act becoming a law, section 10 of chapter 2010-84, Laws of Florida, is amended to read:

Section 10. This act shall take effect July 1, 2014 ~~2011~~.

(2) If this act becomes a law after June 30, 2011, this section shall operate retroactively to June 30, 2011.

Section 60. *The Department of Financial Services shall conduct a review of the regulatory structure for the state's title insurance industry, whereby title insurance agents and agencies are regulated by the Department of Financial Services and title insurance companies are regulated by the Office of Insurance Regulation of the Financial Services Commission. By December 31, 2011, the Department of Financial Services shall submit a report of its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate. The report shall determine whether effective and efficient oversight may be provided under the existing regulatory structure or whether consolidation of all aspects of title insurance regulation under the Department of Financial Services would provide a more effective and viable method of regulation. The Office of Insurance Regulation shall cooperate with the Department of Financial Services in the department's conduct of this review.*

Section 61. *The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act. The Division of Statutory Revision of the Office of Legislative Services is requested to provide the relevant substantive committees and subcommittees of the Senate and the House of Representatives with assistance, upon request, to enable such committees or subcommittees to prepare draft legislation to conform the Florida Statutes to the provisions of this act.*

Section 62. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to reducing and streamlining regulations; amending s. 320.90, F.S.; transferring the responsibility for distribution of a motor vehicle

consumer's rights pamphlet to a motor vehicle owner from the Department of Agriculture and Consumer Services to the Department of Legal Affairs; amending s. 322.142, F.S.; providing for the release of certain driver license information by the Department of Highway Safety and Motor Vehicles to the Department of Business and Professional Regulation under certain circumstances; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to grant waivers of license renewal fees under certain circumstances; amending s. 468.8324, F.S.; providing alternative criteria for obtaining a home inspector's license; removing certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date; amending ss. 468.8413 and 468.8414, F.S.; revising licensing requirements for mold assessors and remediators; deleting certain training requirements; amending s. 468.8419, F.S.; revising prohibitions and penalties for mold assessors and remediators, to conform; conforming a cross-reference; amending s. 468.8423, F.S.; revising alternative criteria for obtaining a mold assessor's or mold remediator's license; deleting certain education requirements; amending s. 469.006, F.S.; authorizing an asbestos consultant or contractor doing business as a sole proprietorship to be licensed under his or her fictitious name; amending s. 475.611, F.S.; deleting the definition of the term "Uniform Standards of Professional Appraisal Practice"; amending s. 373.461, F.S.; revising requirements for the standards of professional practice followed by appraisers providing appraisals to the St. Johns River Water Management District for certain agricultural lands discharging to Lake Apopka for purposes of a limit on the purchase price of such lands, to conform; amending ss. 475.615 and 475.6235, F.S.; revising the application requirements for registered or certified appraisers, and registered appraisal management companies, to conform; amending ss. 475.617 and 475.6175, F.S.; revising the education requirements for registered trainee appraisers, to conform; amending ss. 475.25, 475.624, and 475.6245, F.S.; revising the grounds for discipline of licensed real estate brokers and sales associates, registered brokerage firms, real estate school permittees, registered or certified appraisers, registered appraisal management companies, and applicants for licensure, registration, certification, or permit, to which penalties apply; prohibiting violations of the standards of professional practice established by the Florida Real Estate Appraisal Board; prohibiting an appraisal management company from instructing an appraiser to violate the standards of professional practice; conforming provisions; amending s. 475.628, F.S.; authorizing the board to adopt rules establishing standards of professional practice; requiring registered, licensed, and certified appraisers to comply with the rules; amending ss. 475.42, 475.626, and 477.0265, F.S.; deleting criminal penalties for persons who violate orders or rules of the Florida Real Estate Commission, persons who violate orders or rules of the Florida Real Estate Appraisal Board or related grounds for disciplinary action, and persons who commit certain violations of the Florida Cosmetology Act or rules of the Board of Cosmetology; amending ss. 455.271, 468.8317, 468.8417, 477.0212, 481.217, 481.315, 489.116, and 489.519, F.S.; revising the continuing education requirements for reactivating a license, certificate, or registration to practice certain regulated professions and occupations; amending s. 473.308, F.S.; revising licensure requirements for certified public accountants and firms; revising licensure requirements for certain persons licensed to practice public accounting in another state or territory; amending s. 475.17, F.S.; revising the education requirements for licensed real estate brokers and sales associates; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to contract for services under the Management Privatization Act; amending s. 481.219, F.S.; providing that a certificate of authorization is not required for an architect doing business as a sole proprietorship under his or her fictitious name; amending s. 481.329, F.S.; providing for applicability of provisions regulating the practice of landscape architecture; amending ss. 493.6107 and 493.6202, F.S.; revising requirements for the method of payment of certain fees; amending s. 493.6401, F.S.; revising terminology for reposessor schools and training facilities; amending s. 493.6402, F.S.; conforming terminology; revising requirements for the method of payment of certain fees; amending s. 493.6406, F.S.; revising the license application requirements for recovery agent schools, training facilities, and instructors; conforming terminology; amending s. 500.03, F.S.; providing and revising definitions for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; providing penalties for food safety violations committed by cottage food operations; creating s. 500.80, F.S.; exempting cottage food operations from food permitting requirements; limiting the annual gross sales of cottage food operations and the methods by which cottage food products may be sold or offered for sale; requiring certain packaging and labeling of cottage food products; re-

quiring cottage food products that are resold to meet the packaging and labeling requirements; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation; amending s. 501.160, F.S.; revising the conditions to establish prima facie evidence that prices charged during a declared state of emergency are unconscionable; deleting authority for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; amending s. 509.032, F.S.; revising which matters relating to the regulation of public lodging establishments and public food service establishments are preempted to the state; amending s. 509.261, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to require certain public lodging establishments and public food service establishments to complete certain remedial educational programs; amending s. 633.537, F.S.; revising the validity period for inactive status certificates of fire protection system contractors; amending ss. 681.102, 681.103, 681.108, and 681.109, F.S.; deleting a definition; transferring certain responsibilities of the Division of Consumer Services for the Motor Vehicle Warranty Enforcement Act to the Department of Legal Affairs; conforming provisions; amending s. 681.1095, F.S.; authorizing that notices of rejected Lemon Law disputes and decisions of the Florida New Motor Vehicle Arbitration Board be provided by methods other than registered mail; authorizing the Department of Legal Affairs to adopt rules; conforming provisions; amending ss. 681.1096 and 681.112, F.S.; conforming a cross-reference; conforming provisions; amending s. 681.117, F.S.; deleting provisions providing for the transfer of certain fees and interagency contracting between the Department of Legal Affairs and the Division of Consumer Services, to conform; amending s. 10, ch. 2010-84, Laws of Florida; revising the effective date of provisions relating to the regulation of real estate appraisers and appraisal management companies; providing for retroactive operation under certain circumstances; directing the Department of Financial Services to submit a report to the Legislature on the regulatory structure for the title insurance industry; providing a directive to the Division of Statutory Revision; providing effective dates.

On motion by Senator Hays, the Conference Committee Report on **CS for HB 5007** was adopted. **CS for HB 5007** as amended by the Conference Committee Report failed. The action of the Senate was certified to the House. The vote was:

Yeas—18

Mr. President	Detert	Norman
Alexander	Fasano	Oelrich
Altman	Gaetz	Richter
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Thrasher
Dean	Negron	Wise

Nays—21

Benacquisto	Hill	Rich
Braynon	Jones	Ring
Diaz de la Portilla	Joyner	Sachs
Dockery	Latvala	Siplin
Evers	Lynn	Smith
Flores	Margolis	Sobel
Garcia	Montford	Storms

Vote after roll call:

Nay to Yea—Benacquisto

By direction of the President the following Conference Committee Report was read:

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5305, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

**CONFERENCE COMMITTEE REPORT ON HB 5305**

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5305, same being:

An act relating to the Correctional Medical Authority.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Committee Chair  
Gary Aubuchon, At Large  
Richard Corcoran  
*s/ Jose Felix Diaz*  
*s/ Gayle B. Harrell*  
Mia L. Jones  
*s/ John Legg, At Large*  
*s/ Seth McKeel, At Large*  
*s/ William L. "Bill" Proctor,*  
At Large  
Franklin Sands, At Large  
*s/ Robert C. "Rob" Schenck,*  
At Large  
Will W. Weatherford, At Large  
*s/ Dana D. Young*

*s/ Matt Hudson*  
Chair  
Charles S. "Chuck" Chestnut IV  
*s/ Daniel Davis*  
James C. "Jim" Frishe  
*s/ Dorothy L. Hukill, At Large*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
Mark S. Pafford  
Kenneth L. "Ken" Roberson  
*s/ Darryl Ervin Rouson, At Large*  
Ron Saunders, At Large  
*s/ William D. Snyder, At Large*  
*s/ W. Gregory "Greg" Steube*  
John Wood

Managers on the part of the House

The Conference Committee Amendment for HB 5305, relating to the Correctional Medical Authority, provides for the following:

- Repeals sections of statute creating and establishing the duties of the Correctional Medical Authority.
- Eliminates 6 FTE and \$717,680 in General Revenue Funds.
- Amends s. 381.90, F.S., statute to remove the Executive Director of the Correctional Medical Authority from serving as a member of the Health Information Systems Council.

- Amends s. 766.101, F.S., to remove the reference to the Correctional Medical Authority as it relates to the term "medical review committee" or "committee."

- Amends s. 944.8041, F.S., to remove the Correctional Medical Authority from the requirement that the CMA and the Department of Corrections submit an annual report on the status and treatment of elderly offenders in state and private correctional systems.

- Amends s. 945.35, F.S., to remove the Correctional Medical Authority from the requirement for education on human immunodeficiency virus, acquired immune deficiency syndrome, and other communicable diseases.

- Amends s. 945.6032, F.S.; to remove the reference to the Correctional Medical Authority as it relates to the "medical review committee" responsibilities.

- Amends s. 945.6034, F.S., to remove the Correctional Medical Authority from the requirement that the Department of Corrections submit all health care standards to the CMA for review prior to adoption and for the CMA to determine whether they conform to the standard of care generally accepted in the professional health care community.

- Amends s. 951.27, F.S., to remove reference to the recommendations of the Correctional Medical Authority concerning blood tests of inmates.

- Provides an effective date of July 1, 2011.

**Conference Committee Amendment (799681)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. *Sections 945.601, 945.602, 945.603, 945.6031, 945.6035, and 945.6036, Florida Statutes, are repealed.*

Section 2. Subsection (3) of section 381.90, Florida Statutes, is amended to read:

381.90 Health Information Systems Council; legislative intent; creation, appointment, duties.—

(3) The council shall be composed of the following members or their senior executive-level designees:

- (a) The State Surgeon General;
- (b) The Executive Director of the Department of Veterans' Affairs;
- (c) The Secretary of Children and Family Services;
- (d) The Secretary of Health Care Administration;
- (e) The Secretary of Corrections;
- (f) The Attorney General;
- ~~(g) The Executive Director of the Correctional Medical Authority;~~
- (g)(h) Two members representing county health departments, one from a small county and one from a large county, appointed by the Governor;
- (h)(i) A representative from the Florida Association of Counties;
- (i)(j) The Chief Financial Officer;
- (j)(k) A representative from the Florida Healthy Kids Corporation;
- (k)(l) A representative from a school of public health chosen by the Commissioner of Education;
- ~~(l)(m)~~ The Commissioner of Education;
- (m)(n) The Secretary of Elderly Affairs; and
- (n)(o) The Secretary of Juvenile Justice.

Representatives of the Federal Government may serve without voting rights.

Section 3. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term “medical review committee” or “committee” means:

1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641;;

b. A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system;;

c. A committee of a state or local professional society of health care providers;;

d. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home;;

e. A committee of the Department of Corrections ~~or the Correctional Medical Authority as created under s. 945.602~~, or employees, agents, or consultants of either the department; ~~or the authority or both~~;

f. A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients;;

g. A committee of the Department of Children and Family Services which includes employees, agents, or consultants to the department as deemed necessary to provide peer review, utilization review, and mortality review of treatment services provided pursuant to chapters 394, 397, and 916;;

h. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency;;

i. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency;;

j. A peer review or utilization review committee organized under chapter 440;;

k. A committee of the Department of Health, a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records; or

l. A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service, to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care, or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

Section 4. Section 944.8041, Florida Statutes, is amended to read:

944.8041 Elderly offenders; annual review.—For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the department ~~and the Correctional Medical Authority~~ shall each submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the department’s geriatric facilities and dorms. ~~In order to adequately prepare the reports, the department and the Department of Management Services shall grant access to the Correctional Medical Authority that includes access to the facilities, offenders, and any information the agencies require to complete their reports.~~ The report review shall also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. The report reports, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

Section 5. Subsections (3) and (9) of section 945.35, Florida Statutes, are amended to read:

945.35 Requirement for education on human immunodeficiency virus, acquired immune deficiency syndrome, and other communicable diseases.—

(3) When there is evidence that an inmate, while in the custody of the department, has engaged in behavior which places the inmate at a high risk of transmitting or contracting a human immunodeficiency disorder or other communicable disease, the department may begin a testing program which is consistent with guidelines of the Centers for Disease Control and Prevention and recommendations of the ~~Correctional Medical Authority~~. For purposes of this subsection, “high-risk behavior” includes:

(a) Sexual contact with any person.

(b) An altercation involving exposure to body fluids.

(c) The use of intravenous drugs.

(d) Tattooing.

(e) Any other activity medically known to transmit the virus.

(9) The department shall establish policies consistent with guidelines of the Centers for Disease Control and Prevention ~~and recommendations of the Correctional Medical Authority~~ on the housing, physical contact, dining, recreation, and exercise hours or locations for inmates with immunodeficiency disorders as are medically indicated and consistent with the proper operation of its facilities.

Section 6. Section 945.6032, Florida Statutes, is amended to read:

945.6032 *Medical review committee; records and meetings exemption*  
~~Quality management program requirements.—~~

~~(1) The authority shall appoint a medical review committee pursuant to s. 766.101 to provide oversight for the Department of Corrections’ inmate health care quality management program. The authority shall also designate one of its members to serve on the Department of Corrections’ medical review committee in order to ensure coordination between the department and the authority with regard to issues of quality management and to enhance the authority’s oversight of the Department of Corrections’ quality management system.~~

~~(2) The authority’s medical review committee shall review amendments to the Department of Corrections’ inmate health care quality management program prior to implementation by the department.~~

~~(3) The findings and recommendations of a medical review committee created by the authority or the department pursuant to s. 766.101 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any proceedings of the committee are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution.~~

Section 7. Subsections (2) and (3) of section 945.6034, Florida Statutes, are amended to read:

945.6034 Minimum health care standards.—

~~(2) The department shall submit all health care standards to the authority for review prior to adoption. The authority shall review all department health care standards to determine whether they conform to the standard of care generally accepted in the professional health community at large.~~

~~(2)(3) The department shall comply with all adopted department health care standards. Failure of the department to comply with the standards may result in a dispute resolution proceeding brought by the authority pursuant to s. 945.6035, but shall not create a cause of action for any third parties, including inmates or former inmates.~~

Section 8. Subsection (1) of section 951.27, Florida Statutes, is amended to read:

951.27 Blood tests of inmates.—

(1) Each county and each municipal detention facility shall have a written procedure developed, in consultation with the facility medical provider, establishing conditions under which an inmate will be tested for infectious disease, including human immunodeficiency virus pursuant to s. 775.0877, which procedure is consistent with guidelines of the Centers for Disease Control and Prevention and recommendations of the ~~Correctional Medical Authority~~. It is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer.

Section 9. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the Correctional Medical Authority; repealing ss. 945.601, 945.602, 945.603, 945.6031, 945.6035, and 945.6036, F.S., relating to the Correctional Medical Authority definitions, creation, powers and duties, reports and surveys, dispute resolution, and enforcement, respectively; amending ss. 381.90, 766.101, 944.8041, 945.35, 945.6032, 945.6034, and 951.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Negron, the Conference Committee Report on **HB 5305** was adopted.

On motion by Senator Negron, further consideration of **HB 5305** as amended by the Conference Committee report was deferred.

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2000**

The Honorable Mike Haridopolos May 5, 2011  
President of the Senate

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2000, same being:

An act relating to appropriations.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i>	<i>s/ Joe Negron</i>
Chair	Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>

<i>s/ Oscar Braynon II</i>	<i>Larcenia J. Bullard</i>
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	<i>Paula Dockery</i>
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>
<i>s/ Jack Latvala</i>	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i>	<i>s/ Janet H. Adkins</i>
Chair	<i>s/ Larry Ahern</i>
<i>s/ Ben Albritton</i>	<i>s/ Frank Artiles</i>
Gary Aubuchon, At Large	<i>s/ Dennis K. Baxley</i>
Leonard L. Bemby	Lori Berman
Mack Bernard	Michael Bileca
<i>s/ Jeffrey "Jeff" Brandes</i>	<i>s/ Jason T. Brodeur</i>
<i>s/ Douglas Vaughn "Doug" Broxson</i>	<i>s/ Matthew H. "Matt" Caldwell</i>
Charles S. "Chuck" Chestnut IV, At Large	Daphne D. Campbell
<i>s/ Fredrick W. "Fred" Costello</i>	<i>s/ Marti Coley</i>
<i>s/ Daniel Davis</i>	Richard Corcoran
Chris Dorworth	<i>s/ Steve Crisafulli</i>
<i>s/ Clay Ford</i>	<i>s/ Jose Felix Diaz</i>
James C. "Jim" Frishe	Brad Drake
Joseph A. "Joe" Gibbons	<i>s/ Erik Fresen</i>
Eduardo "Eddy" Gonzalez	<i>s/ Matt Gaetz</i>
James W. "J.W." Grant	<i>s/ Richard "Rich" Glorioso</i>
<i>s/ Doug Holder</i>	Tom Goodson
<i>s/ Mike Horner</i>	<i>s/ Gayle B. Harrell</i>
<i>s/ Dorothy L. Hukill, At Large</i>	<i>s/ Ed Hooper</i>
Mia L. Jones	<i>s/ Matt Hudson</i>
Martin David "Marty" Kiar	<i>s/ Clay Ingram</i>
<i>s/ John Legg, At Large</i>	John Patrick Julien
Debbie Mayfield	<i>s/ Paige Kreegel, At Large</i>
<i>s/ Seth McKeel, At Large</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Peter Nehr</i>	<i>s/ Charles McBurney</i>
Jeanette M. Nunez	<i>s/ Larry Metz</i>
Mark S. Pafford	<i>s/ Bryan Nelson</i>
<i>s/ W. Keith Perry</i>	<i>s/ H. Marlene O'Toole</i>
Scott Plakon	<i>s/ Jimmy Patronis</i>
<i>s/ Stephen L. Precourt</i>	<i>s/ Ray Pilon</i>
<i>s/ Lake Ray</i>	Elizabeth W. Porter
Betty Reed	<i>s/ William L. "Bill" Proctor, At Large</i>
Hazelle P. "Hazel" Rogers	Kenneth L. "Ken" Roberson
Darryl Ervin Rouson, At Large	<i>s/ Patrick Rooney, Jr.</i>
Ron Saunders, At Large	Franklin Sands, At Large
Irving "Irv" Slosberg	<i>s/ Robert C. "Rob" Schenck, At Large</i>
<i>s/ Jimmie T. Smith</i>	William D. Snyder, At Large
Darren Soto	Kelli Stargel
<i>s/ W. Gregory "Greg" Steube</i>	<i>s/ Carlos Trujillo</i>
Will W. Weatherford, At Large	Alan B. Williams
<i>s/ Trudi K. Williams</i>	John Wood
Ritch Workman	<i>s/ Dana D. Young</i>

Managers on the part of the House

**Conference Committee Amendment (500186)(with title amendment)**—Delete everything after the enacting clause and insert: The moneys contained herein are appropriated from the named funds for Fiscal Year 2011-2012 to the state agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT  
SPECIFIC  
APPROPRIATION

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 2011, and ending June 30, 2012, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

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

The moneys contained herein are appropriated from the named funds for Fiscal Year 2011-2012 to the state agency indicated, as the amounts to be used to pay the salaries, other operational expenditures, and fixed capital outlay of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The moneys contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF

Funds provided in sections 1 and 2 of this act as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts, and allocation conference documents. Of the funds provided in Specific Appropriations 3, 4, 5, 48, 53, 56 through 65, and 126, 60 percent shall be released at the beginning of the first quarter and the balance at the beginning of the third quarter.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

1	FIXED CAPITAL OUTLAY	
	CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL	
	OUTLAY BOND PROGRAMS - OPERATING FUNDS AND	
	DEBT SERVICE	
	FROM EDUCATIONAL ENHANCEMENT TRUST	
	FUND . . . . .	162,109,596

Funds in Specific Appropriation 1 are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond programs established in Chapter 97-384, Laws of Florida.

Funds in Specific Appropriation 1 shall be transferred using nonoperating budget authority into the Lottery Capital Outlay and Debt Service Trust Fund, pursuant to section 1013.71, Florida Statutes, for the payment of debt service and projects. There is appropriated from the Lottery Capital Outlay and Debt Service Trust Fund, an amount sufficient to enable the payment of debt service resulting from these transfers.

2	FIXED CAPITAL OUTLAY	
	DEBT SERVICE - CLASS SIZE REDUCTION	
	LOTTERY CAPITAL OUTLAY PROGRAM	
	FROM EDUCATIONAL ENHANCEMENT TRUST	
	FUND . . . . .	154,883,241

Funds provided in Specific Appropriation 2 shall be transferred using nonoperating budget authority to the Lottery Capital Outlay and Debt Service Trust Fund, pursuant to section 1013.71, Florida Statutes, for the payment of debt service. There is appropriated from the Lottery Capital Outlay and Debt Service Trust Fund, an amount sufficient to enable the payment of debt service resulting from these transfers.

Funds provided in Specific Appropriation 2 are for Fiscal Year 2011-2012 debt service on all bonds authorized pursuant to section 1013.737, Florida Statutes, including any other continuing payments necessary or incidental to the repayment of the bonds. These funds may be used to refinance any or all bond series if it is in the best interest of the state as determined by the Division of Bond Finance.

SECTION 1 - EDUCATION ENHANCEMENT  
SPECIFIC  
APPROPRIATION

2A	FIXED CAPITAL OUTLAY	
	EDUCATIONAL FACILITIES	
	FROM EDUCATIONAL ENHANCEMENT TRUST	
	FUND . . . . .	3,500,000

Funds in Specific Appropriation 2A for educational facilities are provided for debt service requirements associated with bond proceeds from Lottery Capital Outlay and Debt Service Trust Funds included in Specific Appropriations 15C, 15D and 17C and are authorized pursuant to section 1013.737, Florida Statutes. Funds in Specific Appropriation 2A shall be transferred, using nonoperating budget authority, to the Lottery Capital Outlay and Debt Service Trust Fund.

TOTAL:	PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY	
	FROM TRUST FUNDS . . . . .	320,492,837
	TOTAL ALL FUNDS . . . . .	320,492,837

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

3	SPECIAL CATEGORIES	
	GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES	
	SCHOLARSHIP PROGRAM	
	FROM EDUCATIONAL ENHANCEMENT TRUST	
	FUND . . . . .	350,000,000

From the funds in Specific Appropriation 3 the award per credit hour or credit hour equivalent enrolled for the 2011-2012 academic year shall be as follows:

Four-Year Institutions		
Academic Scholars Award.....		\$101
Medallion Scholars Award.....		\$ 76
Gold Seal Vocational Scholars Award.....		\$ 76
Two-Year Institutions		
Academic Scholars Award.....		\$ 62
Medallion Scholars Award.....		\$ 62
Gold Seal Vocational Scholars Award.....		\$ 47
Upper-Division Programs Offered by Florida Colleges		
Academic Scholars Award.....		\$ 70
Medallion Scholars Award.....		\$ 52
Gold Seal Vocational Scholars Award.....		\$ 52

The additional stipend for Top Scholars shall be \$43 per credit hour.

4	SPECIAL CATEGORIES	
	FIRST GENERATION IN COLLEGE MATCHING GRANT	
	PROGRAM	
	FROM EDUCATIONAL ENHANCEMENT TRUST	
	FUND . . . . .	5,588,066

From the funds provided in Specific Appropriation 4, \$1,397,017 shall be allocated to First Generation in College Matching Grant Programs at Florida colleges for need based financial assistance as provided in section 1009.701, Florida Statutes, as amended. If required matching funds are not raised by participating Florida colleges or state universities by December 1, 2011, the remaining funds shall be reallocated to First Generation in College Matching Grant Programs at Florida colleges or state universities that have remaining unmatched private contributions.

5	FINANCIAL ASSISTANCE PAYMENTS	
	STUDENT FINANCIAL AID	
	FROM EDUCATIONAL ENHANCEMENT TRUST	
	FUND . . . . .	45,100,892

The funds in Specific Appropriation 5 are provided for the Florida Student Assistance Grant (FSAG) public full-time and part-time program and are allocated in Specific Appropriation 59.

SECTION 1 - EDUCATION ENHANCEMENT  
 SPECIFIC  
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 TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE  
 FROM TRUST FUNDS . . . . . 400,688,958  
 TOTAL ALL FUNDS . . . . . 400,688,958

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

6 AID TO LOCAL GOVERNMENTS  
 GRANTS AND AIDS - FLORIDA EDUCATIONAL  
 FINANCE PROGRAM  
 FROM EDUCATIONAL ENHANCEMENT TRUST  
 FUND . . . . . 12,327,001

Funds provided in Specific Appropriation 6 are allocated in Specific Appropriation 68.

7 AID TO LOCAL GOVERNMENTS  
 GRANTS AND AIDS - CLASS SIZE REDUCTION  
 FROM EDUCATIONAL ENHANCEMENT TRUST  
 FUND . . . . . 103,776,356

Funds in Specific Appropriations 7 and 69 are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades prekindergarten to grade 3 shall be \$1,322.25, for grades 4 to 8 shall be \$901.91, and for grades 9 to 12 shall be \$904.09. The class size reduction allocation shall be recalculated based on enrollment through the October 2011 FTE survey except as provided in section 1003.03(4), Florida Statutes. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 7 and 69, funds shall be prorated to the level of the appropriation based on each district's calculated amount. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

8 AID TO LOCAL GOVERNMENTS  
 GRANTS AND AIDS - DISTRICT LOTTERY AND  
 SCHOOL RECOGNITION PROGRAM  
 FROM EDUCATIONAL ENHANCEMENT TRUST  
 FUND . . . . . 119,596,643

Funds in Specific Appropriation 8 are provided for the Florida School Recognition Program to be allocated as awards of up to \$70 per student to qualified schools pursuant to section 1008.36, Florida Statutes.

If there are funds remaining after payment to qualified schools, up to \$5 per unweighted student shall be allocated to be used at the discretion of the school advisory council pursuant to sections 24.121 (5) and 1001.452, Florida Statutes. If funds are insufficient to provide \$5 per student, the available funds shall be prorated.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP  
 FROM TRUST FUNDS . . . . . 235,700,000  
 TOTAL ALL FUNDS . . . . . 235,700,000

PROGRAM: WORKFORCE EDUCATION

9 AID TO LOCAL GOVERNMENTS  
 WORKFORCE DEVELOPMENT  
 FROM EDUCATIONAL ENHANCEMENT TRUST  
 FUND . . . . . 35,127,799

Funds in Specific Appropriation 9 are provided for school district workforce education programs as defined in section 1004.02(26), Florida Statutes, and are allocated in Specific Appropriation 96.

FLORIDA COLLEGES, DIVISION OF

PROGRAM: FLORIDA COLLEGES

SECTION 1 - EDUCATION ENHANCEMENT  
 SPECIFIC  
 APPROPRIATION  
 10 AID TO LOCAL GOVERNMENTS  
 GRANTS AND AIDS - COMMUNITY COLLEGE  
 LOTTERY FUNDS  
 FROM EDUCATIONAL ENHANCEMENT TRUST  
 FUND . . . . . 130,359,158

Funds provided in Specific Appropriation 10 shall be allocated as follows:

Brevard Community College..... 4,674,534  
 Broward College..... 9,023,684  
 College of Central Florida..... 2,533,963  
 Chipola College..... 1,242,123  
 Daytona State College..... 6,289,087  
 Edison State College..... 3,234,398  
 Florida State College at Jacksonville..... 9,513,278  
 Florida Keys Community College..... 745,360  
 Gulf Coast State College..... 2,264,242  
 Hillsborough Community College..... 6,228,773  
 Indian River State College..... 5,645,754  
 Florida Gateway College..... 1,586,332  
 Lake Sumter Community College..... 1,391,305  
 State College of Florida, Manatee-Sarasota..... 2,765,064  
 Miami Dade College..... 21,163,760  
 North Florida Community College..... 790,999  
 Northwest Florida State College..... 2,276,357  
 Palm Beach State College..... 6,493,050  
 Pasco-Hernando Community College..... 2,512,940  
 Pensacola State College..... 4,260,543  
 Polk State College..... 3,167,763  
 Saint Johns River State College..... 2,134,024  
 Saint Petersburg College..... 8,056,423  
 Santa Fe College..... 4,380,306  
 Seminole State College of Florida..... 4,599,030  
 South Florida Community College..... 1,950,124  
 Tallahassee Community College..... 3,621,417  
 Valencia College..... 7,814,525

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 11 through 15 shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

11 AID TO LOCAL GOVERNMENTS  
 GRANTS AND AIDS - EDUCATION AND GENERAL  
 ACTIVITIES  
 FROM EDUCATIONAL ENHANCEMENT TRUST  
 FUND . . . . . 226,187,387

Funds in Specific Appropriation 11 shall be allocated as follows:

University of Florida..... 41,712,833  
 Florida State University..... 34,659,274  
 Florida A&M University..... 13,454,359  
 University of South Florida..... 30,235,075  
 University of South Florida, St. Petersburg..... 1,544,203  
 University of South Florida, Sarasota/Manatee..... 1,204,201  
 University of South Florida, Polytechnic..... 709,343  
 Florida Atlantic University..... 18,199,057  
 University of West Florida..... 7,153,393  
 University of Central Florida..... 31,808,710  
 Florida International University..... 26,950,631  
 University of North Florida..... 11,153,244  
 Florida Gulf Coast University..... 6,386,402  
 New College of Florida..... 1,016,662

Each university board of trustees may allocate the institution's Educational Enhancement Trust Funds across the Education and General Activities category and other program categories. Each board of trustees shall provide to the Board of Governors the allocation by grants and aids category prior to October 1, 2011.

SECTION 1 - EDUCATION ENHANCEMENT  
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From the funds in Specific Appropriation 11, \$500,000 in nonrecurring funding is provided to the FAMU Public Health Entomology Research and Education Center (PHEREC) in the Panama City State Mosquito Control Research Lab.

12	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE) FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . .	12,533,877
13	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . .	9,301,290
14	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . .	5,796,416
15	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL FROM EDUCATIONAL ENHANCEMENT TRUST FUND . . . . .	605,115
TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES FROM TRUST FUNDS . . . . .		254,424,085
TOTAL ALL FUNDS . . . . .		254,424,085

TOTAL OF SECTION 1		
FROM TRUST FUNDS . . . . .		1,376,792,837
TOTAL ALL FUNDS . . . . .		1,376,792,837

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The moneys contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 15A through 17C from the Public Education Capital Outlay and Debt Service Trust Fund constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under section 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as a result of fund transfers pursuant to section 216.292 (4)(c), Florida Statutes. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of section 216.301 (2), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
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the Fiscal Year 2011-2012 appropriation, and shall also apply to the funds appropriated in Specific Appropriations 15A through 17C.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within appropriate accounts to enable expenditure of funds appropriated for the state universities, the Florida School for the Deaf and the Blind, public school districts, Florida colleges, public broadcasting, and the Division of Blind Services.

15A	FIXED CAPITAL OUTLAY MAINTENANCE, REPAIR, RENOVATION, AND REMODELING FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	25,831,020	51,314,086
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Funds in Specific Appropriation 15A shall be allocated in accordance with section 1013.64(1), Florida Statutes, as follows:

Florida College System.....	8,088,000
State University System.....	13,848,000
Charter Schools.....	55,209,106

Funds in Specific Appropriation 15A for charter schools shall be distributed pursuant to section 1013.62(1)(b), Florida Statutes.

15B	FIXED CAPITAL OUTLAY SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	4,367,627
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From the funds in Specific Appropriation 15B, up to \$4,367,627 shall be distributed to university developmental research schools and allocated in accordance with section 1002.32(9)(e), Florida Statutes. The remaining funds shall be transferred from Specific Appropriation 15B to Specific Appropriation 15A by the Executive Office of the Governor and the funds shall be allocated to charter schools in accordance with section 1013.62(b), Florida Statutes.

15C	FIXED CAPITAL OUTLAY COMMUNITY COLLEGE PROJECTS FROM GENERAL REVENUE FUND . . . . . FROM LOTTERY CAPITAL OUTLAY AND DEBT SERVICES TRUST FUND . . . . . FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	1,440,000	18,776,420	82,648,517
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Funds in Specific Appropriation 15C shall be allocated as follows:

BREVARD COMMUNITY COLLEGE	Gen ren/rem, infrastruct, site improvement & acquisition...	1,429,812
	Public Safety Institute (sp).....	7,500,000
BROWARD COLLEGE	Gen ren/rem, infrastruct, site improvement & acquisition...	1,653,406
COLLEGE OF CENTRAL FLORIDA	Gen ren/rem, infrastruct, site improvement & acquisition...	579,514
	Construct Levy Co. Center Ph I (pce) part.....	4,800,000
CHIPOLA COLLEGE	Gen ren/rem, infrastruct, site improvement & acquisition...	316,117
DAYTONA STATE COLLEGE	Gen ren/rem, infrastruct, site improvement & acquisition...	1,032,459
	Remodel/Addition - News Journal Center Building part.....	7,800,000
	Rem/Add Bldg 220 - Stu Svc/Clstrm/Office - Daytona.....	2,400,000
	Rem/Add Bldg 314 - Thermal Storage.....	3,012,000
EDISON STATE COLLEGE	Gen ren/rem, infrastruct, site improvement & acquisition...	636,914
	Rem/Ren Bldgs. 1,2,3,4,6,7,9,10,29,30,32,34-Lee.....	6,749,585
	Rem/Ren Collier - Bldgs 1,5,10 - Collier.....	956,481
FLORIDA GATEWAY COLLEGE	Gen ren/rem, infrastruct, site improvement & acquisition...	327,571
FLORIDA STATE COLLEGE AT JACKSONVILLE	Gen ren/rem, infrastruct, site improvement & acquisition...	1,776,231
	Aircraft Coating Education Facility - Cecil comp.....	1,440,000

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

SPECIFIC

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FLORIDA KEYS COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,727
GULF COAST STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	294,738
HILLSBOROUGH COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	708,230
INDIAN RIVER STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	649,032
LAKE SUMTER COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,726
STATE COLLEGE OF FLORIDA, MANATEE-SARASOTA	
Gen ren/rem, infrastruct, site improvement & acquisition...	599,976
Rem/Ren/ Add Bldg 8 & 9 Library - Bradenton part.....	5,000,000
MIAMI DADE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	3,624,269
Rem/rem/add Clsrms/Labs/Supp Svcs Fac 2-Hialeah part.....	6,700,000
NORTH FLORIDA COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,727
NORTHWEST FLORIDA STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	362,639
PALM BEACH STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	1,198,964
Multipurp Clsrn/Admin Bldg, site - West Central part.....	7,300,000
PASCO-HERNANDO COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	269,727
Clsrms/Labs/Sup Svcs - Wesley Chapel Center (ce).....	6,935,170
PENSACOLA STATE COLLEGE	
Gen ren/rem, Const Clsrms-Main, Infrastruct & Site Imp.....	965,992
POLK STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	483,037
Institute for Public Safety - Winter Haven part.....	2,000,000
ST. JOHNS RIVER STATE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	376,517
ST. PETERSBURG COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	1,301,772
SANTA FE COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	682,752
Law Enforcement Labs & Library-Kirkpatrick (p).....	750,000
SEMINOLE STATE COLLEGE OF FLORIDA	
Gen ren/rem, infrastruct, site improvement & acquisition...	586,700
Site/Facilities Acquisition-Alt Springs (sp).....	7,500,000
SOUTH FLORIDA COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	299,241
Rem/Ren Fire Fighting - Main comp.....	2,514,241
TALLAHASSEE COMMUNITY COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	623,911
VALENCIA COLLEGE	
Gen ren/rem, infrastruct, site improvement & acquisition...	1,008,285
Library & High Tech Bldg 4 - Osceola (ce) comp.....	4,191,590
Maj Ren/Rem,Emg repl-Chill w/loop infrastr-East comp.....	2,718,884

Funds in Specific Appropriation 15C for Aircraft Coating Education Facility - Cecil are from General Revenue for the purpose of matching private contributions pursuant to the provisions of section 1011.32, Florida Statutes.

15D FIXED CAPITAL OUTLAY	
STATE UNIVERSITY SYSTEM PROJECTS	
FROM LOTTERY CAPITAL OUTLAY AND	
DEBT SERVICES TRUST FUND . . . . .	15,772,995
FROM PUBLIC EDUCATION CAPITAL	
OUTLAY AND DEBT SERVICE TRUST FUND	107,634,714

Funds in Specific Appropriation 15D shall be allocated as follows:

UNIVERSITY OF FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	5,297,085
Lake Nona Research and Academic Facility.....	6,000,000
FLORIDA STATE UNIVERSITY	
Applied Sciences Building (ce).....	6,000,000
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,827,644
FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	2,014,769

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

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UNIVERSITY OF SOUTH FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	2,549,206
USF Polytechnic New Campus Phase I.....	35,000,000
USF Health School of Pharmacy @ Polytechnic.....	10,000,000
USF Polytechnic Interdisciplinary Center for Excellence...	1,000,000
USF Sarasota/Manatee Utilities/Infrastructure/Capital	
Renewal/Roofs (pce).....	162,723
USF-St. Pete Utilities/Infrastructure/Capital	
Renewal/Roofs (pce).....	173,571
FLORIDA ATLANTIC UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	3,251,463
UNIVERSITY OF WEST FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,771,079
UNIVERSITY OF CENTRAL FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	2,277,804
Physics Bldg.....	3,877,895
Engineering Bldg.....	3,620,723
Classroom Building II (ce).....	5,241,445
Interdisc, Research and Incubator Facility.....	6,328,564
FLORIDA INTERNATIONAL UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,676,584
Satellite Chiller Plant Expansion-MMC.....	6,000,000
UNIVERSITY OF NORTH FLORIDA	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,972,294
FLORIDA GULF COAST UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,529,524
Classrooms/Offices/Labs Academic 8 (ce).....	4,500,000
Innovation Hub Research.....	5,000,000
NEW COLLEGE	
Utilities/Infrastructure/Capital Renewal/Roofs.....	1,685,336
Caples Mechanical Renovation, Remodeling.....	4,650,000

16 FIXED CAPITAL OUTLAY	
DEBT SERVICE	
FROM CAPITAL IMPROVEMENTS FEE	
TRUST FUND . . . . .	27,282,443
FROM PUBLIC EDUCATION CAPITAL	
OUTLAY AND DEBT SERVICE TRUST FUND	1,002,923,283
FROM SCHOOL DISTRICT AND COMMUNITY	
COLLEGE DISTRICT CAPITAL OUTLAY	
AND DEBT SERVICE TRUST FUND . . . . .	106,980,326

Funds in Specific Appropriation 16 from the School District and Community College District Capital Outlay and Debt Service Trust Fund are for Fiscal Year 2011-2012 debt service on bonds authorized pursuant to the School Capital Outlay Amendment, subsection (d), section 9, Article XII of the State Constitution, and any other continuing payments necessary or incidental to the repayment of the bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service appropriated for this program in Specific Appropriation 16 is insufficient due to interest rate changes, issuance timing, or other circumstances, the amount of the insufficiency is appropriated from the School District and Community College District Capital Outlay and Debt Service Trust Fund.

17 FIXED CAPITAL OUTLAY	
GRANTS AND AIDS - SCHOOL DISTRICT AND	
COMMUNITY COLLEGE	
FROM SCHOOL DISTRICT AND COMMUNITY	
COLLEGE DISTRICT CAPITAL OUTLAY	
AND DEBT SERVICE TRUST FUND . . . . .	28,000,000

17A FIXED CAPITAL OUTLAY	
FLORIDA SCHOOL FOR THE DEAF AND BLIND -	
CAPITAL PROJECTS	
FROM GENERAL REVENUE FUND . . . . .	2,000,000
FROM PUBLIC EDUCATION CAPITAL	
OUTLAY AND DEBT SERVICE TRUST FUND	3,151,271

Funds in Specific Appropriation 17A shall be allocated as specified below and are based on the Florida School for the Deaf and the Blind revised Legislative Budget Request as approved by the Board of Trustees on June 14, 2010. The projects and purposes for the funds are specified

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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in the currently approved Florida School for the Deaf and the Blind Master Facilities Plan and the Five-Year Educational Plant Survey.

Table with 2 columns: Item, Amount. Includes Building Maintenance (2,843,071), Campus-Wide Site Infrastructure (308,200), Major Renovations and New Construction (2,000,000).

17B FIXED CAPITAL OUTLAY

Table with 2 columns: Item, Amount. Includes PUBLIC BROADCASTING PROJECTS FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND (162,750).

Funds in Specific Appropriation 17B are provided for Satellite Operations Center, Tallahassee -Uplink Equipment Replacement as requested in the Department of Education's Fiscal Year 2011-2012 Legislative Budget Request.

17C FIXED CAPITAL OUTLAY

Table with 2 columns: Item, Amount. Includes LIBERTY COUNTY PUBLIC SCHOOL FROM LOTTERY CAPITAL OUTLAY AND DEBT SERVICES TRUST FUND (150,000).

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY FROM GENERAL REVENUE FUND (29,271,020) FROM TRUST FUNDS (1,449,164,432) TOTAL ALL FUNDS (1,478,435,452)

VOCATIONAL REHABILITATION

APPROVED SALARY RATE 35,795,924

Table with 4 columns: Item, Amount, Positions, Amount. Includes SALARIES AND BENEFITS (951.00 positions, 9,606,247 amount), FROM ADMINISTRATIVE TRUST FUND (201,137), FROM FEDERAL REHABILITATION TRUST FUND (36,464,017), FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND (1,520,303).

For funds in Specific Appropriations 18 through 30A for the Vocational Rehabilitation Program, the Department of Education is the designated state agency for purposes of compliance with the Federal Rehabilitation Act of 1973, as amended.

If the department identifies additional resources that may be used to maximize federal matching funds for the Vocational Rehabilitation Program, the department shall submit a budget amendment prior to the expenditure of the funds, in accordance with the provisions of chapter 216, Florida Statutes.

Table with 4 columns: Item, Amount, Positions, Amount. Includes OTHER PERSONAL SERVICES FROM FEDERAL REHABILITATION TRUST FUND (819,103), FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND (83,745).

Table with 4 columns: Item, Amount, Positions, Amount. Includes EXPENSES FROM GENERAL REVENUE FUND (6,686), FROM FEDERAL REHABILITATION TRUST FUND (9,895,543), FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND (200,236).

Table with 4 columns: Item, Amount, Positions, Amount. Includes AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ADULTS WITH DISABILITIES FUNDS FROM GENERAL REVENUE FUND (11,757,040).

Funds provided in Specific Appropriation 21 shall be distributed to Florida colleges and school districts for programs serving adults with disabilities. Programs that were funded in Fiscal Year 2010-2011 will be eligible for continuation funding if the program has made satisfactory progress and the application reflects effective use of

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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resources as defined by the Department of Education. The department has the authority to redistribute any funds due to unsatisfactory progress, ineffective use of resources, or discontinued programs.

From the funds in Specific Appropriation 21, provided that satisfactory progress was made during the 2010-2011 fiscal year, \$10,726,210 is provided for school district programs and shall be allocated as follows:

Table with 2 columns: County/Institution, Amount. Lists 27 counties and institutions with their respective amounts, such as Alachua (50,000), Baker (161,293), and Hillsborough (337,510).

From the funds provided in Specific Appropriation 21, provided that satisfactory progress was made during the 2011-2012 fiscal year, \$1,030,830 is provided for Florida college programs and shall be allocated as follows:

Table with 2 columns: Institution, Amount. Lists 10 colleges with their respective amounts, such as College of Central Florida (50,000) and Daytona State College (200,000).

Table with 4 columns: Item, Amount, Positions, Amount. Includes AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL REHABILITATION FROM GENERAL REVENUE FUND (315,160).

Table with 4 columns: Item, Amount, Positions, Amount. Includes OPERATING CAPITAL OUTLAY FROM FEDERAL REHABILITATION TRUST FUND (480,986).

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FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND . . . . .	29,928
24 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	444,415
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	10,628,234
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND . . . . .	279,118
25 SPECIAL CATEGORIES	
INDEPENDENT LIVING SERVICES	
FROM GENERAL REVENUE FUND . . . . .	1,232,004
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	4,582,359
Funds provided in Specific Appropriation 25 shall be allocated to the Centers for Independent Living and shall be distributed according to the formula in the 2005-2007 State Plan for Independent Living. From the Federal Rehabilitation Trust Fund allocation, \$3,472,193 shall be funded from Social Security reimbursements (program income) provided that the Social Security reimbursements are available.	
26 SPECIAL CATEGORIES	
PURCHASED CLIENT SERVICES	
FROM GENERAL REVENUE FUND . . . . .	20,861,275
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	83,441,814
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND . . . . .	430,376
27 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	342,737
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND . . . . .	30,495
27A SPECIAL CATEGORIES	
TENANT BROKER COMMISSIONS	
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	35,366
28 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT	
SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM GENERAL REVENUE FUND . . . . .	65,604
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	245,301
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND . . . . .	29,004
29 DATA PROCESSING SERVICES	
OTHER DATA PROCESSING SERVICES	
FROM GENERAL REVENUE FUND . . . . .	154,316
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	515,762
30 DATA PROCESSING SERVICES	
EDUCATION TECHNOLOGY AND INFORMATION	
SERVICES	
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	324,732
FROM WORKERS' COMPENSATION	
ADMINISTRATION TRUST FUND . . . . .	1,817
30A DATA PROCESSING SERVICES	
NORTHWEST REGIONAL DATA CENTER (NWRDC)	
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	145,450

TOTAL: VOCATIONAL REHABILITATION

SECTION 2 - EDUCATION (ALL OTHER FUNDS)	
SPECIFIC	
APPROPRIATION	
FROM GENERAL REVENUE FUND . . . . .	44,442,747
FROM TRUST FUNDS . . . . .	150,727,563
TOTAL POSITIONS . . . . .	951.00
TOTAL ALL FUNDS . . . . .	195,170,310
BLIND SERVICES, DIVISION OF	
APPROVED SALARY RATE	9,987,280
31 SALARIES AND BENEFITS POSITIONS	299.75
FROM GENERAL REVENUE FUND . . . . .	4,109,411
FROM ADMINISTRATIVE TRUST FUND . . . . .	364,576
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	9,279,866
32 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	145,801
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	290,354
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	10,047
33 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	416,456
FROM ADMINISTRATIVE TRUST FUND . . . . .	25,774
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	2,562,340
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	44,395
34 AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - COMMUNITY REHABILITATION	
FACILITIES	
FROM GENERAL REVENUE FUND . . . . .	847,347
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	4,522,207
35 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	54,294
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	235,198
36 FOOD PRODUCTS	
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	200,000
37 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	100,000
38 SPECIAL CATEGORIES	
GRANTS AND AIDS - CLIENT SERVICES	
FROM GENERAL REVENUE FUND . . . . .	8,522,011
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	16,506,496
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	252,746
39 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	56,140
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	425,000
40 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	8,326
FROM FEDERAL REHABILITATION TRUST	
FUND . . . . .	322,681
41 SPECIAL CATEGORIES	
LIBRARY SERVICES	

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
SPECIFIC  
APPROPRIATION

FROM GENERAL REVENUE FUND . . . . .	89,735	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		100,000
42 SPECIAL CATEGORIES		
VENDING STANDS - EQUIPMENT AND SUPPLIES		
FROM FEDERAL REHABILITATION TRUST FUND . . . . .		1,500,000
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		595,000
42A SPECIAL CATEGORIES		
TENANT BROKER COMMISSIONS		
FROM FEDERAL REHABILITATION TRUST FUND . . . . .		11,150
43 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND . . . . .	3,799	
FROM ADMINISTRATIVE TRUST FUND . . .		2,933
FROM FEDERAL REHABILITATION TRUST FUND . . . . .		95,929
44 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM FEDERAL REHABILITATION TRUST FUND . . . . .		686,842
45 DATA PROCESSING SERVICES		
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
FROM FEDERAL REHABILITATION TRUST FUND . . . . .		5,838
46 DATA PROCESSING SERVICES		
EDUCATION TECHNOLOGY AND INFORMATION SERVICES		
FROM FEDERAL REHABILITATION TRUST FUND . . . . .		168,689
46A DATA PROCESSING SERVICES		
NORTHWEST REGIONAL DATA CENTER (NWRDC)		
FROM FEDERAL REHABILITATION TRUST FUND . . . . .		182,460
TOTAL: BLIND SERVICES, DIVISION OF		
FROM GENERAL REVENUE FUND . . . . .	14,253,320	
FROM TRUST FUNDS . . . . .		38,490,521
TOTAL POSITIONS . . . . .	299.75	
TOTAL ALL FUNDS . . . . .		52,743,841

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

Prior to the disbursement of funds in Specific Appropriations 47, 49 through 52, 54, and 55, each institution shall submit a proposed expenditure plan to the Department of Education pursuant to the requirements of section 1011.521, Florida Statutes.

47 SPECIAL CATEGORIES		
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY		
FROM GENERAL REVENUE FUND . . . . .	2,777,493	
48 SPECIAL CATEGORIES		
ABLE GRANTS (ACCESS TO BETTER LEARNING AND EDUCATION)		
FROM GENERAL REVENUE FUND . . . . .	2,419,439	

Funds in Specific Appropriation 48 are provided to support 3,013 students at \$803 per student and shall be administered pursuant to section 1009.891, Florida Statutes. The Office of Student Financial

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
SPECIFIC  
APPROPRIATION

Assistance may prorate the award and provide a lesser amount in the second term if the funds appropriated are insufficient to provide a full award to all eligible students. The Office of Student Financial Assistance may also reallocate funds between institutions if an eligible institution fails to reach its 2011-12 enrollment.

49 SPECIAL CATEGORIES		
GRANTS AND AIDS - HISTORICALLY BLACK PRIVATE COLLEGES		
FROM GENERAL REVENUE FUND . . . . .		8,773,331
Funds in Specific Appropriation 49 from the General Revenue Fund shall be allocated as follows:		
Bethune-Cookman University.....		3,242,702
Edward Waters College.....		2,576,766
Florida Memorial University.....		2,841,536
Library Resources.....		112,327
Funds provided in Specific Appropriation 49 shall only be expended for student access and retention or direct instruction purposes.		
Funds in Specific Appropriation 49 for Library Resources shall be used for the purchase of books, electronic library resources, and other related library materials pursuant to section 1006.59, Florida Statutes. Funds shall be allocated equally to Bethune-Cookman University, Edward Waters College, and Florida Memorial University.		
50 SPECIAL CATEGORIES		
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL UNIVERSITY OF MIAMI		
FROM GENERAL REVENUE FUND . . . . .		5,835,409
Funds in Specific Appropriation 50 from the General Revenue Fund shall be allocated as follows:		
Cancer Research.....		1,213,765
PhD Program in Biomedical Science.....		700,249
College of Medicine.....		3,921,395
Funds provided in Specific Appropriation 50 for the University of Miami College of Medicine are to support a minimum of 500 Florida residents enrolled in the College of Medicine. The university shall submit enrollment information to the Department of Education prior to January 1, 2012.		
51 SPECIAL CATEGORIES		
GRANTS AND AIDS - ACADEMIC PROGRAM CONTRACTS		
FROM GENERAL REVENUE FUND . . . . .		796,374
Funds in Specific Appropriation 51 from the General Revenue Fund shall be allocated as follows:		
University of Miami - Rosenstiel Marine Science.....		107,921
University of Miami - BS and MFA in Motion Pictures.....		191,861
Florida Institute of Technology - BS Engineering and Science Education.....		155,131
Barry University - BS Nursing and MSW Social Work.....		84,215
Barry University - School of Podiatry.....		100,000
Barry University - Juvenile Justice Program.....		100,000
Nova/Southeastern University - MS Speech Pathology.....		47,246
University of Miami - Institute for Cuban American Studies..		10,000
Each institution shall submit enrollment information, by program, to the Department of Education prior to January 1, 2012.		
52 SPECIAL CATEGORIES		
GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI		
FROM GENERAL REVENUE FUND . . . . .		305,015
53 SPECIAL CATEGORIES		
FLORIDA RESIDENT ACCESS GRANT		

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APPROPRIATION

FROM GENERAL REVENUE FUND . . . . . 80,761,255

From the funds provided in Specific Appropriation 53, \$76,375,269 shall be used for tuition assistance for qualified Florida residents at 2010-11 eligible institutions. These funds are provided to support 35,529 students at \$2,149 per student.

From the funds provided in Specific Appropriation 53, \$4,385,986 shall be used for tuition assistance for qualified Florida residents at newly eligible institutions. These funds are provided to support 5,462 students at \$803 per student.

The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term if the funds appropriated are insufficient to provide a full award to all eligible students. The Office of Student Financial Assistance may also reallocate funds between institutions if an eligible institution fails to reach its 2011-12 enrollment.

54 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA SOUTHEASTERN
UNIVERSITY - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND . . . . . 4,260,832

From the funds provided in Specific Appropriation 54, \$4,175,615 from the General Revenue Fund is provided to support Florida residents enrolled in the Osteopathic Medicine, Optometry, Pharmacy, or Nursing programs. The university shall submit student enrollment information, by program, to the Department of Education prior to January 1, 2012. The amount of \$85,217 from the General Revenue Fund is to support rural and unmet needs in these programs.

55 SPECIAL CATEGORIES
GRANTS AND AIDS - LECOM / FLORIDA - HEALTH
PROGRAMS
FROM GENERAL REVENUE FUND . . . . . 925,500

Funds in Specific Appropriation 55 shall be used to support Florida residents who are enrolled in the Osteopathic Medicine or Pharmacy Program at the Lake Erie College of Osteopathic Medicine/Bradenton. The college shall submit enrollment information for Florida residents to the Department of Education prior to January 1, 2012.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND . . . . . 106,854,648
TOTAL ALL FUNDS . . . . . 106,854,648

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

56 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND . . . . . 4,618,528

57 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER
SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND . . . . . 985,468

58 FINANCIAL ASSISTANCE PAYMENTS
MARY MCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND . . . . . 178,708
FROM STATE STUDENT FINANCIAL
ASSISTANCE TRUST FUND . . . . . 111,363

59 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND . . . . . 87,584,410
FROM STUDENT LOAN OPERATING TRUST
FUND . . . . . 1,419,414

The funds in Specific Appropriations 5 and 59 are provided pursuant

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

to the following guidelines:

Florida Student Assistance Grant - Public Full & Part Time. 100,404,923
Florida Student Assistance Grant - Private..... 16,166,037
Florida Student Assistance Grant - Postsecondary..... 11,268,807
Florida Student Assistance Grant - Career Education..... 2,192,251
Children/Spouses of Deceased/Disabled Veterans..... 2,442,776
Florida Work Experience..... 1,569,922
Rosewood Family Scholarships..... 60,000

From the funds provided in Specific Appropriations 5 and 59, the maximum grant to any student from the Florida Public, Private, Career Education, and Postsecondary Assistance Grant Programs shall be \$2,413.

Any institution that receives state funding in the form of scholarships or grants for students administered by the Office of Student Financial Assistance shall report to the Department of Education, prior to September 1, 2011 for funds received in the 2010-11 fiscal year, the following federal loan information: total loan amounts disbursed and total number of students receiving loan funds by institution in the format specified by the Department of Education.

60 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND . . . . . 55,000
FROM STATE STUDENT FINANCIAL
ASSISTANCE TRUST FUND . . . . . 27,500

61 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND . . . . . 2,000,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM GENERAL REVENUE FUND . . . . . 95,422,114
FROM TRUST FUNDS . . . . . 1,558,277
TOTAL ALL FUNDS . . . . . 96,980,391

PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL

62 SPECIAL CATEGORIES
GRANT AND AIDS - COLLEGE ACCESS CHALLENGE
GRANT PROGRAM
FROM FEDERAL GRANTS TRUST FUND . . . . . 7,011,133

63 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM FEDERAL GRANTS TRUST FUND . . . . . 2,563,089

64 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER DEFAULT FEES TO THE STUDENT LOAN
GUARANTY RESERVE TRUST FUND
FROM STUDENT LOAN OPERATING TRUST
FUND . . . . . 100,000

65 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM FEDERAL GRANTS TRUST FUND . . . . . 2,391,530

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL
FROM TRUST FUNDS . . . . . 12,065,752
TOTAL ALL FUNDS . . . . . 12,065,752

EARLY LEARNING

PREKINDERGARTEN EDUCATION

66 SPECIAL CATEGORIES
TRANSFER VOLUNTARY PREKINDERGARTEN FUNDS
TO AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND . . . . . 384,606,382

Funds in Specific Appropriation 66 are provided for transfer to the

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Agency for Workforce Innovation to implement the Voluntary Prekindergarten Education Program as provided in sections 1002.51 through 1002.79, Florida Statutes, and shall be initially allocated to Early Learning Coalitions as indicated below.

The funds in Specific Appropriation 66 shall be allocated as follows:

Table with 2 columns: County Name and Amount. Includes Alachua, Bay, Calhoun, Gulf, Franklin, Washington, Holmes, Jackson, Brevard, Broward, Charlotte, DeSoto, Highlands, Hardee, Clay, Nassau, Baker, Bradford, Columbia, Hamilton, Lafayette, Union, Suwannee, Dade, Monroe, Dixie, Gilchrist, Levy, Citrus, Sumter, Duval, Escambia, Hendry, Glades, Collier, Lee, Hillsborough, Lake, Leon, Gadsden, Jefferson, Liberty, Madison, Wakulla, Taylor, Manatee, Marion, Martin, Okeechobee, Indian River, Okaloosa, Walton, Orange, Osceola, Palm Beach, Pasco, Hernando, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Volusia, Flagler.

67 SPECIAL CATEGORIES
GRANTS AND AIDS- EARLY LEARNING STANDARDS
AND ACCOUNTABILITY
FROM GENERAL REVENUE FUND . . . . . 192,000

TOTAL: PREKINDERGARTEN EDUCATION
FROM GENERAL REVENUE FUND . . . . . 384,798,382
TOTAL ALL FUNDS . . . . . 384,798,382

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

The calculations of the Florida Education Finance Program (FEFP) for the 2011-2012 fiscal year are incorporated by reference in Senate Bill 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

68 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM GENERAL REVENUE FUND . . . . . 5,366,524,887
FROM STATE SCHOOL TRUST FUND . . . . . 282,938,902

Funds provided in Specific Appropriations 6 and 68 shall be allocated using a base student allocation of \$3,479.22 for the FEFP.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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APPROPRIATION

Funds provided in Specific Appropriations 6 and 68 for the supplemental allocation for juvenile justice education programs shall be allocated pursuant to the formula provided in section 1011.62(10), Florida Statutes. The allocation factor shall be \$903.57.

From the funds provided in Specific Appropriations 6 and 68, juvenile justice education programs shall receive the basic allocation assigned to a juvenile justice student, including Exceptional Student Education (ESE) special education funding when appropriate.

The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of section 1011.62(2), Florida Statutes.

From the funds provided in Specific Appropriations 6 and 68, \$35,754,378 is provided for the Sparsity Supplement as defined in section 1011.62(7), Florida Statutes, for school districts of 20,000 and fewer FTE in the 2011-2012 fiscal year.

Total Required Local Effort for Fiscal Year 2011-2012 shall be \$6,936,892,794. The total amount shall include adjustments made for the calculation required in sections 1011.62(4)(a) through (c), Florida Statutes.

The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of section 1011.71(1) and (3), Florida Statutes, by district school boards in Fiscal Year 2011-2012 shall be:

- 1. 0.748 mills

If any school district levies the full 0.748 mill levy and it generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE, the school district shall receive from the funds provided in Specific Appropriations 6 and 68, a discretionary millage compression supplement that, when added to the funds generated by the district's 0.748 mill levy, shall be equal to the state average as provided in section 1011.62(5), Florida Statutes.

If any school district chooses to levy an amount not less than 0.498 mill and less than 0.748 mill, a compression supplement shall be calculated on a levy of 0.498. If a 0.498 mill levy generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE for 0.498 mill, the school district shall receive from the funds provided in Specific Appropriations 6 and 68, a discretionary millage compression supplement that, when added to the funds generated by a 0.498 mill levy, would be equal to the state average as provided in section 1011.62(5), Florida Statutes.

2. In addition, if any school district levies by super majority vote for the 2011-2012 fiscal year, an additional voted 0.25 mill to meet critical operating needs pursuant to section 1011.71(3)(b), Florida Statutes, and the 0.25 mill generates an amount of funds per unweighted FTE that is less than the state average amount per unweighted FTE, the school district shall receive from the funds provided in Specific Appropriations 6 and 68, a discretionary millage compression supplement that, when added to the funds generated by the district's 0.25 mill levy, shall be equal to the state average as provided in section 1011.62(5), Florida Statutes.

Funds provided in Specific Appropriations 6 and 68 are based upon program cost factors for Fiscal Year 2011-2012 as follows:

- 1. Basic Programs
A. K-3 Basic.....1.102
B. 4-8 Basic.....1.000
C. 9-12 Basic.....1.019
2. Programs for Exceptional Students
A. Support Level 4.....3.550
B. Support Level 5.....5.022

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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APPROPRIATION

- 3. English for Speakers of Other Languages .....1.161
4. Programs for Grades 9-12 Career Education.....0.999

From the funds in Specific Appropriations 6 and 68, \$943,167,996 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation as authorized by law to provide educational programs and services for exceptional students.

From the funds provided in Specific Appropriations 6 and 68, the value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in section 1011.61, Florida Statutes, for funding pursuant to section 1011.62, Florida Statutes.

The Declining Enrollment Supplement shall be calculated based on 25 percent of the decline between the prior year and current year unweighted FTE students.

From the funds in Specific Appropriations 6 and 68, \$64,456,019 is provided for Safe Schools activities and shall be allocated as follows: \$62,660 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total unweighted student enrollment.

From the funds in Specific Appropriations 6 and 68, \$615,924,773 is for Supplemental Academic Instruction to be provided throughout the school year pursuant to section 1011.62(1)(f), Florida Statutes. First priority for use of these funds shall be the provision of supplemental intensive instruction, consistent with the Sunshine State Standards, including summer school and intensive English immersion and math instruction, for students in grades 3 and 10 who scored FCAT Level I in FCAT reading or math.

From the funds in Specific Appropriations 6 and 68, \$97,673,434 is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. The amount of \$83,546 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the state total K-12 base funding.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
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APPROPRIATION

From the funds in Specific Appropriations 6 and 68, \$18,872,311 is provided for the Merit Award Program as authorized in section 1012.225, Florida Statutes 2010.

From the funds provided in Specific Appropriations 6 and 68, \$209,240,737 is provided for Instructional Materials including \$11,534,110 for Library Media Materials and \$3,152,657 for the purchase of science lab materials and supplies. The growth allocation per FTE shall be \$287.48 for Fiscal Year 2011-2012.

From funds provided in Specific Appropriations 6 and 68, \$415,449,129 is provided for Student Transportation as provided in section 1011.68, Florida Statutes.

From funds provided in Specific Appropriations 6 and 68, \$31,895,373 is provided for the Teachers Lead Program and shall be given to teachers pursuant to section 1012.71, Florida Statutes. The allocation shall not be recalculated during the school year.

Funds provided in Specific Appropriations 6 and 68 for the virtual education contribution shall be allocated pursuant to the formula provided in section 1011.62(11), Florida Statutes. The contribution shall be based on \$4,800 per FTE.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

Unless otherwise provided by law, no funds are provided in Specific Appropriations 6 and 68 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

From the funds in Specific Appropriations 6 and 68, school districts may execute an appropriate contract for full-time virtual instruction through K-8 virtual schools that received funds from Specific Appropriation 93 of chapter 2008-152, Laws of Florida. School districts may expend funds in the amount of \$4,800 per student for each student who was enrolled and served during the 2010-2011 fiscal year and who is re-enrolled and eligible to be served during the 2011-2012 fiscal year.

Table with 2 columns: Description and Amount. Row 1: 69 AID TO LOCAL GOVERNMENTS. Row 2: GRANTS AND AIDS - CLASS SIZE REDUCTION. Row 3: FROM GENERAL REVENUE FUND . . . . . 2,737,527,425. Row 4: FROM STATE SCHOOL TRUST FUND . . . . . 86,161,098

Funds in Specific Appropriations 7 and 69 are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades prekindergarten to grade 3 shall be \$1,322.25, for grades 4 to 8 shall be \$901.91, and for grades 9 to 12 shall be \$904.09. The class size reduction allocation shall be recalculated based on enrollment through the October 2011 FTE survey except as provided in section 1003.03(4), Florida Statutes. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 7 and 69, funds shall be prorated to the level of the appropriation based on each district's calculated amount. The Commissioner of Education may withhold

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SPECIFIC

APPROPRIATION

disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

Table with 2 columns: Description and Amount. Rows include FROM GENERAL REVENUE FUND (8,104,052,312), FROM TRUST FUNDS (369,100,000), and TOTAL ALL FUNDS (8,473,152,312).

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

Of the funds provided for regional education consortium programs and school district matching grants in Specific Appropriations 70, 77, 81, and 91A, 60 percent shall be released to the Department of Education at the beginning of the first quarter and the balance at the beginning of the third quarter. The Department of Education shall disburse the funds to eligible entities within 30 days of release.

Funds provided in Specific Appropriations 70 through 85, excluding 78 and 79, shall be used to serve Florida students only.

70 AID TO LOCAL GOVERNMENTS

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - INSTRUCTIONAL MATERIALS FROM GENERAL REVENUE FUND (1,145,000).

Funds provided in Specific Appropriation 70 shall be allocated as follows:

Table with 2 columns: Description and Amount. Rows include Sunlink Uniform Library Database (85,000), Learning Through Listening (760,000), and Distance Learning Teacher Training (300,000).

From the funds provided in Specific Appropriation 70 for the Sunlink Uniform Library Database, \$50,000 shall be provided to the College Center for Library Automation (CCLA) to complete the transfer of the K-12 public school bibliographic database from the Department of Education to the CCLA for inclusion in its online discovery tool product; and \$35,000 shall be provided to the department to work with the CCLA and the school districts to develop a process that allows for the electronic updating of the database. The CCLA should make the public school bibliographic database of library holdings available for school district students, staff, and parents no later than September 1, 2011 and updates should minimally occur at the beginning of each academic year.

71 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS FOR READING PROGRAMS FROM GENERAL REVENUE FUND (750,000).

Funds in Specific Appropriation 71 are provided to the North East Florida Educational Consortium (NEFEC) and the Panhandle Area Educational Consortium (PAEC) for non-phonemic reading instruction for students scoring Level 1 or Level 2 in Reading on the Florida Comprehensive Assessment Test (FCAT).

72 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - ASSISTANCE TO LOW PERFORMING SCHOOLS FROM GENERAL REVENUE FUND (3,500,000).

Funds in Specific Appropriation 72 may be used to contract for the operation of the Florida Partnership for Minority and Underrepresented Student Achievement and to achieve the partnership's mission as provided in section 1007.35, Florida Statutes.

73 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - MENTORING/STUDENT ASSISTANCE INITIATIVES FROM GENERAL REVENUE FUND (9,020,147).

Funds provided in Specific Appropriation 73 shall be allocated as follows:

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Table with 2 columns: Description and Amount. Rows include Best Buddies (586,477), Take Stock in Children (3,800,000), Big Brothers Big Sisters (1,930,248), The Florida Alliance of Boys and Girls Clubs (1,538,450), YMCA State Alliance (764,972), Teen Trendsetters (200,000), Big Brothers Big Sisters of Palm Beach and Martin Counties, Inc. (200,000).

74 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM FROM GENERAL REVENUE FUND (1,000,000).

75 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS FROM GENERAL REVENUE FUND (1,982,626).

Funds provided in Specific Appropriation 75 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

Table with 2 columns: Description and Amount. Rows include University of Florida (396,525), University of Miami (396,525), Florida State University (396,525), University of South Florida (396,525), and University of Florida Health Science Center at Jacksonville (396,526).

Each center shall provide a report to the Department of Education by September 1, 2011, for the 2010-2011 fiscal year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in in-service education activities, 4) the number of districts served, and 5) specific services provided.

76 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS FROM GENERAL REVENUE FUND (400,000).

77 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM FROM GENERAL REVENUE FUND (1,393,891).

Funds in Specific Appropriation 77 are provided as challenge grants to public school district education foundations for programs that serve low-performing students, technical career education, literacy initiatives, Science, Technology, Engineering, Math (STEM) Education initiatives, increased teacher quality and/or increased graduation rates. The amount of each grant shall be equal to the private contribution made to a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Administrative costs for the program shall not exceed five percent.

Before any funds provided in Specific Appropriation 77 may be disbursed to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that the private cash has actually been received by the public school education foundation seeking matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program.

78 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS FROM GENERAL REVENUE FUND (18,000).

79 SPECIAL CATEGORIES

Table with 2 columns: Description and Amount. Row: RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND (529,117) and FROM FEDERAL GRANTS TRUST FUND (31,422). Total amount: 7,855.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

80 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND . . . . . 4,975,425

Funds provided in Specific Appropriation 80 shall be allocated as follows:

University of South Florida/Florida Mental Health Institute. 872,630
University of Florida (College of Medicine)..... 605,129
University of Central Florida..... 747,284
University of Miami (Department of Pediatrics)
including \$196,720 for activities in Broward County
through Nova Southeastern University..... 945,826
Florida Atlantic University..... 473,254
University of Florida (Jacksonville)..... 630,609
Florida State University (College of Medicine)..... 700,693

Autism Centers shall provide appropriate nutritional information to parents of children served through funds provided in Specific Appropriation 80. Summaries of outcomes for the prior fiscal year shall be submitted to the Department of Education by September 1, 2011.

81 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION
CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND . . . . . 1,445,390

82 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND . . . . . 222,051
FROM FEDERAL GRANTS TRUST FUND . . . . . 134,580,906

Funds provided from General Revenue in Specific Appropriation 82 shall be allocated as follows:

Florida Association of District School
Superintendents Training..... 167,713
Principal of the Year..... 29,426
Teacher of the Year..... 18,730
School Related Personnel of the Year..... 6,182

83 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL
ENHANCEMENTS
FROM GENERAL REVENUE FUND . . . . . 2,469,592

Funds in Specific Appropriation 83 shall be allocated as follows:

State Science Fair..... 42,032
Academic Tourney..... 55,476
Arts for a Complete Education..... 110,952
Project to Advance School Success..... 508,983
Learning for Life..... 869,813
Girl Scouts of Florida..... 267,635
Black Male Explorers..... 114,701
Governor's School for Space Science and Technology..... 100,000
Knowledge is Power Program (KIPP)..... 400,000

Funds provided in Specific Appropriation 83 for the Learning for Life program are eligible to be used in any public school.

84 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND . . . . . 1,013,726
FROM FEDERAL GRANTS TRUST FUND . . . . . 2,333,354

Funds in Specific Appropriation 84, shall include, but not be limited to, allocations for the FDLRS Associate Centers and the Florida Instructional Materials Center for the Visually Impaired.

85 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND . . . . . 41,212,914
FROM FEDERAL GRANTS TRUST FUND . . . . . 2,659,956

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

FROM GRANTS AND DONATIONS TRUST
FUND . . . . . 1,747,957

From the funds in Specific Appropriation 85, the school shall contract for health, medical, pharmaceutical and dental screening services for students. The school shall develop a collaborative service agreement for medical services and shall maximize the recovery of all legally available funds from Medicaid and private insurance coverage. The school shall report to the Legislature by June 30, 2012, information describing the agreement, services provided, budget and expenditures, including the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2011-2012 fiscal year.

86 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND . . . . . 22,930
FROM FEDERAL GRANTS TRUST FUND . . . . . 1,477
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . 1,018

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND . . . . . 71,100,809
FROM TRUST FUNDS . . . . . 141,363,945

TOTAL ALL FUNDS . . . . . 212,464,754

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

87 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND
GRANTS
FROM GRANTS AND DONATIONS TRUST
FUND . . . . . 3,999,420

88 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM ADMINISTRATIVE TRUST FUND . . . . . 553,962
FROM FEDERAL GRANTS TRUST FUND . . . . . 1,512,358,793

From the funds in Specific Appropriation 88 from the Administrative Trust Fund, \$100,000 shall be provided to the African American Task Force and \$100,000 shall be provided to the Florida Holocaust Museum.

89 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM FOOD AND NUTRITION SERVICES
TRUST FUND . . . . . 942,307,194

90 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM -
STATE MATCH
FROM GENERAL REVENUE FUND . . . . . 16,886,046

Funds provided in Specific Appropriation 90 for the School Breakfast Program shall be allocated as provided in section 1006.06, Florida Statutes.

90A SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM FEDERAL GRANTS TRUST FUND . . . . . 5,409,971

90B SPECIAL CATEGORIES
GRANTS AND AIDS - STRATEGIC EDUCATION
INITIATIVES
FROM FEDERAL GRANTS TRUST FUND . . . . . 196,922,877

90C SPECIAL CATEGORIES
GRANTS AND AIDS - PARTNERSHIP FOR
ASSESSMENT OF READINESS FOR COLLEGES AND
CAREERS
FROM FEDERAL GRANTS TRUST FUND . . . . . 28,333,892

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
 SPECIFIC  
 APPROPRIATION  
 TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM  
 FROM GENERAL REVENUE FUND . . . . . 16,886,046  
 FROM TRUST FUNDS . . . . . 2,689,886,109  
 TOTAL ALL FUNDS . . . . . 2,706,772,155

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES  
 91 SPECIAL CATEGORIES  
 CAPITOL TECHNICAL CENTER  
 FROM GENERAL REVENUE FUND . . . . . 149,624  
 91A SPECIAL CATEGORIES  
 GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY  
 FROM GENERAL REVENUE FUND . . . . . 421,000

The funds in Specific Appropriation 91A shall be allocated as follows:

NEFEC Web-Based Instruction for Credit Recovery..... 400,000  
 Broward Educational Programming..... 21,000

93 SPECIAL CATEGORIES  
 GRANTS AND AIDS - PUBLIC BROADCASTING  
 FROM GENERAL REVENUE FUND . . . . . 7,444,170

The funds provided in Specific Appropriation 93 shall be allocated as follows:

Statewide Governmental and Cultural Affairs Programming..... 497,522  
 Florida Channel Closed Captioning..... 340,862  
 Florida Channel Year Round Coverage..... 1,806,676  
 Public Television and Radio Stations..... 4,799,110

From the funds provided in Specific Appropriation 93, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel."

Funds provided in Specific Appropriation 93 for public television and radio stations shall be allocated in the amount of \$307,447 for each public television station and \$61,715 for each public radio station as recommended by the Commissioner of Education. Funds are included for public television station(s) recommended by the Commissioner to provide the full-service public broadcasting signal to the Orlando Designated Market Area (DMA).

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 8,014,794  
 TOTAL ALL FUNDS . . . . . 8,014,794

PROGRAM: WORKFORCE EDUCATION  
 94 AID TO LOCAL GOVERNMENTS  
 PERFORMANCE BASED INCENTIVES  
 FROM GENERAL REVENUE FUND . . . . . 4,986,825

The funds provided in Specific Appropriation 94 shall be allocated as follows:

Alachua..... 5,888  
 Baker..... 2,262  
 Bay..... 47,370  
 Bradford..... 19,991  
 Brevard..... 71,432  
 Broward..... 735,649  
 Calhoun..... 962  
 Charlotte..... 55,789  
 Citrus..... 54,991  
 Clay..... 17,405  
 Collier..... 112,629  
 Columbia..... 7,745  
 Miami-Dade..... 849,190  
 De Soto..... 11,984

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
 SPECIFIC  
 APPROPRIATION  
 Dixie..... 1,566  
 Escambia..... 80,364  
 Flagler..... 40,581  
 Franklin..... 672  
 Gadsden..... 3,657  
 Glades..... 81  
 Gulf..... 1,646  
 Hamilton..... 1,514  
 Hardee..... 3,558  
 Hendry..... 5,460  
 Hernando..... 12,826  
 Hillsborough..... 461,321  
 Indian River..... 27,190  
 Jackson..... 2,619  
 Jefferson..... 390  
 Lafayette..... 1,114  
 Lake..... 99,632  
 Lee..... 189,601  
 Leon..... 78,948  
 Liberty..... 1,967  
 Madison..... 1,904  
 Manatee..... 143,069  
 Marion..... 108,487  
 Martin..... 18,193  
 Monroe..... 6,410  
 Nassau..... 6,349  
 Okaloosa..... 10,632  
 Orange..... 423,358  
 Osceola..... 98,086  
 Palm Beach..... 175,275  
 Pasco..... 52,203  
 Pinellas..... 431,566  
 Polk..... 161,747  
 Putnam..... 7,785  
 Saint Johns..... 88,079  
 Santa Rosa..... 23,563  
 Sarasota..... 108,712  
 Sumter..... 2,391  
 Suwannee..... 25,508  
 Taylor..... 21,859  
 Union..... 2,126  
 Wakulla..... 3,737  
 Walton..... 8,410  
 Washington..... 49,382

95 AID TO LOCAL GOVERNMENTS  
 GRANTS AND AIDS - ADULT BASIC EDUCATION  
 FEDERAL FLOW-THROUGH FUNDS  
 FROM FEDERAL GRANTS TRUST FUND . . . . . 41,552,472

96 AID TO LOCAL GOVERNMENTS  
 WORKFORCE DEVELOPMENT  
 FROM GENERAL REVENUE FUND . . . . . 334,360,575

Funds from the Educational Enhancement Trust Fund in Specific Appropriation 9 and the General Revenue Fund in Specific Appropriation 96 are provided for school district workforce education programs as defined in section 1004.02(26), Florida Statutes, and are allocated as follows:

Alachua..... 1,124,888  
 Baker..... 177,923  
 Bay..... 3,055,884  
 Bradford..... 1,007,696  
 Brevard..... 3,144,759  
 Broward..... 70,264,804  
 Calhoun..... 143,901  
 Charlotte..... 2,606,461  
 Citrus..... 2,742,707  
 Clay..... 886,001  
 Collier..... 7,569,731  
 Columbia..... 257,933  
 Miami-Dade..... 81,814,780  
 DeSoto..... 791,819

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Table listing specific appropriations for Section 2 - Education (All Other Funds) by county, including Dixie, Escambia, Flagler, Franklin, Gadsden, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Saint Johns, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, Washington, and Washington Special.

Tuition and fee rates are established for the 2011-2012 fiscal year as follows:

For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be \$2.22 per contact hour for residents. For nonresidents, the out-of-state fee shall be \$6.66 per contact hour in addition to the standard tuition of \$2.22 per contact hour.

For adult general education programs, a block tuition shall be assessed in the amount of \$45 per half year or \$30 per term for residents. For nonresidents, the out-of-state fee shall be \$135 per half year or \$90 per term, in addition to the standard tuition.

Funds collected from standard tuition and out-of-state fees shall be used to support school district workforce education programs as defined in section 1004.02(26), Florida Statutes, and are not to be used to support K-12 programs or district K-12 administrative indirect costs.

The funds provided in Specific Appropriations 9, 94, and 96 are not to be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions.

Consistent with section 1009.22(3)(d), Florida Statutes, if the tuition and out-of-state fee increases provided herein become law, the statutory increase for inflation shall not be made.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Pursuant to the provisions of section 1009.26(1), Florida Statutes, school districts may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

From the funds provided in Specific Appropriations 9 and 96, each school district shall report enrollment for adult general education programs identified in section 1004.02, Florida Statutes, in accordance with the Department of Education instructional hours reporting procedures. The Auditor General shall verify compliance with this requirement during scheduled operational audits of the school districts.

Table showing appropriations for AID TO LOCAL GOVERNMENTS (97) and SPECIAL CATEGORIES (98), including grants and aids for vocational formula funds, business partnerships/skill assessment and training, and workers' compensation administration trust funds.

Funds in Specific Appropriation 98 are provided to continue implementation of the Florida Ready to Work program created in section 1004.99, Florida Statutes. The program may be conducted in public schools, regional education consortia, Florida colleges, area technical centers, one-stop career centers, vocational rehabilitation centers, correctional programs, Department of Juvenile Justice programs, state agencies, and businesses/employers operating in Florida. Priority for the program shall be provided to businesses/employers operating in Florida, one-stop career centers and public schools.

Up to 20 percent of funds in Specific Appropriation 98 may be utilized for assessments. The balance of funds is provided for curriculum and implementation services.

To maximize the state's investment in the program and maintain continuity of program services, the Department shall enter into a contract with the current Ready to Work provider previously selected by competitive procurement. To increase program efficiency, the provider may implement an alternative assessment, which is certified by the provider to be sufficiently reliable and valid for use in awarding credentials.

Each approved assessment center shall be provided an allocation of assessments. If the demand for assessments exceeds the allocated number, additional assessments may be purchased by the assessment center directly through the Ready to Work provider at the same cost provided to the Department in the contract.

Summary table for PROGRAM: WORKFORCE EDUCATION, showing totals for General Revenue Fund, Trust Funds, and All Funds.

FLORIDA COLLEGES, DIVISION OF

PROGRAM: FLORIDA COLLEGES

Table showing appropriation 99 for AID TO LOCAL GOVERNMENTS, specifically grants and aids for community colleges program fund.

Funds provided in Specific Appropriation 99 are provided for operating funds, including performance incentives and approved baccalaureate programs, and shall be allocated as follows:

Table showing the allocation of funds for Florida colleges: Brevard Community College, Broward College, College of Central Florida, and Chipola College.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Table listing specific appropriations for education, including Daytona State College, Edison State College, Florida State College at Jacksonville, Florida Keys Community College, Gulf Coast State College, Hillsborough Community College, Indian River State College, Florida Gateway College, Lake Sumter Community College, State College of Florida, Manatee-Sarasota, Miami Dade College, North Florida Community College, Northwest Florida State College, Palm Beach State College, Pasco-Hernando Community College, Pensacola State College, Polk State College, Saint Johns River State College, Saint Petersburg College, Santa Fe College, Seminole State College of Florida, South Florida Community College, Tallahassee Community College, Valencia College, and College Center for Library Automation.

Beginning with the Fall 2011 semester, tuition and fee rates are established for the 2011-2012 fiscal year as follows:

For advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, standard tuition for residents and nonresidents shall be \$68.56 per credit hour and the out-of-state fee shall be \$205.82 per credit hour for nonresidents.

For baccalaureate degree programs, the standard tuition shall be \$87.42 per credit hour for students who are residents.

Prior to the disbursement of funds in Specific Appropriations 10 and 99, colleges shall submit an operating budget for the expenditure of these funds as provided in section 1011.30, Florida Statutes. The operating budget shall clearly identify planned expenditures for baccalaureate programs and shall include the sources of funds.

For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be \$2.22 per contact hour for residents and nonresidents and the out-of-state fee shall be \$6.66 per contact hour.

For adult general education programs, a block tuition shall be assessed in the amount of \$45 per half year or \$30 per term for residents. For nonresidents, the out-of-state fee shall be \$135 per half year or \$90 per term, in addition to the standard tuition.

Consistent with sections 1009.22(3)(d) and 1009.23(3)(c), Florida Statutes, if the tuition and out-of-state fee increases provided herein become law, the statutory increase for inflation shall not be made.

Pursuant to the provisions of section 1009.26(1), Florida Statutes, Florida colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

From the funds in Specific Appropriation 99 for the College Center for Library Automation, \$1,357,746 shall be released at the beginning of the first quarter in addition to the normal release and \$2,311,839 shall be released at the beginning of the second quarter in addition to the normal release. The additional release is provided to maximize cost savings through centralized purchase of subscription-based e-resources. The remaining appropriated funds for the Center shall be distributed in accordance with the normal release plan.

From the funds in Specific Appropriations 10 and 99, each Florida college shall report enrollment for adult general education programs

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

identified in section 1004.02, Florida Statutes, in accordance with the Department of Education instructional hours reporting procedures. The Auditor General shall verify compliance with this requirement during scheduled operational audits of the Florida colleges.

Each Florida college board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the Florida college by more than 10 percent during the 2011-2012 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Education.

Table showing special categories: 100 SPECIAL CATEGORIES COMMISSION ON COMMUNITY SERVICE FROM GENERAL REVENUE FUND 509,626; 101 SPECIAL CATEGORIES GRANTS AND AIDS - DISTANCE LEARNING FROM GENERAL REVENUE FUND 611,675.

From the funds provided in Specific Appropriations 101 and 129, \$590,000 in nonrecurring general revenue is for the Florida Academic Counseling and Tracking for Students system (FACTS.org) to carry out its duties pursuant to section 1007.28, Florida Statutes, and to develop and implement the transient student admissions application process required by section 1004.091, Florida Statutes.

Table showing special categories: 101A SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA'S TWO PLUS TWO PUBLIC AND PRIVATE PARTNERSHIPS FROM GENERAL REVENUE FUND 3,000,000.

From the funds in Specific Appropriation 101A, \$2,250,000 shall be awarded to eligible public colleges and public universities with partnership articulation agreements to provide 2+2 baccalaureate degree programs at a college during the 2011-2012 academic year. Funding shall be based on the eligible full-time equivalent enrollment in each 2+2 baccalaureate partnership program offered at a college during the 2011-2012 academic year. The participating college and the participating partner university shall receive equal proportions of the per student incentive award. Colleges shall submit applications to the Department of Education requesting funds for eligible programs by April 15, 2012. The Department shall distribute the funds to the eligible colleges and partner universities by June 1, 2012.

From the funds in Specific Appropriation 101A, \$750,000 shall be awarded as incentive grants to eligible public colleges and public universities to establish new partnership articulation agreements to create 2+2 baccalaureate degree programs at a college during the 2011-2012 and 2012-2013 academic years. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the new programs and advise all approved applicants accordingly. Funds must be used to support new students and new programs and not to supplant current funding or students.

Summary table: TOTAL: PROGRAM: FLORIDA COLLEGES FROM GENERAL REVENUE FUND 897,213,775; TOTAL ALL FUNDS 897,213,775.

STATE BOARD OF EDUCATION

Funds provided in Specific Appropriations 102 through 117 for the Working Capital Trust Fund shall be cost-recovered from funds used to pay data processing services provided in accordance with section 216.272, Florida Statutes.

From the funds provided in Specific Appropriations 102 through 117, the Commissioner of Education shall prepare and provide to the chair of the Senate Budget Committee, the chair of the House Appropriations Committee, and the Executive Office of the Governor on or before October 1, 2011, a report containing the following: the federal indirect cost

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

rate(s) approved to be used for the 12 month period of the 2011-2012 fiscal year and the data on which the rate(s) was established; the estimated amount of funds the approved rate(s) will generate; the proposed expenditure plan for the amount generated; and the June 30, 2011, balance of all unexpended federal indirect cost funds.

From the funds provided in Specific Appropriations 114, 115, and 117, the Department of Education shall pay for data center services based on the actual direct and indirect costs to the Department of Education. These funds shall not be used to subsidize another entity's costs.

From the funds provided in Specific Appropriations 102 through 117 and 130 through 134, the State Board of Education and Board of Governors shall identify the percent of day, evening, and weekend utilization of higher education classroom facilities to accurately determine space needs. The State Board of Education and the Board of Governors shall review the data and develop recommendations for a revised funding formula or potential policy changes to increase the evening and weekend utilization of higher education classroom facilities during future school terms. These recommendations shall be provided to the chair of the Senate Budget Committee, the chair of the House Appropriations Committee, and the Executive Office of the Governor on or before January 15, 2012.

From the funds provided in Specific Appropriations 87 through 90C and 102 through 117, \$590,000 is provided for maintenance of the FCAT Explorer program with the current provider until the new standards tutorial is implemented.

Table with columns for item number, description, and amount. Includes rows for APPROVED SALARY RATE (52,028,583), 102 SALARIES AND BENEFITS (1,074.00), 103 OTHER PERSONAL SERVICES (227,539), and 104 EXPENSES (2,702,758).

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Table with columns for item number, description, and amount. Includes rows for ADMINISTRATIVE TRUST FUND (972,562), 105 OPERATING CAPITAL OUTLAY (45,970), 106 SPECIAL CATEGORIES (31,422,090), 107 SPECIAL CATEGORIES (260,822), 108 SPECIAL CATEGORIES (633,162), and 109 SPECIAL CATEGORIES (200,000).

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
SPECIFIC  
APPROPRIATION

FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .	200,000
111 SPECIAL CATEGORIES STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM FROM STUDENT LOAN OPERATING TRUST FUND . . . . .	460,220
112 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . .	186,198
FROM ADMINISTRATIVE TRUST FUND . . . . .	83,388
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND . . . . .	54,953
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .	22,748
FROM FEDERAL GRANTS TRUST FUND . . . . .	152,898
FROM FOOD AND NUTRITION SERVICES TRUST FUND . . . . .	29,075
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . . . . .	11,183
FROM STUDENT LOAN OPERATING TRUST FUND . . . . .	133,869
FROM OPERATING TRUST FUND . . . . .	5,776
FROM WORKING CAPITAL TRUST FUND . . . . .	49,640
113 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . .	155,980
FROM ADMINISTRATIVE TRUST FUND . . . . .	28,403
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND . . . . .	23,590
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .	15,538
FROM FEDERAL GRANTS TRUST FUND . . . . .	97,758
FROM FOOD AND NUTRITION SERVICES TRUST FUND . . . . .	19,212
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . . . . .	6,836
FROM STUDENT LOAN OPERATING TRUST FUND . . . . .	58,593
FROM OPERATING TRUST FUND . . . . .	3,832
FROM WORKING CAPITAL TRUST FUND . . . . .	35,212
114 DATA PROCESSING SERVICES EDUCATION TECHNOLOGY AND INFORMATION SERVICES FROM GENERAL REVENUE FUND . . . . .	3,222,236
FROM ADMINISTRATIVE TRUST FUND . . . . .	782,279
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND . . . . .	912,648
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .	320,924
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,533,342
FROM FOOD AND NUTRITION SERVICES TRUST FUND . . . . .	271,519
FROM INSTITUTIONAL ASSESSMENT TRUST FUND . . . . .	88,503
FROM STUDENT LOAN OPERATING TRUST FUND . . . . .	1,196,342
FROM OPERATING TRUST FUND . . . . .	55,051
FROM WORKING CAPITAL TRUST FUND . . . . .	624,421
115 DATA PROCESSING SERVICES SOUTHWOOD SHARED RESOURCE CENTER FROM STUDENT LOAN OPERATING TRUST FUND . . . . .	17,327

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
SPECIFIC  
APPROPRIATION

117 DATA PROCESSING SERVICES NORTHWEST REGIONAL DATA CENTER (NWRDC) FROM GENERAL REVENUE FUND . . . . .	165,444
FROM STUDENT LOAN OPERATING TRUST FUND . . . . .	157,369
FROM WORKING CAPITAL TRUST FUND . . . . .	829,518
TOTAL: STATE BOARD OF EDUCATION FROM GENERAL REVENUE FUND . . . . .	58,947,657
FROM TRUST FUNDS . . . . .	150,608,969
TOTAL POSITIONS . . . . .	1,074.00
TOTAL ALL FUNDS . . . . .	209,556,626

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 11 through 15 and 119 through 125 are provided as grants and aids to support the operation of state universities. Funds provided to each university are contingent upon that university following the provisions of chapters 1000 through 1013, Florida Statutes, which relate to state universities. Any withholding of funds pursuant to this provision shall be subject to the approval of the Legislative Budget Commission.

118 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - MOFFITT CANCER CENTER AND RESEARCH INSTITUTE FROM GENERAL REVENUE FUND . . . . .	9,583,007
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Funds in Specific Appropriation 118 are provided to continue funding to the H. Lee Moffitt Cancer Center and Research Institute. These funds may be used as state matching funds for Moffitt's participation in the Low Income Pool, which provides payments to hospitals providing enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the H. Lee Moffitt Cancer Center and Research Institute to continue the original purpose of providing research related to cancer.

119 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES FROM GENERAL REVENUE FUND . . . . .	1,348,166,603
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND . . . . .	1,379,021,815
FROM PHOSPHATE RESEARCH TRUST FUND . . . . .	7,316,106

The funds provided in Specific Appropriations 119 through 125 from the Education and General Student and Other Fees Trust Fund are the only budget authority provided in this act for the 2011-2012 fiscal year to the named universities to expend tuition and fees that are collected during the 2011-2012 fiscal year and carried forward from the prior fiscal year and that are appropriated into local accounts pursuant to section 1011.4106, Florida Statutes. The expenditure of tuition and fee revenues from local accounts by each university shall not exceed the authority provided by these specific appropriations, unless approved pursuant to the provisions of chapter 216, Florida Statutes. If a court of competent jurisdiction finds that the restriction above is invalid, the appropriation made by section 1011.4106, Florida Statutes, is hereby repealed for the 2011-2012 fiscal year and the moneys described in that section shall be deposited in the state treasury for expenditure only pursuant to appropriations made by law.

General revenue funds provided in Specific Appropriations 119 through 125 to each of the named universities are contingent upon each university complying with the tuition and fee policies established in the proviso language attached to Specific Appropriation 119, and with the tuition and fee policies for state universities included in Part II of chapter 1009, Florida Statutes. However, the funds appropriated to a specific university shall not be affected by the failure of another university to comply with this provision.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Funds in Specific Appropriations 11 through 15 and 119 through 125 shall be expended in accordance with operating budgets that must be approved by each university's board of trustees.

Each university board of trustees may allocate the institution's General Revenue Funds and Education and General Student and Other Fees Trust Funds across the Education and General Activities category and other program categories. Each board of trustees shall provide to the Board of Governors the allocation by grants and aids category prior to October 1, 2011.

Funds in Specific Appropriation 119 from the General Revenue Fund shall be allocated as follows:

Table listing university allocations for Section 2 - Education (All Other Funds) under Specific Appropriation 119 from the General Revenue Fund. Includes entries for University of Florida, Florida State University, Florida A&M University, etc.

Funds in Specific Appropriation 119 from the Education and General Student and Other Fees Trust Fund shall be allocated as follows:

Table listing university allocations for Section 2 - Education (All Other Funds) under Specific Appropriation 119 from the Education and General Student and Other Fees Trust Fund. Includes entries for University of Florida, Florida State University, Florida A&M University, etc.

Beginning with the Fall 2011 semester, undergraduate tuition is established at \$103.32 per credit hour for the 2011-2012 fiscal year.

Tuition for graduate and professional programs and out-of-state fees for all programs shall be established pursuant to section 1009.24, Florida Statutes.

Funds in Specific Appropriation 119 from the Phosphate Research Trust Fund are provided for the University of South Florida Polytechnic.

Funds in Specific Appropriation 119 are based upon the following full-time equivalent (FTE) enrollment:

Table showing FTE enrollment breakdown for Section 2 - Education (All Other Funds) under Specific Appropriation 119. Includes Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Funding for each university is based upon the following full-time equivalent (FTE) enrollment:

Table showing FTE enrollment breakdown for each university under Section 2 - Education (All Other Funds) under Specific Appropriation 119. Includes University of Florida, Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Total 34,246

Table showing allocations for Florida State University, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for Florida Agricultural & Mechanical University, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for University of South Florida, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for Florida Atlantic University, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), Resident M.D., Nonresident M.D., and Total.

Table showing allocations for University of West Florida, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for University of Central Florida, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for Florida International University, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for University of North Florida, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for Florida Gulf Coast University, including Resident Lower-Level, Resident Upper-Level, Resident Graduate, Nonresident (all levels), and Total.

Table showing allocations for New College of Florida, including Resident Lower-Level, Resident Upper-Level, Nonresident (all levels), and Total.

From the funds provided in Specific Appropriations 11, 13, 119, and

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

121, each university may shift enrollment by level in a manner which is revenue neutral; however, no university, with the exception of New College of Florida, shall increase the number of lower-level FTEs. For planning and enrollment shifting purposes, the University of South Florida may combine lower, upper, and graduate FTE identified in Specific Appropriations 119 and 121.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive general revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Chancellor shall segregate these FTEs and not count them toward the 2011-2012 enrollment plan for the State University System.

Each university board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the university by more than 10 percent during the 2011-2012 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors.

From the funds provided in Specific Appropriation 119, for the University of Florida, \$9,681,708 is for the Florida Center for Library Automation (FCLA).

- 120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM GENERAL REVENUE FUND . . . . . 118,952,794
121 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
FROM GENERAL REVENUE FUND . . . . . 54,246,143
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND . . . . . 46,431,688

Funds in Specific Appropriation 121 are based upon the following full-time equivalent enrollment:

Table with 2 columns: Enrollment Category and Amount. Rows include Resident Lower-Level (103), Resident Upper-Level (584), Resident Graduate (727), Nonresident (all levels) (98), Resident M.D. (480), and Resident Pharmacy (50).

From the funds in Specific Appropriation 121, the University of South Florida shall provide a minimum of \$500,000 to continue support of the Interdisciplinary Center for Neuromusculoskeletal Research within the School of Physical Therapy and Rehabilitation Sciences.

- 122 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER
FROM GENERAL REVENUE FUND . . . . . 94,481,766
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND . . . . . 34,618,985

Funds in Specific Appropriation 122 are based upon the following full-time equivalent enrollment:

Table with 2 columns: Enrollment Category and Amount. Rows include Resident Dentistry (321), Resident Veterinary Medicine (332), Resident M.D. (513), and Nonresident (all levels) (23).

- 123 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL
FROM GENERAL REVENUE FUND . . . . . 33,999,993
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND . . . . . 10,863,626

SECTION 2 - EDUCATION (ALL OTHER FUNDS)
SPECIFIC
APPROPRIATION

Funds in Specific Appropriation 123 are based upon the following full-time equivalent enrollment:

Table with 2 columns: Enrollment Category and Amount. Row: Resident M.D. (480)

- 124 AID TO LOCAL GOVERNMENTS
UNIVERSITY OF CENTRAL FLORIDA MEDICAL SCHOOL
FROM GENERAL REVENUE FUND . . . . . 22,184,003
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND . . . . . 4,729,709

Funds in Specific Appropriation 124 are based upon the following full-time equivalent enrollment:

Table with 2 columns: Enrollment Category and Amount. Rows: Resident M.D. (160), Nonresident M.D. (20)

- 125 AID TO LOCAL GOVERNMENTS
FLORIDA INTERNATIONAL UNIVERSITY MEDICAL SCHOOL
FROM GENERAL REVENUE FUND . . . . . 26,293,035
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND . . . . . 4,711,544

Funds in Specific Appropriation 125 are based upon the following full-time equivalent enrollment:

Table with 2 columns: Enrollment Category and Amount. Rows: Resident M.D. (144), Nonresident M.D. (16)

- 126 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT FINANCIAL ASSISTANCE
FROM GENERAL REVENUE FUND . . . . . 7,140,378

A minimum of 75 percent of the funds provided in Specific Appropriation 126 shall be allocated for need-based financial aid.

Funds in Specific Appropriation 126 shall be allocated as follows:

Table with 2 columns: Institution and Amount. Rows include University of Florida (1,737,381), Florida State University (1,467,667), Florida A&M University (624,417), University of South Florida (851,368), Florida Atlantic University (399,658), University of West Florida (157,766), University of Central Florida (858,405), Florida International University (540,666), University of North Florida (200,570), Florida Gulf Coast University (98,073), and New College of Florida (204,407).

- 127 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTITUTE FOR HUMAN AND MACHINE COGNITION
FROM GENERAL REVENUE FUND . . . . . 1,457,864

- 128 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND . . . . . 20,969,432
FROM PHOSPHATE RESEARCH TRUST FUND . . . . . 18,064

- 129 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND . . . . . 573,859

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND . . . . . 1,738,048,877
FROM TRUST FUNDS . . . . . 1,487,711,537

TOTAL ALL FUNDS . . . . . 3,225,760,414

BOARD OF GOVERNORS

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
SPECIFIC  
APPROPRIATION

APPROVED SALARY RATE	3,715,391		
130 SALARIES AND BENEFITS POSITIONS	52.00		
FROM GENERAL REVENUE FUND . . . . .	4,110,570		
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .		684,307	
From the funds provided in Specific Appropriation 130, the state funded portion of salaries for each employee of the Board of Governors shall not exceed \$200,000.			
131 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	14,373		
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .		15,000	
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		5,000	
132 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	498,977		
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .		264,799	
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		12,000	
133 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	51,782		
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .		950	
134 SPECIAL CATEGORIES CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	31,982		
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .		20,000	
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		3,000	
135 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	19,295		
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . . . . .		2,608	
TOTAL: BOARD OF GOVERNORS			
FROM GENERAL REVENUE FUND . . . . .	4,726,979		
FROM TRUST FUNDS . . . . .		1,007,664	
TOTAL POSITIONS . . . . .	52.00		
TOTAL ALL FUNDS . . . . .		5,734,643	

TOTAL OF SECTION 2

FROM GENERAL REVENUE FUND . . . . .	11,916,380,880		
FROM TRUST FUNDS . . . . .		6,607,382,093	
TOTAL POSITIONS . . . . .	2,376.75		
TOTAL ALL FUNDS . . . . .		18,523,762,973	

TOTAL: EDUCATION, DEPARTMENT OF (SECTIONS 1 AND 2)

EDUCATION/EARLY LEARNING			
FROM GENERAL REVENUE FUND . . . . .	384,798,382		
EDUCATION/PUBLIC SCHOOLS			

SECTION 2 - EDUCATION (ALL OTHER FUNDS)  
SPECIFIC  
APPROPRIATION

FROM GENERAL REVENUE FUND . . . . .	8,542,401,361		
FROM TRUST FUNDS . . . . .		3,586,875,177	
EDUCATION/COMM COLLEGES			
FROM GENERAL REVENUE FUND . . . . .	897,213,775		
FROM TRUST FUNDS . . . . .		130,359,158	
EDUCATION/UNIVERSITIES			
FROM GENERAL REVENUE FUND . . . . .	1,738,048,877		
FROM TRUST FUNDS . . . . .		1,742,135,622	
EDUCATION/OTHER			
FROM GENERAL REVENUE FUND . . . . .	353,918,485		
FROM TRUST FUNDS . . . . .		2,524,804,973	
EDUCATION RECAP			
FROM GENERAL REVENUE FUND . . . . .	11,916,380,880		
FROM TRUST FUNDS . . . . .		7,984,174,930	
TOTAL POSITIONS . . . . .	2,376.75		
TOTAL ALL FUNDS . . . . .		19,900,555,810	
TOTAL APPROVED SALARY RATE . . . . .	101,527,178		

SECTION 3 - HUMAN SERVICES

The moneys contained herein are appropriated from the named funds to the Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elder Affairs, Department of Health, and the Department of Veterans' Affairs as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

APPROVED SALARY RATE	13,848,388		
136 SALARIES AND BENEFITS POSITIONS	293.00		
FROM GENERAL REVENUE FUND . . . . .	2,872,810		
FROM ADMINISTRATIVE TRUST FUND . . . . .		15,916,310	
137 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	79,599		
FROM ADMINISTRATIVE TRUST FUND . . . . .		742,106	
138 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	169,026		
FROM ADMINISTRATIVE TRUST FUND . . . . .		3,454,618	
139 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	180,923		
FROM ADMINISTRATIVE TRUST FUND . . . . .		514,701	
140 SPECIAL CATEGORIES CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	230,010		
FROM ADMINISTRATIVE TRUST FUND . . . . .		3,167,048	
141 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	32,297		
FROM ADMINISTRATIVE TRUST FUND . . . . .		232,105	
142 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	23,839		
FROM ADMINISTRATIVE TRUST FUND . . . . .		92,728	
143 SPECIAL CATEGORIES STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009			
FROM ADMINISTRATIVE TRUST FUND . . . . .		1,524,090	
144 SPECIAL CATEGORIES			

SECTION 3 - HUMAN SERVICES  
SPECIFIC  
APPROPRIATION

GRANTS AND AIDS - CONTRACTED SERVICES -  
AMERICAN RECOVERY AND REINVESTMENT ACT OF  
2009  
FROM ADMINISTRATIVE TRUST FUND . . . 289,801,028

From the funds in Specific Appropriation 144, \$283,611,508 from the Administrative Trust Fund is provided for incentive payments to eligible Medicaid providers and hospitals from the adoption and meaningful use of certified electronic health records technology. Of these funds, \$212,708,631 shall be held in reserve. The agency is directed to submit a budget amendment in accordance with the provisions of chapter 216, Florida Statutes, requesting quarterly release of these funds based upon quarterly releases from the Centers for Medicare and Medicaid Services.

145 DATA PROCESSING SERVICES  
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF  
MANAGEMENT SERVICES  
FROM ADMINISTRATIVE TRUST FUND . . . 647,765

TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT  
FROM GENERAL REVENUE FUND . . . . . 3,588,504  
FROM TRUST FUNDS . . . . . 316,092,499  
  
TOTAL POSITIONS . . . . . 293.00  
TOTAL ALL FUNDS . . . . . 319,681,003

PROGRAM: HEALTH CARE SERVICES

CHILDREN'S SPECIAL HEALTH CARE

Funds in Specific Appropriations 146 through 151 are provided to operate the Florida KidCare Program. The Executive Office of the Governor may authorize transfer of these resources between programs or agencies pursuant to chapter 216, Florida Statutes, based on projections from the Social Services Estimating Conference.

The agency is authorized to seek any necessary state plan amendment to implement additional Title XXI administrative claiming for school health services.

146 SPECIAL CATEGORIES  
GRANTS AND AIDS - FLORIDA HEALTHY KIDS  
CORPORATION  
FROM GENERAL REVENUE FUND . . . . . 15,240,878  
FROM TOBACCO SETTLEMENT TRUST FUND . . . . . 65,154,585  
FROM MEDICAL CARE TRUST FUND . . . . . 180,056,036

Funds in Specific Appropriations 146 and 149 are provided to contract with the Florida Healthy Kids Corporation to provide comprehensive health insurance coverage, including dental services, to Title XXI children eligible under the Florida KidCare Program and pursuant to section 624.91, Florida Statutes. The corporation shall use local funds to serve non-Title XXI children that are eligible for the program pursuant to section 624.91(3)(b), Florida Statutes. The corporation shall return unspent local funds collected in Fiscal Year 2011-2012 to provide premium assistance for non-Title XXI eligible children based on a formula developed by the corporation.

Funds in Specific Appropriation 146 reflect a reduction of \$3,193,495 from the General Revenue Fund and \$7,185,104 from the Medical Care Trust Fund to reduce the per member per month rate adjustment for Florida Healthy Kids Corporation contracts for Fiscal Year 2011-2012. Average per member per month rates shall not exceed \$108.97 per member per month. The corporation shall amend its contracts, effective October 1, 2011, to achieve this reduction.

147 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM GENERAL REVENUE FUND . . . . . 1,176,147  
FROM TOBACCO SETTLEMENT TRUST FUND . . . . . 704,548  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 401,551

SECTION 3 - HUMAN SERVICES  
SPECIFIC  
APPROPRIATION

FROM MEDICAL CARE TRUST FUND . . . . . 4,211,119

148 SPECIAL CATEGORIES  
GRANTS AND AIDS - CONTRACTED SERVICES -  
FLORIDA HEALTHY KIDS ADMINISTRATION  
FROM GENERAL REVENUE FUND . . . . . 2,562,438  
FROM TOBACCO SETTLEMENT TRUST FUND . . . . . 3,946,147  
FROM MEDICAL CARE TRUST FUND . . . . . 14,575,601

149 SPECIAL CATEGORIES  
GRANTS AND AIDS - FLORIDA HEALTHY KIDS  
CORPORATION DENTAL SERVICES  
FROM GENERAL REVENUE FUND . . . . . 9,682,127  
FROM MEDICAL CARE TRUST FUND . . . . . 21,682,563

Funds in Specific Appropriation 149 are provided for Florida Healthy Kids dental services to be paid a monthly premium of no more than \$11.99 per member per month.

150 SPECIAL CATEGORIES  
MEDIKIDS  
FROM GENERAL REVENUE FUND . . . . . 4,952,932  
FROM TOBACCO SETTLEMENT TRUST FUND . . . . . 9,571,957  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 11,373,652  
FROM MEDICAL CARE TRUST FUND . . . . . 32,529,782

Funds in Specific Appropriation 150 reflect a reduction of \$763,524 from the General Revenue Fund and \$1,715,343 from the Medical Care Trust Fund to reflect the elimination of cost-based rate increases for Medicaid providers.

151 SPECIAL CATEGORIES  
CHILDREN'S MEDICAL SERVICES NETWORK  
FROM GENERAL REVENUE FUND . . . . . 27,821,515  
FROM TOBACCO SETTLEMENT TRUST FUND . . . . . 15,619,174  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 2,423,166  
FROM MEDICAL CARE TRUST FUND . . . . . 97,276,404

TOTAL: CHILDREN'S SPECIAL HEALTH CARE  
FROM GENERAL REVENUE FUND . . . . . 61,436,037  
FROM TRUST FUNDS . . . . . 459,526,285  
  
TOTAL ALL FUNDS . . . . . 520,962,322

EXECUTIVE DIRECTION AND SUPPORT SERVICES

From the funds in Specific Appropriations 152 through 163, any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through Low Income Pool (LIP) provisions and exemptions to hospital Medicaid rate ceilings shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement funds. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

From the funds in Specific Appropriations 152 through 163, the agency is authorized to contract on a contingency fee basis for post-audit claims analyses to identify and recover overpayments for the Medicaid program. The state may pay the contractor a rate based on recoveries.

APPROVED SALARY RATE 31,520,527

152 SALARIES AND BENEFITS POSITIONS 746.00  
FROM GENERAL REVENUE FUND . . . . . 2,744,159  
FROM MEDICAL CARE TRUST FUND . . . . . 40,598,660

153 OTHER PERSONAL SERVICES  
FROM GENERAL REVENUE FUND . . . . . 1,774,139  
FROM MEDICAL CARE TRUST FUND . . . . . 23,694,586

SECTION 3 - HUMAN SERVICES		
SPECIFIC		
APPROPRIATION		
154	EXPENSES	
	FROM GENERAL REVENUE FUND . . . . .	933,078
	FROM MEDICAL CARE TRUST FUND . . . . .	6,932,874
155	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND . . . . .	45,391
	FROM MEDICAL CARE TRUST FUND . . . . .	221,266
156	SPECIAL CATEGORIES	
	PHARMACEUTICAL EXPENSE ASSISTANCE	
	FROM GENERAL REVENUE FUND . . . . .	50,000
157	SPECIAL CATEGORIES	
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS	
	FROM GENERAL REVENUE FUND . . . . .	50,646
	FROM MEDICAL CARE TRUST FUND . . . . .	50,646
158	SPECIAL CATEGORIES	
	CONTRACT NURSING HOME AUDIT PROGRAM	
	FROM GENERAL REVENUE FUND . . . . .	827,653
	FROM MEDICAL CARE TRUST FUND . . . . .	1,129,095
159	SPECIAL CATEGORIES	
	CONTRACTED SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	15,365,064
	FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	400,000
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .	1,070,535
	FROM MEDICAL CARE TRUST FUND . . . . .	46,570,333

From the funds in Specific Appropriation 159, \$1,676,344 from the Medical Care Trust Fund is provided on a nonrecurring basis to continue the Medicaid Information Technology Architecture (MITA) self-assessment of the Medicaid program's fiscal agent operations.

From the funds in Specific Appropriation 159, \$600,000 in nonrecurring general revenue funds, \$400,000 in nonrecurring tobacco settlement trust funds, and \$1,000,000 in nonrecurring medical care trust funds are provided to the Agency for Health Care Administration to contract with a private consultant, by September 1, 2011, who has at least 15 years experience in the development of statewide managed care models in other states. Past experience must include projects to assist other states with managed care initiatives involving both medical assistance and long term care, working with states to modify and secure extensions of 1115 waivers, and helping states to execute a competitive procurement of managed care organizations to provide Medicaid services. The consultant shall assist the agency to secure necessary federal approvals, develop procurement documents, prepare contract materials, and any other preparations necessary for implementation of HB 7107 or similar legislation.

SECTION 3 - HUMAN SERVICES		
SPECIFIC		
APPROPRIATION		
	FROM MEDICAL CARE TRUST FUND . . . . .	184,240
163A	QUALIFIED EXPENDITURE CATEGORY	
	INTERNATIONAL CLASSIFICATION OF DISEASE-10TH REVISION PROJECT	
	FROM MEDICAL CARE TRUST FUND . . . . .	6,602,368
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	43,333,516
	FROM TRUST FUNDS . . . . .	183,661,440
	TOTAL POSITIONS . . . . .	746.00
	TOTAL ALL FUNDS . . . . .	226,994,956
MEDICAID SERVICES TO INDIVIDUALS		
164	SPECIAL CATEGORIES	
	ADULT VISION AND HEARING SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	8,298,891
	FROM MEDICAL CARE TRUST FUND . . . . .	10,536,539
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .	323,141
165	SPECIAL CATEGORIES	
	CASE MANAGEMENT	
	FROM GENERAL REVENUE FUND . . . . .	43,484,315
	FROM MEDICAL CARE TRUST FUND . . . . .	56,221,995

From the funds in Specific Appropriation 165, \$1,021,335 from the Medical Care Trust Fund is provided for Medicaid reimbursable services that support children enrolled in contracted medical foster care programs under the Department of Health. This funding is contingent upon the availability of state matching funds in the Department of Health in Specific Appropriation 502.

From the funds in Specific Appropriations 165 and 192, upon approval of an amendment of the existing disease management waiver, the agency is authorized to develop Requests for Proposals or Invitations to Negotiate for State of Florida Medicaid beneficiaries residing in certain counties in the Agency for Health Care Administration's Areas 1 and 6 currently enrolled in Medipass. In both areas, qualified providers must meaningfully deploy health information technology for the provision of health care services and reimbursement for those services shall be on a per member per month basis based on the person's underlying disease state. In Area 1, the agency shall give preference to a non-profit consortium of hospitals that supports primary care in the community and whose member entities contribute health information to a regional health information organization. In Area 6, the agency shall give preference to a federally qualified health care center using a Florida-based health information technology company with disease management functionality. The pilot programs shall be for a period of 36 months. The agency is authorized to seek any necessary state plan amendment or federal waiver to implement this provision.

160	SPECIAL CATEGORIES	
	MEDICAID FISCAL CONTRACT	
	FROM GENERAL REVENUE FUND . . . . .	20,039,319
	FROM MEDICAL CARE TRUST FUND . . . . .	51,365,679
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .	114,769
161	SPECIAL CATEGORIES	
	MEDICAID PEER REVIEW	
	FROM GENERAL REVENUE FUND . . . . .	1,093,903
	FROM MEDICAL CARE TRUST FUND . . . . .	4,403,348
162	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND . . . . .	315,148
	FROM MEDICAL CARE TRUST FUND . . . . .	323,041
163	SPECIAL CATEGORIES	
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
	FROM GENERAL REVENUE FUND . . . . .	95,016

166	SPECIAL CATEGORIES	
	THERAPEUTIC SERVICES FOR CHILDREN	
	FROM GENERAL REVENUE FUND . . . . .	31,305,519
	FROM MEDICAL CARE TRUST FUND . . . . .	39,746,498
167	SPECIAL CATEGORIES	
	COMMUNITY MENTAL HEALTH SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	28,735,603
	FROM MEDICAL CARE TRUST FUND . . . . .	43,931,229
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .	7,610

From the funds in Specific Appropriation 167, the agency is authorized to amend the Medicaid State Plan to include the following specialized substance abuse services: community based substance abuse intervention services and comprehensive community support services for substance abuse.

From the funds in Specific Appropriation 167, the agency is authorized to work with the Department of Children and Family Services and Florida county governments to develop a local match program to fund these Medicaid specialized substance abuse services using local county

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funds. The public funds required to match the Medicaid funds for these specialized substance abuse services are limited to those funds that are local public tax revenues and are made available to the state for this purpose. As required by Medicaid policy, participating counties shall make these services available to any qualified Florida Medicaid beneficiary regardless of county of residence. Payment for these services is contingent upon the local matching funds being provided by participating counties.

From the funds in Specific Appropriation 167, \$4,539,265 from the Medical Care Trust Fund is provided for Medicaid specialized mental health services. The agency is authorized to seek any necessary state plan amendment or federal waiver required to include mental health services for juveniles in the evidence based redirection program at the Department of Juvenile Justice. The agency is authorized to work with the department to develop a match program to fund Medicaid specialized mental health services using existing funding within the Department of Juvenile Justice. Payment for these services is contingent upon the availability of state matching funds in the Department of Juvenile Justice in Specific Appropriation 1089.

168	SPECIAL CATEGORIES		
	ADULT DENTAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	13,279,416	
	FROM MEDICAL CARE TRUST FUND . . . . .		16,859,974
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		275,256

169	SPECIAL CATEGORIES		
	DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART C		
	FROM MEDICAL CARE TRUST FUND . . . . .		7,625,965

Funds in Specific Appropriation 169 are contingent on the availability of state match being provided in Specific Appropriation 508.

170	SPECIAL CATEGORIES		
	EARLY AND PERIODIC SCREENING OF CHILDREN		
	FROM GENERAL REVENUE FUND . . . . .	111,948,094	
	FROM MEDICAL CARE TRUST FUND . . . . .		142,252,111
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		220,430

From the funds in Specific Appropriation 170, \$24,684,204 from the General Revenue Fund, \$31,322,305 from the Medical Care Trust Fund, and \$64,577 from the Refugee Assistance Trust Fund are provided to increase reimbursement to dental providers for services provided to children.

171	SPECIAL CATEGORIES		
	GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM		
	FROM GENERAL REVENUE FUND . . . . .	1,220,185	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		5,648,281
	FROM MEDICAL CARE TRUST FUND . . . . .		7,162,300

Funds in Specific Appropriation 171 are provided for a federally matched Rural Hospital Disproportionate Share program and a state funded Rural Hospital Financial Assistance program as provided in section 409.9116, Florida Statutes.

From the funds in Specific Appropriation 171, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

172	SPECIAL CATEGORIES		
	FAMILY PLANNING		
	FROM GENERAL REVENUE FUND . . . . .	2,779,136	
	FROM MEDICAL CARE TRUST FUND . . . . .		25,012,231
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		56,742

173 SPECIAL CATEGORIES

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GRANTS AND AIDS - SHANDS TEACHING HOSPITAL  
FROM GENERAL REVENUE FUND . . . . . 17,673,569

The funds in Specific Appropriation 173, shall be primarily designated for transfer to the Agency for Health Care Administration's Grants and Donations Trust Fund for use in the Medicaid or Low Income Pool programs. Of these funds, up to \$3,820,670 in recurring funds and \$8,000,000 in nonrecurring funds may be used in the Low Income Pool program or as funding to buy back the Medicaid inpatient and outpatient trend adjustments applied to Shands Healthcare Systems' individual hospital rates and other Medicaid reductions to their rates up to the actual Medicaid inpatient and outpatient costs. The transfer of the funds from the Low Income Pool program is contingent upon another local government or healthcare taxing district providing an equivalent amount of funds to be used in the Low Income Pool program. Should the Agency for Health Care Administration be unable to use the full amount of these designated funds, remaining funds may be used secondarily for payments to Shands Teaching Hospital to continue the original purpose of providing health care services to indigent patients through Shands Healthcare System.

174	SPECIAL CATEGORIES		
	HEALTHY START SERVICES		
	FROM MEDICAL CARE TRUST FUND . . . . .		23,641,947

175	SPECIAL CATEGORIES		
	HOME HEALTH SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	75,350,644	
	FROM MEDICAL CARE TRUST FUND . . . . .		95,674,412
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		242,662

From the funds in Specific Appropriation 175, the agency may implement accreditation requirements for Durable Medical Equipment and Consumable Medical Supply providers.

From the funds in Specific Appropriation 175, The Agency for Health Care Administration shall competitively procure a statewide managed disposable incontinence medical supply program in order to maximize efficiencies and savings in the Medicaid program. To maximize program efficiencies and cost savings within the Florida Medicaid program, incontinence medical supplies provided under this program shall be utilized by all Medicaid State Plan recipients. The agency shall competitively bid a contract for selection of a qualified organization to administer the comprehensive program and shall ensure that any contract awarded through this procurement provides for a minimum of twenty percent cost savings. Vendors shall submit their bid prices based on proposed discounts and cost savings measured against the agency's new standardized fee schedule for incontinence products. The contract for these services shall require the selected bidder to extend its bid pricing to Medicaid managed care plans, pursuant to the Medicaid reform plan, during the term of the contract for these services including any extension(s). The agency shall seek any federal Medicaid waivers or authority necessary to implement this provision. The Office of Program Policy Analysis and Government Accountability shall monitor program implementation and issue a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2012.

176	SPECIAL CATEGORIES		
	HOSPICE SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	84,253,547	
	FROM HEALTH CARE TRUST FUND . . . . .		42,000,000
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		14,290,140
	FROM MEDICAL CARE TRUST FUND . . . . .		178,438,806

Funds in Specific Appropriation 176 reflect a reduction of \$6,821,163 from the General Revenue Fund and \$8,660,370 from the Medical Care Trust Fund as a result of adjusting nursing home rates.

From the funds in Specific Appropriation 176, \$14,290,140 from the Grants and Donations Trust Fund and \$18,143,224 from the Medical Care Trust Fund are provided to buy back hospice rate reductions, effective on or after January 1, 2008, and are contingent on the nonfederal share

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being provided through nursing home quality assessments. Authority is granted to buy back rate reductions up to, but not higher than, the amounts available under the budgeted authority in this line. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

177 SPECIAL CATEGORIES	
HOSPITAL INPATIENT SERVICES	
FROM GENERAL REVENUE FUND . . . . .	90,168,681
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	878,137,309
FROM MEDICAL CARE TRUST FUND . . . . .	2,349,672,492
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND . . . . .	838,100,000
FROM REFUGEE ASSISTANCE TRUST FUND . . . . .	10,274,369

From the funds in Specific Appropriation 177, \$61,382,891 from the Medical Care Trust Fund is provided to the Agency for Health Care Administration to fund services for children in the Statewide Inpatient Psychiatric Program. The program shall be designed to permit limits on services, prior authorization of services, and selective provider enrollment. The program must also include monitoring and quality assurance, as well as discharge planning and continuing stay reviews, of all children admitted to the program. The funding is contingent upon the availability of state matching funds in the Department of Children and Family Services in Specific Appropriations 305 and 324.

From the funds in Specific Appropriation 177, \$168,300 from the General Revenue Fund is provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program.

Funds in Specific Appropriation 177 reflect a reduction of \$179,015,982 from the General Revenue Fund, \$227,284,431 from the Medical Care Trust Fund, and \$1,237,434 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for inpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent, and rural hospitals as defined in section 395.602, Florida Statutes, are excluded from this reduction.

Funds in Specific Appropriation 177 reflect a reduction of \$5,538,621 from the General Revenue Fund, \$7,032,027 from the Medical Care Trust Fund, and \$38,289 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for inpatient hospital rates for hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals as defined in section 395.602, Florida Statutes. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 177, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs

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for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

Funds in Specific Appropriation 177, are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

From the funds in Specific Appropriation 177, \$2,203,000 from the General Revenue Fund and \$2,797,000 from the Medical Care Trust Fund are provided to Mount Sinai Medical Center for participating in graduate medical education initiatives and engaging in the development and maintenance of graduate medical education positions for training over 120 residents and fellows and programs following the expenditure by Mount Sinai Medical Center of not less than \$10 million for the same initiatives during the 2011-2012 fiscal year. These funds may be used as funding to buy back the Medicaid inpatient and outpatient trend adjustments applied to Mount Sinai Medical Center's individual hospital rate and other Medicaid reductions to their rate up to the actual Medicaid inpatient and outpatient cost.

From the funds in Specific Appropriation 177, the Agency for Health Care Administration may establish a global fee for bone marrow transplants and the global fee payment shall be paid to approved bone marrow transplant providers that provide bone marrow transplants to Medicaid beneficiaries.

From the funds in Specific Appropriations 177 and 191, \$2,643,600 from the Grants and Donations Trust Fund and \$3,356,400 from the Medical Care Trust Fund are provided to make Medicaid payments for multi-visceral transplant and intestine transplants in Florida. The agency shall establish a reasonable global fee for these transplant procedures and the payments shall be used to pay approved multi-visceral transplant and intestine transplant facilities a global fee for providing transplant services to Medicaid beneficiaries. Payment of the global fee is contingent upon the nonfederal share being provided through grants and donations from state, county or other governmental funds. The agency is authorized to seek any federal waiver or state plan amendment necessary to implement this provision.

From the funds in Specific Appropriation 177, \$239,417,562 from the Grants and Donations Trust Fund and \$303,972,274 from the Medical Care Trust Fund are provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in section 408.07 (45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, hospitals with graduate medical education positions that do not otherwise qualify, and for designated trauma hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of reductions to inpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 177, \$126,286,934 from the Grants and Donations Trust Fund and \$160,337,974 from the Medical Care Trust Fund are provided for hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of reductions to inpatient hospital rates in the calculation of capitation rates for

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Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 177, \$187,198,756 from the Grants and Donations Trust Fund and \$237,673,591 from the Medical Care Trust Fund are provided for hospitals to allow for exemptions from inpatient reimbursement limitations for any hospital that has local funds available for intergovernmental transfers. The payments under this proviso are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of exemptions to inpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds.

178	SPECIAL CATEGORIES		
	REGULAR DISPROPORTIONATE SHARE		
	FROM GENERAL REVENUE FUND . . . . .	750,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		107,642,426
	FROM MEDICAL CARE TRUST FUND . . . . .		138,178,151

Funds in Specific Appropriation 178 shall be used for a Disproportionate Share Hospital Program as provided in sections 409.911, 409.9113, and 409.9119, Florida Statutes, and are contingent on the state share being provided through grants and donations from state, county, or other government entities.

From the funds in Specific Appropriation 178, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

179	SPECIAL CATEGORIES		
	LOW INCOME POOL		
	FROM GENERAL REVENUE FUND . . . . .	9,327,864	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		431,522,137
	FROM MEDICAL CARE TRUST FUND . . . . .		559,400,001

From the funds in Specific Appropriation 179, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

From the funds in Specific Appropriation 179, the agency is authorized to transfer a hospital's low-income pool payments between the various low-income programs listed in this specific appropriation if it is required to obtain approval of the low-income pool payment methodology from the Centers for Medicare and Medicaid Services. Any transfer of funds, however, is contingent on the hospital's net low-income pool payments under the low-income pool plan remaining unchanged.

From the funds in Specific Appropriation 179, in the event that the amount of approved nonfederal share of matching funds is not provided by local governmental entities, the agency may re-allocate low-income pool funds between programs described within this specific appropriation as necessary to ensure sufficient nonfederal matching funds. No re-allocation, under this provision, of low-income pool funds may occur if the level of program increase for any provider access system exceeds the amount of the additional increases in the local nonfederal share match that their local governments transfer to the state Medicaid program, and for which the provider access system would have otherwise received.

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From the funds in Specific Appropriation 179, the agency may make low-income pool Medicaid payments to hospitals in an accelerated manner that is more frequent than on a quarterly basis subject to the availability of state, local and federal funds.

Funds provided in Specific Appropriation 179, are contingent upon the nonfederal share being provided through grants and donations from state, county or other governmental funds. In the event the nonfederal share provided through grants and donations is not available to fund the Medicaid low-income payments for eligible Medicaid providers, known as provider access systems, the agency shall submit a revised low-income pool plan to the Legislative Budget Commission for approval. Distribution of such funds provided in Specific Appropriation 179 is contingent upon approval from the Centers for Medicare and Medicaid Services.

180	SPECIAL CATEGORIES		
	FREESTANDING DIALYSIS CENTERS		
	FROM GENERAL REVENUE FUND . . . . .	9,102,690	
	FROM MEDICAL CARE TRUST FUND . . . . .		11,557,067

Funds in Specific Appropriation 180 are for the inclusion of freestanding dialysis clinics in the Medicaid program. The agency shall limit payment to \$100.00 per visit for each dialysis treatment. Freestanding dialysis facilities may obtain, administer and submit claims directly to the Medicaid program for End-Stage Renal Disease pharmaceuticals subject to coverage and limitations policy. All pharmaceutical claims for this purpose must include National Drug Codes (NDC) to permit the invoicing for federal and/or state supplemental rebates from manufacturers. Claims for drug products that do not include National Drug Code information are not payable by Florida Medicaid unless the drug product is exempt from federal rebate requirements.

From the funds in Specific Appropriation 180, the Agency for Health Care Administration shall work with dialysis providers, managed care organizations, and physicians to ensure that all Medicaid patients with End Stage Renal Disease (ESRD) are educated and assessed by their physician and dialysis provider to determine their suitability for peritoneal dialysis (PD) as a modality choice. Further, the agency shall consult with the dialysis community concerning suitable voluntary reporting to the state Medicaid program on members' PD suitability.

181	SPECIAL CATEGORIES		
	HOSPITAL INSURANCE BENEFITS		
	FROM GENERAL REVENUE FUND . . . . .	70,985,910	
	FROM MEDICAL CARE TRUST FUND . . . . .		90,126,004

182	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	71,738,776	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		223,895,076
	FROM MEDICAL CARE TRUST FUND . . . . .		642,126,224
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND . . . . .		210,000,000
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		1,536,420

From the funds in Specific Appropriation 182, the calculations of the Medicaid Supplemental Hospital Funding Programs for Medicaid Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year are incorporated by reference in SB 2002. The calculations are the basis for the appropriations made in the General Appropriations Act.

Funds in Specific Appropriation 182 reflect a reduction of \$26,892,230 from the General Revenue Fund, \$34,143,215 from the Medical Care Trust Fund, and \$93,292 from the Refugee Assistance Trust Fund as a result of implementing a reduction in outpatient hospital reimbursement rates. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is

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necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

Funds in Specific Appropriation 182 reflect a reduction of \$1,709,835 from the General Revenue Fund, \$2,170,848 from the Medical Care Trust Fund, and \$5,919 from the Refugee Assistance Trust Fund as a result of implementing a reduction in outpatient hospital reimbursement rates for hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals as defined in section 395.602, Florida Statutes.

Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 182 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

From the funds in Specific Appropriation 182, \$28,435,176 from the Grants and Donations Trust Fund and \$36,102,219 from the Medical Care Trust Fund are appropriated so that the agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care Disproportionate Share Hospital (DSH) program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings; or a public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government.

From the funds in Specific Appropriation 182, \$7,182,339 from the Grants and Donations Trust Fund and \$9,118,930 from the Medical Care Trust Fund program are provided to increase the outpatient cap for adults from \$1,000 to \$1,500 per year.

From the funds in Specific Appropriation 182, \$50,842,960 from the Grants and Donations Trust Fund and \$64,551,865 from the Medical Care Trust Fund are provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in s. 408.07 (45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, hospitals with graduate medical education positions that do not otherwise qualify, and designated trauma hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy

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back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 182, \$35,251,305 from the Grants and Donations Trust Fund and \$44,756,197 from the Medical Care Trust Fund are provided for hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of reductions to outpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

From the funds in Specific Appropriation 182, \$30,193,650 from the Grants and Donations Trust Fund and \$38,334,835 from the Medical Care Trust Fund are provided for hospitals to allow for exemptions from outpatient reimbursement limitations for any hospital that has local funds available for intergovernmental transfers. The payments under this proviso are contingent upon the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of exemptions to outpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

Table with 3 columns: Item Number, Description, Amount. Row 183: SPECIAL CATEGORIES, RESPIRATORY THERAPY SERVICES, FROM GENERAL REVENUE FUND 8,690,601, FROM MEDICAL CARE TRUST FUND 11,034,964, FROM REFUGEE ASSISTANCE TRUST FUND 2,016.

Table with 3 columns: Item Number, Description, Amount. Row 184: SPECIAL CATEGORIES, NURSE PRACTITIONER SERVICES, FROM GENERAL REVENUE FUND 2,534,911, FROM MEDICAL CARE TRUST FUND 3,218,567, FROM REFUGEE ASSISTANCE TRUST FUND 16,299.

Table with 3 columns: Item Number, Description, Amount. Row 185: SPECIAL CATEGORIES, BIRTHING CENTER SERVICES, FROM GENERAL REVENUE FUND 588,316, FROM MEDICAL CARE TRUST FUND 746,947.

Table with 3 columns: Item Number, Description, Amount. Row 186: SPECIAL CATEGORIES, OTHER LAB AND X-RAY SERVICES, FROM GENERAL REVENUE FUND 44,566,256, FROM MEDICAL CARE TRUST FUND 56,583,836, FROM REFUGEE ASSISTANCE TRUST FUND 545,317.

From the funds in Specific Appropriation 186, the agency shall continue a program to assess HIV drug resistance for cost-effective management of anti-retroviral drug therapy.

Table with 3 columns: Item Number, Description, Amount. Row 187: SPECIAL CATEGORIES, PATIENT TRANSPORTATION, FROM GENERAL REVENUE FUND 62,509,895, FROM MEDICAL CARE TRUST FUND 79,364,579, FROM REFUGEE ASSISTANCE TRUST FUND 83,976.

Funds in Specific Appropriation 187 reflect a reduction of \$2,017,665 from the General Revenue Fund and \$2,561,692 from the Medical Care Trust Fund as a result of reducing the Medicaid non-emergency transportation contract.

Table with 3 columns: Item Number, Description, Amount. Row 188: SPECIAL CATEGORIES.

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PHYSICIAN ASSISTANT SERVICES		
FROM GENERAL REVENUE FUND . . . . .	4,184,169	
FROM MEDICAL CARE TRUST FUND . . . . .		5,312,354

189 SPECIAL CATEGORIES		
PERSONAL CARE SERVICES		
FROM GENERAL REVENUE FUND . . . . .	19,541,789	
FROM MEDICAL CARE TRUST FUND . . . . .		24,812,796

From the funds in Specific Appropriation 189, the Agency for Health Care Administration shall direct a beneficiary who is medically able to attend a prescribed pediatric extended care facility and whose needs can be met by such center, to a prescribed pediatric extended care facility for patient care within a reasonable distance from the pick-up or drop-off location for the child. Prescribed pediatric extended care facility services must be approved by the Medicaid program or its designee. Private duty nursing may be provided as a wrap around alternative for an individual needing additional services when a prescribed pediatric extended care facility is not available.

190 SPECIAL CATEGORIES		
PHYSICAL REHABILITATION THERAPY		
FROM GENERAL REVENUE FUND . . . . .	3,846,763	
FROM MEDICAL CARE TRUST FUND . . . . .		4,883,974
FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		5,274

191 SPECIAL CATEGORIES		
PHYSICIAN SERVICES		
FROM GENERAL REVENUE FUND . . . . .	286,175,396	
FROM HEALTH CARE TRUST FUND . . . . .		19,200,000
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .		58,738,330
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		271,824
FROM MEDICAL CARE TRUST FUND . . . . .		737,241,100
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND . . . . .		121,600,000
FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		3,612,118

From the funds in Specific Appropriation 191, the agency is authorized to continue the physician lock-in program for recipients who participate in the pharmacy lock-in program.

From the funds in Specific Appropriation 191, \$120,000,000 from the Medical Care Trust Fund is provided for special Medicaid payments for services provided by doctors of medicine and osteopathy employed by or under contract with a medical school in Florida. The expansion of existing programs to increase federal reimbursements through Upper Payment Limit (UPL) provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement funds. The agency is authorized to seek a Florida Title XIX State Plan Amendment or waiver to include additional medical schools in Florida.

From the funds in Specific Appropriation 191, the Agency for Health Care Administration shall seek federal approval to implement a supplemental payment program for medical school faculty who provide services to Medicaid beneficiaries enrolled in capitated managed care plans so that such payments may be made directly to physicians employed by or under contract with the state's medical schools for costs associated with graduate medical education or their teaching mission. The agency shall amend its Medicaid policies as necessary to implement this program. Nothing herein shall be construed as requiring capitated managed care plans to fund the state share of the supplemental payments.

192 SPECIAL CATEGORIES		
PREPAID HEALTH PLANS		
FROM GENERAL REVENUE FUND . . . . .	905,531,284	
FROM HEALTH CARE TRUST FUND . . . . .		490,600,000
FROM MEDICAL CARE TRUST FUND . . . . .		1,772,573,393
FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		12,296,406

Funds in Specific Appropriation 192 include reductions of \$65,136,919 from the General Revenue Fund, \$82,699,947 from the Medical Care Trust

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Fund and \$573,664 from the Refugee Assistance Trust Fund to Health Maintenance Organization and Provider Service Network capitation payments as a result of reducing the reimbursement of inpatient and outpatient hospital rates, effective September 1, 2011.

Funds in Specific Appropriation 192, include reductions of 2,526,262 from the General Revenue Fund, \$3,207,423 from the Medical Care Trust Fund, and \$22,250 from the Refugee Assistance Trust Fund to Health Maintenance Organization and Provider Service Network capitation payments as a result of reducing the Medicaid reimbursement rates for clinic services, effective September 1, 2011.

From the funds appropriated in Specific Appropriation 192, the agency is authorized to provide Medicaid children enrolled in the Medicaid Prepaid Dental Health Program in Miami-Dade County with a choice of at least three licensed managed care dental providers, who shall have experience in providing dental care to Medicaid or Title XXI enrollees, and who meet all standards and requirements of the agency.

From the funds in Specific Appropriation 192, the Agency for Health Care Administration shall contract on a prepaid or fixed-sum basis with appropriately-licensed prepaid dental health plans to provide dental services for a period not to exceed two years. The agency may contract with a single qualified entity to provide dental services on a regional or statewide basis that will result in greater efficiency to the state and will facilitate better access and outcomes for Medicaid beneficiaries. On a quarterly basis, the contracting entity shall report Medicaid beneficiary utilization data and encounter data by Current Dental Terminology (CDT) code to the agency. On an annual basis, the agency shall provide a report comparing the data provided by the contracting entity with available data from the pool of Medicaid recipients from previous years to the Speaker of the House, the Senate President and the Governor. The contract(s) shall be awarded through competitive procurement. The agency shall include in the contract(s), a provision that requires no less than 85 percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs. The agency may include in this contract dental services that are provided through the Medicaid fee for service and managed care delivery system, but shall exclude Miami-Dade County. If the agency includes the managed care delivery system, the agency may also include Medicaid reform counties. The agency is authorized to seek any necessary state plan amendments or federal waivers to implement this provision.

193 SPECIAL CATEGORIES		
PRESCRIBED MEDICINE/DRUGS		
FROM GENERAL REVENUE FUND . . . . .	317,072,195	
FROM HEALTH CARE TRUST FUND . . . . .		88,000,000
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		724,113,704
FROM MEDICAL CARE TRUST FUND . . . . .		367,195,627
FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		2,743,674

Funds in Specific Appropriation 193, reflect a reduction of \$9,786,889 from the General Revenue Fund, \$12,425,750 from the Medical Care Trust Fund, and \$48,976 from the Refugee Assistance Trust Fund as a result of modifying the prescribed drug reimbursement formula.

From the funds in Specific Appropriation 193, \$800,000 from the General Revenue Fund and \$1,015,706 from the Medical Care Trust Fund are provided for Tdap vaccinations for postpartum mothers enrolled in the Program consistent with the Center for Disease Control's recommendations.

194 SPECIAL CATEGORIES		
MEDICARE PART D PAYMENT		
FROM GENERAL REVENUE FUND . . . . .	494,080,449	
195 SPECIAL CATEGORIES		
PRIVATE DUTY NURSING SERVICES		
FROM GENERAL REVENUE FUND . . . . .	92,195,922	
FROM MEDICAL CARE TRUST FUND . . . . .		117,054,922
FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		3,162

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196	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	44,571,084	
	FROM MEDICAL CARE TRUST FUND . . . . .		56,594,012
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		112,075
197	SPECIAL CATEGORIES		
	SPEECH THERAPY SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	23,182,959	
	FROM MEDICAL CARE TRUST FUND . . . . .		29,433,835
198	SPECIAL CATEGORIES		
	MEDIPASS SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	9,668,373	
	FROM MEDICAL CARE TRUST FUND . . . . .		12,276,942
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		53,272
199	SPECIAL CATEGORIES		
	SUPPLEMENTAL MEDICAL INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	573,995,741	
	FROM MEDICAL CARE TRUST FUND . . . . .		725,864,973
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		1,270
200	SPECIAL CATEGORIES		
	OCCUPATIONAL THERAPY SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	15,370,641	
	FROM MEDICAL CARE TRUST FUND . . . . .		19,515,064
201	SPECIAL CATEGORIES		
	CLINIC SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	34,474,428	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		28,241,182
	FROM MEDICAL CARE TRUST FUND . . . . .		79,625,765
	FROM REFUGEE ASSISTANCE TRUST FUND . . . . .		711,472

Funds in Specific Appropriation 201 reflect a reduction of \$6,268,079 from the General Revenue Fund, \$7,958,1546 from the Medical Care Trust Fund, and \$79,052 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for county health department rates. The agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 201, \$28,241,182 from the Grants and Donations Trust Fund and \$35,855,917 from the Medical Care Trust Fund are provided to buy back clinic services rate adjustments, effective on or after July 1, 2008, and are contingent on the nonfederal share being provided through grants and donations from state, county or other governmental funds. Authority is granted to buy back rate reductions up to, but not higher than the amounts available under the authority appropriated in this line. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

202	SPECIAL CATEGORIES		
	MEDICAID SCHOOL REFINANCING		
	FROM MEDICAL CARE TRUST FUND . . . . .		97,569,420

The Agency for Health Care Administration is authorized to seek a Medicaid state plan amendment to allow a Medicaid cost settlement program to maximize federal Medicaid funds through Medicaid claiming for school districts.

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	FROM GENERAL REVENUE FUND . . . . .	3,613,184,012	
	FROM TRUST FUNDS . . . . .		12,954,190,386
	TOTAL ALL FUNDS . . . . .		16,567,374,398

MEDICAID LONG TERM CARE

203	SPECIAL CATEGORIES		
	ASSISTIVE CARE SERVICES		
	FROM MEDICAL CARE TRUST FUND . . . . .		26,179,861

Funds in Specific Appropriation 203 are provided to implement Medicaid coverage for Assistive Care Services and are contingent on the availability of state match being provided in Specific Appropriation 355.

204	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	10,107,047	
	FROM MEDICAL CARE TRUST FUND . . . . .		1,014,610,572

Funds in Specific Appropriations 204 and 212 for the Developmental Services Waiver, the Aged and Disabled Waiver, the Project AIDS Care Waiver, and the Nursing Home Diversion Waiver may be used for reimbursement for services provided through agencies licensed pursuant to section 400.506, Florida Statutes.

From the funds in Specific Appropriation 204, the Agency for Health Care Administration, in cooperation with the Department of Children and Families (DCF), is authorized to seek federal approval to amend the Assisted Living for the Elderly (ALE) Waiver to allow for enrollment of those between the ages of 18 and 59 in addition to the currently eligible enrollees. The Department of Children and Families is authorized to use funds in Specific Appropriation line item 306 to serve adults with disabilities ages 18 to 59 under the Assisted Living for the Elderly (ALE) Waiver.

205	SPECIAL CATEGORIES		
	ASSISTED LIVING FACILITY WAIVER		
	FROM MEDICAL CARE TRUST FUND . . . . .		35,083,803

206	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER		
	FROM MEDICAL CARE TRUST FUND . . . . .		98,263,040

From the funds in Specific Appropriations 206 and 207, the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, is authorized to transfer funds, in accordance with the provisions of chapter 216, Florida Statutes, to Specific Appropriation 231 for the Developmental Disabilities Home and Community based waiver, Tier 1 through 3; Family Supported Living Waiver (Tier 4); and the Developmental Disabilities Individual Budget Waiver; to transition the greatest number of appropriated eligible beneficiaries from ICF/DD to community based alternatives in order to maximize the reduction in Medicaid ICF/DD occupancy. Priority for the use of these funds will be given to the planning and services areas with the greatest potential for transition success.

207	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/ DEVELOPMENTALLY DISABLED COMMUNITY		
	FROM GENERAL REVENUE FUND . . . . .	108,979,609	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		12,107,969
	FROM MEDICAL CARE TRUST FUND . . . . .		153,736,703

From the funds in Specific Appropriation 207, \$12,107,969 from the Grants and Donations Trust Fund and \$15,372,669 from the Medical Care Trust Fund are provided to buy back intermediate care facilities for the developmentally disabled rate reductions, effective on or after October 1, 2008 and are contingent on the nonfederal share being provided through intermediate care facilities for the developmentally disabled quality assessments. Authority is granted to buy back rate reductions

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up to, but not higher than, the amounts available under the budgeted authority in this line. In the event that the funds are not available in the Grants and Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

Funds in Specific Appropriation 207 reflect a reduction of \$2,774,662 from the General Revenue Fund and \$3,522,801 from the Medical Care Trust Fund as a result of modifying the reimbursement for intermediate care facilities for the developmentally disabled, effective October 1, 2011. The agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Mentally Retarded and Developmentally Disabled for Community Owned and Operated Facilities Reimbursement Plan to achieve this reduction.

208	SPECIAL CATEGORIES		
	NURSING HOME CARE		
	FROM GENERAL REVENUE FUND . . . . .	548,579,325	
	FROM HEALTH CARE TRUST FUND . . . . .		270,000,000
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		369,114,538
	FROM MEDICAL CARE TRUST FUND . . . . .		1,538,872,471

From the funds in Specific Appropriation 208, \$2,301,250 from the Grants and Donations Trust Fund and \$2,921,742 from the Medical Care Trust Fund are provided for the purpose of maximizing federal revenues through the continuation of the Special Medicaid Payment Program for governmentally funded nursing homes. Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through these provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

Funds in Specific Appropriation 208 reflect a reduction of \$82,854,644 from the General Revenue Fund and \$104,897,016 from the Medical Care Trust Fund as a result of modifying the reimbursement for nursing home rates. The agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

From the funds in Specific Appropriation 208, the Agency for Health Care Administration, in consultation with the Department of Elder Affairs, the Department of Health, and the Department of Children and Families, is authorized to transfer funds, in accordance with the provisions of chapter 216, Florida Statutes, to Specific Appropriation 300 Home and Community Based Services Waiver, Specific Appropriation 376 Home and Community Based Services Waiver, Specific Appropriation 377 Assisted Living Facility Waiver, Specific Appropriation 382 Capitated Nursing Home Diversion Waiver, and Specific Appropriation 530 Brain and Spinal Cord Home and Community Based Services Waiver to transition the greatest number of appropriate eligible beneficiaries from skilled nursing facilities to community-based alternatives in order to maximize the reduction in Medicaid nursing home occupancy. Priority for the use of these funds will be given to the planning and service areas with the greatest potential for transition success.

From the funds in Specific Appropriation 208, \$366,813,288 from the Grants and Donations Trust Fund and \$465,718,004 from the Medical Care Trust Fund are provided to buy back nursing facility rate reductions, effective on or after January 1, 2008, and are contingent on the non federal share being provided through nursing home quality assessments. Authority is granted to buy back rate reductions up to, but not higher than the amounts available under the budgeted authority in this line. In the event that the funds are not available in the Grants and

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Donations Trust Fund, the State of Florida is not obligated to continue reimbursements at the higher amount.

209	SPECIAL CATEGORIES		
	STATE MENTAL HEALTH HOSPITAL PROGRAM		
	FROM MEDICAL CARE TRUST FUND . . . . .		8,718,815
210	SPECIAL CATEGORIES		
	MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE		
	FROM MEDICAL CARE TRUST FUND . . . . .		67,157,553
211	SPECIAL CATEGORIES		
	T.B. HOSPITAL DISPROPORTIONATE SHARE		
	FROM MEDICAL CARE TRUST FUND . . . . .		2,444,444
212	SPECIAL CATEGORIES		
	CAPITATED NURSING HOME DIVERSION WAIVER		
	FROM MEDICAL CARE TRUST FUND . . . . .		355,766,698
212A	SPECIAL CATEGORIES		
	PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)		
	FROM MEDICAL CARE TRUST FUND . . . . .		14,269,333
TOTAL: MEDICAID LONG TERM CARE			
	FROM GENERAL REVENUE FUND . . . . .	667,665,981	
	FROM TRUST FUNDS . . . . .		3,966,325,800
	TOTAL ALL FUNDS . . . . .		4,633,991,781
PROGRAM: HEALTH CARE REGULATION			
HEALTH CARE REGULATION			
	APPROVED SALARY RATE	26,521,842	
213	SALARIES AND BENEFITS POSITIONS	616.00	
	FROM GENERAL REVENUE FUND . . . . .		112,536
	FROM HEALTH CARE TRUST FUND . . . . .		36,085,878
214	OTHER PERSONAL SERVICES		
	FROM HEALTH CARE TRUST FUND . . . . .		256,374
215	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	22,440	
	FROM HEALTH CARE TRUST FUND . . . . .		7,735,513
216	OPERATING CAPITAL OUTLAY		
	FROM HEALTH CARE TRUST FUND . . . . .		87,054
217	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM HEALTH CARE TRUST FUND . . . . .		324,509
218	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM HEALTH CARE TRUST FUND . . . . .		3,668,918
	FROM QUALITY OF LONG-TERM CARE FACILITY IMPROVEMENT TRUST FUND . . . . .		1,000,000
219	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM HEALTH CARE TRUST FUND . . . . .		806,629
220	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM HEALTH CARE TRUST FUND . . . . .		111,820
221	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HEALTH CARE TRUST FUND . . . . .		489,195

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222 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT  
FROM GENERAL REVENUE FUND . . . . . 802  
FROM HEALTH CARE TRUST FUND . . . . . 227,471

TOTAL: HEALTH CARE REGULATION  
FROM GENERAL REVENUE FUND . . . . . 135,778  
FROM TRUST FUNDS . . . . . 50,793,361

TOTAL POSITIONS . . . . . 616.00  
TOTAL ALL FUNDS . . . . . 50,929,139

TOTAL: AGENCY FOR HEALTH CARE ADMINISTRATION  
FROM GENERAL REVENUE FUND . . . . . 4,389,343,828  
FROM TRUST FUNDS . . . . . 17,930,589,771

TOTAL POSITIONS . . . . . 1,655.00  
TOTAL ALL FUNDS . . . . . 22,319,933,599  
TOTAL APPROVED SALARY RATE . . . . . 71,890,757

AGENCY FOR PERSONS WITH DISABILITIES

PROGRAM: SERVICES TO PERSONS WITH DISABILITIES

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 10,831,474

223 SALARIES AND BENEFITS POSITIONS 313.50  
FROM GENERAL REVENUE FUND . . . . . 8,184,986  
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . . 6,419,480  
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . . 180,317

224 OTHER PERSONAL SERVICES  
FROM GENERAL REVENUE FUND . . . . . 2,290,098  
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . . 1,953,004  
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . . 480,150

225 EXPENSES  
FROM GENERAL REVENUE FUND . . . . . 914,796  
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . . 1,113,286  
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . . 193,061

226 OPERATING CAPITAL OUTLAY  
FROM GENERAL REVENUE FUND . . . . . 9,060  
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . . 26,334

227 SPECIAL CATEGORIES  
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS  
FROM GENERAL REVENUE FUND . . . . . 2,980,000  
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . . 13,856,771

Funds in Specific Appropriation 227 expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there are no reductions in the number of persons served or level of services provided.

228 SPECIAL CATEGORIES  
ROOM AND BOARD PAYMENTS FOR DEVELOPMENTALLY DISABLED  
FROM GENERAL REVENUE FUND . . . . . 3,800,000

229 SPECIAL CATEGORIES

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CONTRACTED SERVICES  
FROM GENERAL REVENUE FUND . . . . . 94,109  
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . . 23,875  
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . . 36,717

230 SPECIAL CATEGORIES  
GRANTS AND AIDS - CONTRACTED SERVICES  
FROM GENERAL REVENUE FUND . . . . . 2,385,346

From the funds in Specific Appropriations 230, \$500,000 in nonrecurring funds from the General Revenue Fund is provided for the Dan Marino Foundation Florida Vocational College in Broward County.

From the funds in Specific Appropriations 230, \$500,000 in nonrecurring funds from the General Revenue Fund is provided for the Loveland Center, Inc., in Sarasota County.

From the funds in Specific Appropriations 230, \$650,000 in nonrecurring funds from the General Revenue Fund is provided for Quest Kids.

231 SPECIAL CATEGORIES  
HOME AND COMMUNITY BASED SERVICES WAIVER  
FROM GENERAL REVENUE FUND . . . . . 357,690,175  
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . . 452,747,197

Funds from Specific Appropriation 231 shall not be used for administrative costs.

Funds in Specific Appropriation 231 for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there are no reductions in the number of persons served or level of services provided.

Funds in Specific Appropriation 231 reflect a reduction of \$16,020,216 from the General Revenue Fund and \$20,339,784 from the Operations and Maintenance Trust Fund as a result of reducing provider rates by 4.0 percent, effective July 1, 2011. The agency shall amend provider contracts, cost plans and rules as necessary to achieve this recurring reduction.

Funds in Specific Appropriation 231 reflect a reduction of \$2,422,464 from the General Revenue Fund and \$4,463,448 from the Operations and Maintenance Trust Fund as a result of continuing the Tier Waiver individual cost plan freeze in effect on April 1, 2011, pursuant to s.339.0661(8), F.S., from July 1, 2011, through June 30, 2012; until the agency implements an approved plan that contains expanding costs within the waiver; or until all clients are transferred into the iBudget, whichever comes first.

From the funds in Specific Appropriation 231, the Agency for Persons with Disabilities shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives monthly surplus-deficit reports projecting the total Medicaid Waiver program expenditures for the fiscal year along with any corrective action plans necessary to align program expenditures with annual appropriations in accordance with sections 393.0661 (7) and (8), Florida Statutes. Prior to the submission of the first report, the Social Services Estimating Conference shall approve the reporting format, as well as establish a baseline based on the appropriations contained herein. The adopted baseline shall serve as the sole basis of comparison for any projected surpluses or deficits reflected in the reports, and discrete adjustments shall be made with a separate entry showing each change.

From the funds in Specific Appropriation 231, the Agency for Persons with Disabilities shall work with the Agency for Health Care Administration and other stakeholders to develop a plan that will result in sufficient fiscal and operational controls to allow the Agency for Persons with Disabilities to manage Medicaid waiver spending within the legislative appropriation. The plan shall include, but not be limited to, increased oversight of individual cost plans; a clear definition

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of the roles of providers and waiver support coordinators in monitoring those cost plans; and a description of the services provided under each of the consolidated service titles or categories. The Agency for Persons with Disabilities shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than September 1, 2011.

232	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . .	336,400	
233	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	67,272	50,655
TOTAL: HOME AND COMMUNITY SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	378,752,242	
	FROM TRUST FUNDS . . . . .		477,080,847
	TOTAL POSITIONS . . . . .	313.50	
	TOTAL ALL FUNDS . . . . .		855,833,089
PROGRAM MANAGEMENT AND COMPLIANCE			
	APPROVED SALARY RATE	14,582,785	
234	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	316.00 11,226,746	187,152 65,753 7,887,069
235	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	154,487	447,000 149,584
236	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	1,365,969	284 130,181 1,477,797
237	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	25,992	3,800
238	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	170,225	2,803
239	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	173,018	812 65,203
240	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE	1,016,714	429,000

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	TRUST FUND . . . . .		910,884
241	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES FROM GENERAL REVENUE FUND . . . . .		93,558
242	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . .		304,150
243	SPECIAL CATEGORIES HOME AND COMMUNITY SERVICES ADMINISTRATION FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		2,897,937 4,454,566
244	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		71,889 1,628 61,066
245	DATA PROCESSING SERVICES CHILDREN AND FAMILIES DATA CENTER FROM GENERAL REVENUE FUND . . . . .		307,463
246	DATA PROCESSING SERVICES SOUTHWOOD SHARED RESOURCE CENTER FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		320,404
247	DATA PROCESSING SERVICES NORTHWOOD SHARED RESOURCE CENTER FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	154,970	350,000 41,429
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE			
	FROM GENERAL REVENUE FUND . . . . .	17,963,118	
	FROM TRUST FUNDS . . . . .		16,986,415
	TOTAL POSITIONS . . . . .	316.00	
	TOTAL ALL FUNDS . . . . .		34,949,533
DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES			
	APPROVED SALARY RATE	76,127,130	
248	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	2,345.50 54,323,587	42,030 45,639,318
249	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	944,464	996,132
250	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	3,570,362	3,336,788
251	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	179,941	169,765

SECTION 3 - HUMAN SERVICES			
SPECIFIC			
APPROPRIATION			
252	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	1,158,670	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		1,314,322
253	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,119,546	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		968,417
254	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	2,111,014	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		1,310,560
255	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND . . . . .	1,145,923	
256	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	3,245,630	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		1,570,837
257	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	18,751	
258	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	562,121	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		108
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		452,570
TOTAL: DEVELOPMENTAL DISABILITIES PUBLIC FACILITIES			
	FROM GENERAL REVENUE FUND . . . . .	68,380,009	
	FROM TRUST FUNDS . . . . .		55,800,847
	TOTAL POSITIONS . . . . .	2,345.50	
	TOTAL ALL FUNDS . . . . .		124,180,856
TOTAL: AGENCY FOR PERSONS WITH DISABILITIES			
	FROM GENERAL REVENUE FUND . . . . .	465,095,369	
	FROM TRUST FUNDS . . . . .		549,868,109
	TOTAL POSITIONS . . . . .	2,975.00	
	TOTAL ALL FUNDS . . . . .		1,014,963,478
	TOTAL APPROVED SALARY RATE . . . . .	101,541,389	
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF ADMINISTRATION			
PROGRAM: EXECUTIVE LEADERSHIP			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	36,439,584	
259	SALARIES AND BENEFITS	POSITIONS	780.00
	FROM GENERAL REVENUE FUND . . . . .		20,712,901
	FROM ADMINISTRATIVE TRUST FUND . . . . .		17,573,613
	FROM FEDERAL GRANTS TRUST FUND . . . . .		9,719,029
	FROM WELFARE TRANSITION TRUST FUND . . . . .		401,308
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		317,490
	FROM SOCIAL SERVICES BLOCK GRANT		

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APPROPRIATION			
	TRUST FUND . . . . .		18,140
260	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	355,408	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		50,784
	FROM FEDERAL GRANTS TRUST FUND . . . . .		28,261
	FROM WELFARE TRANSITION TRUST FUND . . . . .		154
261	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	5,612,254	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,071,409
	FROM FEDERAL GRANTS TRUST FUND . . . . .		210,893
	FROM WELFARE TRANSITION TRUST FUND . . . . .		56,732
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		77,847
	FROM SOCIAL SERVICES BLOCK GRANT		
	TRUST FUND . . . . .		3,726
262	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	36,622	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		113,290
263	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		20,000
264	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND . . . . .	267,405	
265	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	548,670	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		311,178
	FROM FEDERAL GRANTS TRUST FUND . . . . .		10,323
	FROM WELFARE TRANSITION TRUST FUND . . . . .		3,341
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		612,835
266	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	1,609,374	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		197,378
267	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND . . . . .	40,498	
268	SPECIAL CATEGORIES		
	DEFERRED-PAYMENT COMMODITY CONTRACTS		
	FROM GENERAL REVENUE FUND . . . . .	6,520	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,272
269	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	4,064,366	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		781,609
269A	QUALIFIED EXPENDITURE CATEGORY		
	FLORIDA ABUSE HOTLINE REDESIGN		
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		4,500,000

From the funds in Specific Appropriation 269A, the nonrecurring sum of \$4,500,000 from the Operations and Maintenance Trust Funds is provided for the redesign of the Florida Abuse Hotline and supporting business processes. Upon completion of a feasibility study and requirement documents, the department is authorized to submit a distribution plan for these funds for approval by the Legislative Budget Commission pursuant to the provisions of chapter 216, Florida Statutes.

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270	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND . . . . .	11,553,736	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		3,311,447
	FROM FEDERAL GRANTS TRUST FUND . . . . .		7,730,315
	FROM WELFARE TRANSITION TRUST FUND . . . . .		159,139
	FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		1,023,016
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		67,977

From the funds in Specific Appropriation 270, the nonrecurring sum of \$1,000,000 from the Operations and Maintenance Trust Funds is provided for the Department of Children and Family Services to complete a feasibility study for the redesign of the Florida Abuse Hotline and supporting business processes. The feasibility study must comply with all requirements of a feasibility study as defined in the legislative budget request instructions pursuant to s. 216.023, Florida Statutes and must also include the identification of all business and functional requirements.

271	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	4,816	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		19,264
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		8,080

272	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	9,017,916	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,343,302
	FROM FEDERAL GRANTS TRUST FUND . . . . .		8,144,457
	FROM WELFARE TRANSITION TRUST FUND . . . . .		5,016
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		5,019

273	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER (NSRC)		
	DEPRECIATION FEDERAL SHARE BILLINGS		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		363,236

274	PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS		
	RELIEF/JORGE AND DEBBIE GARCIA-BENGOCHEA		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		950,000

274A	PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS		
	RELIEF - MARISSA AMORA		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,700,000

275	PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS		
	RELIEF/KIMBERLY GODWIN		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		760,000

TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	53,830,486	
	FROM TRUST FUNDS . . . . .		61,671,880

	TOTAL POSITIONS . . . . .	780.00	
	TOTAL ALL FUNDS . . . . .		115,502,366

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 8,909,468

276	SALARIES AND BENEFITS POSITIONS	162.00	
	FROM WORKING CAPITAL TRUST FUND . . . . .		11,624,333

277	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND . . . . .		463,333

278	EXPENSES		
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	FROM WORKING CAPITAL TRUST FUND . . . . .		3,469,588
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279	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND . . . . .		48,898

280	SPECIAL CATEGORIES		
	COMPUTER RELATED EXPENSES		
	FROM WORKING CAPITAL TRUST FUND . . . . .		21,761,130

From the funds in Specific Appropriation 280, the nonrecurring sum of \$1,000,000 from the Working Capital Trust Funds is provided for the Department of Children and Family Services to complete a feasibility study for the redesign of the Florida Abuse Hotline and supporting business processes. The feasibility study must comply with all requirements of a feasibility study as defined in the legislative budget request instructions pursuant to s. 216.023, Florida Statutes and must also include the identification of all business and functional requirements.

281	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND . . . . .		154,622

281A	QUALIFIED EXPENDITURE CATEGORY		
	FLORIDA ABUSE HOTLINE REDESIGN		
	FROM WORKING CAPITAL TRUST FUND . . . . .		4,500,000

From the funds in Specific Appropriation 281A, the nonrecurring sum of \$4,500,000 from the Working Capital Trust Fund is provided for the redesign of the Florida Abuse Hotline and supporting business processes. Upon completion of a feasibility study and requirement documents the department is authorized to submit a distribution plan for these funds for approval by the Legislative Budget Commission pursuant to the provisions of chapter 216, Florida Statutes.

TOTAL:	INFORMATION TECHNOLOGY		
	FROM TRUST FUNDS . . . . .		42,021,904

	TOTAL POSITIONS . . . . .	162.00	
	TOTAL ALL FUNDS . . . . .		42,021,904

NORTHWOOD SHARED RESOURCE CENTER (NSRC)

APPROVED SALARY RATE 5,101,761

282	SALARIES AND BENEFITS POSITIONS	94.00	
	FROM WORKING CAPITAL TRUST FUND . . . . .		6,746,579

283	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND . . . . .		198,571

284	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND . . . . .		2,273,824

285	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND . . . . .		24,084

286	SPECIAL CATEGORIES		
	COMPUTER RELATED EXPENSES		
	FROM WORKING CAPITAL TRUST FUND . . . . .		16,859,029

286A	SPECIAL CATEGORIES		
	AGRICULTURE INTERDICTION STATION		
	FROM WORKING CAPITAL TRUST FUND . . . . .		22,000

287	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM WORKING CAPITAL TRUST FUND . . . . .		428,828

288	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM WORKING CAPITAL TRUST FUND . . . . .		9,424

289	SPECIAL CATEGORIES		
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Table with 3 columns: Description, Amount, and Total. Includes items like 'TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES' and 'TOTAL: NORTHWOOD SHARED RESOURCE CENTER (NSRC) FROM TRUST FUNDS'.

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

FAMILY SAFETY AND PRESERVATION SERVICES

Table with 3 columns: Description, Amount, and Total. Includes items like 'APPROVED SALARY RATE 124,867,005', '291 SALARIES AND BENEFITS', and '297 SPECIAL CATEGORIES CONTRACTED SERVICES'.

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Table with 3 columns: Description, Amount, and Total. Includes items like 'FROM CHILD WELFARE TRAINING TRUST FUND' and 'FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND'.

From the funds in Specific Appropriation 297, the sum of \$100,000 from the General Revenue Fund is provided for the Myron Rolle Wellness and Leadership Academy.

298 SPECIAL CATEGORIES

Table with 3 columns: Description, Amount, and Total. Includes items like 'GRANTS AND AIDS - GRANTS TO SHERIFFS FOR PROTECTIVE INVESTIGATIONS' and 'FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND'.

The funds in Specific Appropriation 298 shall be used by the Department of Children and Family Services to award grants to the sheriffs of Manatee, Pasco, Pinellas, Broward, Hillsborough and Seminole counties to conduct child protective investigations as mandated in section 39.3065, Florida Statutes. The funds shall be allocated as follows:

Table with 2 columns: Sheriff Name and Amount. Includes Manatee County Sheriff (3,410,532), Pasco County Sheriff (4,591,619), Pinellas County Sheriff (10,040,024), Broward County Sheriff (12,565,620), Hillsborough County Sheriff (12,054,683), and Seminole County Sheriff (3,323,114).

299 SPECIAL CATEGORIES

Table with 3 columns: Description, Amount, and Total. Includes items like 'GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM' and 'FROM WELFARE TRANSITION TRUST FUND'.

From the funds in Specific Appropriation 299, \$4,164,596 from the General Revenue Fund, \$6,965,397 from the Domestic Violence Trust Fund, \$10,395,627 from the Federal Grants Trust Fund and \$7,750,000 from the Welfare Transition Trust Fund shall be provided to the Florida Coalition Against Domestic Violence to implement statutory directives contained in Chapter 39, Florida Statutes related to the domestic violence programs.

From the funds provided in Specific Appropriation 299, \$266,663 from the Federal Grants Trust Funds, Violence Against Women Act STOP Formula Grant will be provided to the Florida Council Against Sexual Violence for the provision of training and technical assistance to certified rape crisis programs and allied professions.

300 SPECIAL CATEGORIES

Table with 3 columns: Description, Amount, and Total. Includes items like 'HOME AND COMMUNITY BASED SERVICES WAIVER' and 'FROM FEDERAL GRANTS TRUST FUND'.

301 SPECIAL CATEGORIES

Table with 3 columns: Description, Amount, and Total. Includes items like 'GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION' and 'FROM WELFARE TRANSITION TRUST FUND'.

302 SPECIAL CATEGORIES

GRANTS AND AIDS - CHILD PROTECTION

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FROM GENERAL REVENUE FUND . . . . .	7,747,321	
FROM CHILD WELFARE TRAINING TRUST FUND . . . . .		328,627
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	3,537,272	
FROM FEDERAL GRANTS TRUST FUND . . . . .	19,152,464	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		130,000
FROM WELFARE TRANSITION TRUST FUND . . . . .	1,916,566	
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		530,696
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .	2,554,229	
 303 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	7,552,736	
FROM FEDERAL GRANTS TRUST FUND . . . . .		26,508
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		6,457
 304 SPECIAL CATEGORIES		
TEMPORARY EMERGENCY SHELTER SERVICES		
FROM GENERAL REVENUE FUND . . . . .	203,527	
 305 SPECIAL CATEGORIES		
GRANTS AND AIDS - FAMILY FOSTER CARE		
FROM GENERAL REVENUE FUND . . . . .	4,000,000	
 From the funds in Specific Appropriation 305, the department shall transfer \$4,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in the Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds.		
 306 SPECIAL CATEGORIES		
GRANTS AND AIDS - RESIDENTIAL GROUP CARE		
FROM GENERAL REVENUE FUND . . . . .	27,105	
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .		1,145,177
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		115,836
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		553,893
 307 SPECIAL CATEGORIES		
GRANTS AND AIDS - EMERGENCY SHELTER CARE		
FROM GENERAL REVENUE FUND . . . . .	68,924	
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .		400,009
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		376,065
 308 SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM GENERAL REVENUE FUND . . . . .	5,477	
FROM FEDERAL GRANTS TRUST FUND . . . . .		3,610
FROM WELFARE TRANSITION TRUST FUND . . . . .		1,177
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		2,480
 309 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY BASED CARE FUNDS FOR PROVIDERS OF CHILD WELFARE SERVICES		
FROM GENERAL REVENUE FUND . . . . .	249,446,309	
FROM CHILD WELFARE TRAINING TRUST FUND . . . . .		2,876,360
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .		116,374,401
FROM FEDERAL GRANTS TRUST FUND . . . . .		276,910,563
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		400,000
FROM WELFARE TRANSITION TRUST FUND . . . . .		60,920,149
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		8,979,209
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		41,078,586

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TOTAL: FAMILY SAFETY AND PRESERVATION SERVICES		
FROM GENERAL REVENUE FUND . . . . .	407,477,924	
FROM TRUST FUNDS . . . . .		766,947,700
 TOTAL POSITIONS . . . . .	3,171.75	
TOTAL ALL FUNDS . . . . .		1,174,425,624
 PROGRAM: MENTAL HEALTH PROGRAM		
 MENTAL HEALTH SERVICES		
APPROVED SALARY RATE	124,648,591	
 310 SALARIES AND BENEFITS POSITIONS	3,452.00	
FROM GENERAL REVENUE FUND . . . . .	108,405,133	
FROM ADMINISTRATIVE TRUST FUND . . . . .		9,965
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .		252,121
FROM FEDERAL GRANTS TRUST FUND . . . . .		52,294,913
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		6,065,262
 311 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND . . . . .	2,091,524	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .		16,000
FROM FEDERAL GRANTS TRUST FUND . . . . .		510,515
FROM WELFARE TRANSITION TRUST FUND . . . . .		116,979
 312 EXPENSES		
FROM GENERAL REVENUE FUND . . . . .	13,699,340	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .		477,670
FROM FEDERAL GRANTS TRUST FUND . . . . .		930,987
FROM WELFARE TRANSITION TRUST FUND . . . . .		67,217
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .		416,364
 313 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND . . . . .	387,630	
FROM FEDERAL GRANTS TRUST FUND . . . . .		377,471
 314 FOOD PRODUCTS		
FROM GENERAL REVENUE FUND . . . . .	3,386,854	
 314A SPECIAL CATEGORIES		
GRANTS AND AIDS - PUBLIC SAFETY, MENTAL HEALTH, AND SUBSTANCE ABUSE LOCAL MATCHING GRANT PROGRAM		
FROM GENERAL REVENUE FUND . . . . .	3,000,000	
 From the funds in Specific Appropriation 314A, the nonrecurring sum of \$750,000 from the General Revenue Fund is provided to the Bob Janes Triage Center in Lee County.		
 From the funds in Specific Appropriation 314A, the nonrecurring sum of \$2,250,000 from the General Revenue Fund is provided for the Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program.		
 315 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND . . . . .	22,667,202	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .		8,211,470
FROM FEDERAL GRANTS TRUST FUND . . . . .		16,132,674
 From the funds in Specific Appropriation 315, the recurring sum of \$240,000 from the General Revenue Fund is provided to the New Horizons Children's Crisis Unit of Martin, St. Lucie, Okeechobee, and Indian River counties to fund two additional indigent beds for children and adolescents in crisis.		
 316 SPECIAL CATEGORIES		

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GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES	
FROM GENERAL REVENUE FUND . . . . .	171,305,806
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	20,645,373
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	2,936,775
FROM FEDERAL GRANTS TRUST FUND . . . . .	16,151,104
FROM WELFARE TRANSITION TRUST FUND . . . . .	7,357,585
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	450,002
317 SPECIAL CATEGORIES	
GRANTS AND AIDS - BAKER ACT SERVICES	
FROM GENERAL REVENUE FUND . . . . .	62,333,949
317A SPECIAL CATEGORIES	
GRANTS AND AIDS - OUTPATIENT BAKER ACT PILOT PROGRAM	
FROM GENERAL REVENUE FUND . . . . .	500,000
318 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	6,561,931
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	190,879
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,350,204
FROM WELFARE TRANSITION TRUST FUND . . . . .	2,000
From the funds in Specific Appropriation 318, the sum of \$900,000 from the General Revenue Fund is provided to the Beaver Street Enterprise Center.	
319 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	31,479,083
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	34,349
FROM FEDERAL GRANTS TRUST FUND . . . . .	4,283,647
FROM WELFARE TRANSITION TRUST FUND . . . . .	86,286
From the funds in Specific Appropriation 319, the department may pay the contracted provider of operations at the Florida Civil Commitment Center (FCCC) a fixed-price unit rate of \$55.00 per bed day based on the midnight census to cover housing costs provided by the DeSoto County Sheriff. Eligible payments are for residents of FCCC that are in the DeSoto County Sheriff's custody after being arrested and charged for having committed a crime at the FCCC facility.	
320 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	89,403,079
FROM FEDERAL GRANTS TRUST FUND . . . . .	13,467,628
321 SPECIAL CATEGORIES	
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN	
FROM GENERAL REVENUE FUND . . . . .	8,911,958
322 SPECIAL CATEGORIES	
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM	
FROM GENERAL REVENUE FUND . . . . .	6,780,276
323 SPECIAL CATEGORIES	
PRESCRIBED MEDICINE/DRUGS	
FROM GENERAL REVENUE FUND . . . . .	8,633,889
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,900,961
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	876,992
324 SPECIAL CATEGORIES	
GRANTS AND AIDS - PURCHASED RESIDENTIAL	

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TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH	
FROM GENERAL REVENUE FUND . . . . .	20,894,935
From the funds in Specific Appropriation 324, the department may transfer up to \$16,607,860 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in the Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The department must transfer funds up to this amount to cover all services provided to Medicaid eligible children through the Statewide Inpatient Psychiatric Program and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.	
325 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	5,633,740
326 SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS	
FROM GENERAL REVENUE FUND . . . . .	90,969
327 SPECIAL CATEGORIES	
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES	
FROM GENERAL REVENUE FUND . . . . .	14,021,460
328 SPECIAL CATEGORIES	
DEFERRED-PAYMENT COMMODITY CONTRACTS	
FROM GENERAL REVENUE FUND . . . . .	716,733
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	1,129
FROM WELFARE TRANSITION TRUST FUND . . . . .	849
329 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
FROM GENERAL REVENUE FUND . . . . .	30,512
FROM WELFARE TRANSITION TRUST FUND . . . . .	356
TOTAL: MENTAL HEALTH SERVICES	
FROM GENERAL REVENUE FUND . . . . .	580,936,003
FROM TRUST FUNDS . . . . .	155,615,727
TOTAL POSITIONS . . . . . 3,452.00	
TOTAL ALL FUNDS . . . . . 736,551,730	
PROGRAM: SUBSTANCE ABUSE PROGRAM	
SUBSTANCE ABUSE SERVICES	
APPROVED SALARY RATE 2,144,643	
330 SALARIES AND BENEFITS	46.00
FROM GENERAL REVENUE FUND . . . . .	809,538
FROM ADMINISTRATIVE TRUST FUND . . . . .	7,420
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	1,578,506
FROM FEDERAL GRANTS TRUST FUND . . . . .	473,175
331 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	283,383
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	400,734
FROM FEDERAL GRANTS TRUST FUND . . . . .	662,736
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	314
332 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	232,906
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	287,609
FROM FEDERAL GRANTS TRUST FUND . . . . .	230,155

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FROM WELFARE TRANSITION TRUST FUND . . . . .	28,420
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	1,925
333 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	318
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	334
FROM FEDERAL GRANTS TRUST FUND . . . . .	333
334 SPECIAL CATEGORIES	
GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES	
FROM GENERAL REVENUE FUND . . . . .	33,123,310
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	28,545,868
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	2,860,907
FROM WELFARE TRANSITION TRUST FUND . . . . .	640,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	84,918
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .	6,960,000
From the funds in Specific Appropriation 334, an additional nonrecurring sum of \$100,000 from the General Revenue Fund is provided for the Here's Help program.	
335 SPECIAL CATEGORIES	
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES	
FROM GENERAL REVENUE FUND . . . . .	38,332,014
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	71,318,155
FROM FEDERAL GRANTS TRUST FUND . . . . .	6,389,766
FROM WELFARE TRANSITION TRUST FUND . . . . .	5,571,170
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	1,907,777
336 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	714,942
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND . . . . .	607,017
FROM FEDERAL GRANTS TRUST FUND . . . . .	126,293
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	37,599
337 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	67,863
FROM FEDERAL GRANTS TRUST FUND . . . . .	3,847,876
338 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	89,108
339 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
FROM GENERAL REVENUE FUND . . . . .	3,386
FROM FEDERAL GRANTS TRUST FUND . . . . .	575
TOTAL: SUBSTANCE ABUSE SERVICES	
FROM GENERAL REVENUE FUND . . . . .	73,656,768
FROM TRUST FUNDS . . . . .	132,569,582
TOTAL POSITIONS . . . . .	46.00
TOTAL ALL FUNDS . . . . .	206,226,350
PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM	
ECONOMIC SELF SUFFICIENCY SERVICES	

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APPROVED SALARY RATE	161,946,494
340 SALARIES AND BENEFITS POSITIONS	4,671.00
FROM GENERAL REVENUE FUND . . . . .	107,694,764
FROM FEDERAL GRANTS TRUST FUND . . . . .	84,690,879
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	4,376,532
FROM WELFARE TRANSITION TRUST FUND . . . . .	7,379,212
341 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	1,447,103
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,654,077
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	33,609
FROM WELFARE TRANSITION TRUST FUND . . . . .	224,298
342 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	19,285,513
FROM FEDERAL GRANTS TRUST FUND . . . . .	19,478,702
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	3
FROM WELFARE TRANSITION TRUST FUND . . . . .	1,473,821
343 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	1,393
FROM FEDERAL GRANTS TRUST FUND . . . . .	23,574
FROM WELFARE TRANSITION TRUST FUND . . . . .	4,283
344 SPECIAL CATEGORIES	
GRANTS AND AIDS - CHALLENGE GRANTS	
FROM GENERAL REVENUE FUND . . . . .	2,031,354
345 SPECIAL CATEGORIES	
GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM	
FROM FEDERAL GRANTS TRUST FUND . . . . .	3,034,474
FROM WELFARE TRANSITION TRUST FUND . . . . .	787,953
From the funds in Specific Appropriation 345, the Department of Children and Families may accept and administer funding allocated to the State of Florida by the U.S. Department of Urban Development (HUD) for the Emergency Shelter Grant (ESG) Program. The ESG Program will be administered by the Department of Children and Families in accordance with HUD rules and regulations. This funding may be granted by the state to local governments in the state, which may include cities and counties that are ESG grantees, or to private nonprofit organizations, if the local government where the project is located certifies its approval of the project. Initial preference will be given to local governments and nonprofit organizations in areas of the state where local governments do not receive funding directly from HUD. Grant applications will be ranked competitively based on grant application requirements and criteria published by the Department of Children and Family Services.	
345A SPECIAL CATEGORIES	
GRANTS AND AIDS - HOMELESS HOUSING ASSISTANCE GRANTS	
FROM GENERAL REVENUE FUND . . . . .	12,000,000
Funds in Specific Appropriation 345A are provided to the National Veterans' Homeless Support Group.	
346 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	20,912,800
FROM FEDERAL GRANTS TRUST FUND . . . . .	20,852,271
FROM WELFARE TRANSITION TRUST FUND . . . . .	1,111,550
347 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	1,289,913
FROM FEDERAL GRANTS TRUST FUND . . . . .	2,724,133
FROM WELFARE TRANSITION TRUST FUND . . . . .	342,856
From the funds in Specific Appropriation 347, the nonrecurring sum of	

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\$100,000 from the General Revenue Fund is provided to the Gould's Coalition of Ministries and Lay People, Inc., for information and referral services to low income persons.

From the funds in Specific Appropriation 347, the nonrecurring sum of \$100,000 from the General Revenue Fund is provided to the Richmond Heights Homeowners Association for crisis intervention and support services to low income persons.

348	SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL SERVICES PROGRAM FROM FEDERAL GRANTS TRUST FUND . . . . .		64,742,633
349	SPECIAL CATEGORIES PUBLIC ASSISTANCE FRAUD CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM WELFARE TRANSITION TRUST FUND . . . . .	264,804	3,119,093 1,103,903
350	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM WELFARE TRANSITION TRUST FUND . . . . .	1,893,189	981,670 62,727
351	SPECIAL CATEGORIES SERVICES TO REPATRIATED AMERICANS FROM FEDERAL GRANTS TRUST FUND . . . . .		40,380
352	SPECIAL CATEGORIES DEFERRED-PAYMENT COMMODITY CONTRACTS FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM WELFARE TRANSITION TRUST FUND . . . . .	7,273	7,074 455
353	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . .		36,258 36,779
354	FINANCIAL ASSISTANCE PAYMENTS CASH ASSISTANCE FROM GENERAL REVENUE FUND . . . . . FROM WELFARE TRANSITION TRUST FUND . . . . .	135,420,238	42,101,885
355	FINANCIAL ASSISTANCE PAYMENTS OPTIONAL STATE SUPPLEMENTATION PROGRAM FROM GENERAL REVENUE FUND . . . . .	18,567,939	
356	FINANCIAL ASSISTANCE PAYMENTS PERSONAL CARE ALLOWANCE FROM GENERAL REVENUE FUND . . . . .	344,456	
357	FINANCIAL ASSISTANCE PAYMENTS REFUGEE/ENTRANT ASSISTANCE FROM FEDERAL GRANTS TRUST FUND . . . . .		15,231,735
TOTAL:	ECONOMIC SELF SUFFICIENCY SERVICES FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .  TOTAL POSITIONS . . . . . TOTAL ALL FUNDS . . . . .	321,160,739	275,656,819  4,671.00 596,817,558
TOTAL:	CHILDREN AND FAMILY SERVICES, DEPARTMENT OF FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .  TOTAL POSITIONS . . . . . TOTAL ALL FUNDS . . . . . TOTAL APPROVED SALARY RATE . . . . .	1,437,061,920	1,461,817,808  12,376.75 2,898,879,728 464,057,546

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ELDER AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES		APPROVED SALARY RATE	9,967,393
358	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	273.00	3,522,454  10,360,243
359	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	135,250	807,828
360	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	536,685	1,783,511
361	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	8,405	34,178
362	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	95,999	138,000
363	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	95,060	21,403
364	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	26,456	77,986
TOTAL:	COMPREHENSIVE ELIGIBILITY SERVICES FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .  TOTAL POSITIONS . . . . . TOTAL ALL FUNDS . . . . .	4,420,309	13,223,149  273.00 17,643,458
HOME AND COMMUNITY SERVICES		APPROVED SALARY RATE	3,092,108
365	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	68.50	1,664,585  2,099,320 940,584
366	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	179,973	35,000 703,793 205,507
367	EXPENSES FROM GENERAL REVENUE FUND . . . . .	478,050	

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FROM ADMINISTRATIVE TRUST FUND . . .	6,049
FROM FEDERAL GRANTS TRUST FUND . . .	1,091,659
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	453,332
368 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	10,000
FROM FEDERAL GRANTS TRUST FUND . . .	5,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	5,000
369 SPECIAL CATEGORIES	
AGING AND ADULT SERVICES TRAINING AND EDUCATION	
FROM FEDERAL GRANTS TRUST FUND . . .	119,493
370 SPECIAL CATEGORIES	
GRANTS AND AIDS - ALZHEIMER'S DISEASE RESPITE AND PROJECTS	
FROM GENERAL REVENUE FUND . . . . .	12,489,878

From the funds in Specific Appropriation 370, the following projects are provided in addition to the existing projects:

Alzheimer's Community Care Association.....	849,730
Alzheimer's Mobile Clinic.....	100,000

371 SPECIAL CATEGORIES	
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY	
FROM GENERAL REVENUE FUND . . . . .	50,378,099
FROM FEDERAL GRANTS TRUST FUND . . .	277,928
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	2,388,969

Funds in Specific Appropriation 371 appropriated for Aging Resource Centers shall be equally allocated to each Aging Resource Center at the beginning of the fiscal year. The department may re-allocate funds during the fiscal year based on negotiations with the Aging Resource Centers.

372 SPECIAL CATEGORIES	
GRANTS AND AIDS - HOME ENERGY ASSISTANCE	
FROM FEDERAL GRANTS TRUST FUND . . .	5,700,763
373 SPECIAL CATEGORIES	
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM	
FROM GENERAL REVENUE FUND . . . . .	346,998
FROM FEDERAL GRANTS TRUST FUND . . .	96,743,728
374 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	115,400
FROM ADMINISTRATIVE TRUST FUND . . .	33,131
FROM FEDERAL GRANTS TRUST FUND . . .	489,128
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	22,700
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	53,564
375 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	1,753,545
FROM ADMINISTRATIVE TRUST FUND . . .	31,397
FROM FEDERAL GRANTS TRUST FUND . . .	9,135,359
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	796,511
376 SPECIAL CATEGORIES	
HOME AND COMMUNITY BASED SERVICES WAIVER	
FROM GENERAL REVENUE FUND . . . . .	53,079,662
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	67,391,652

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From the funds in Specific Appropriation 376, \$2,514,067 from the Operations and Maintenance Trust Fund and \$3,191,936 from the General Revenue Fund are provided for the department to serve elders in the Aged and Disabled Adult Home and Community Based Services Waiver. The department shall first enroll individuals from the waitlist who are assessed at a priority score of 4 or higher.

377 SPECIAL CATEGORIES	
ASSISTED LIVING FACILITY WAIVER	
FROM GENERAL REVENUE FUND . . . . .	15,457,924
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	19,625,879
378 SPECIAL CATEGORIES	
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS	
FROM GENERAL REVENUE FUND . . . . .	8,196,109

In addition to the existing projects, the following projects in Specific Appropriation 378, are funded from recurring general revenue funds:

Little Havana Activities and Nutrition Centers of Dade County.....	300,000
DeAllapattah Community Center Hot Meals Program.....	430,298

379 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	87,302
FROM FEDERAL GRANTS TRUST FUND . . .	30,160
380 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
FROM GENERAL REVENUE FUND . . . . .	9,511
FROM FEDERAL GRANTS TRUST FUND . . .	13,743
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	5,350
381 SPECIAL CATEGORIES	
GRANTS AND AIDS - OLDER AMERICANS ACT - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	
FROM FEDERAL GRANTS TRUST FUND . . .	500,000
382 SPECIAL CATEGORIES	
CAPITATED NURSING HOME DIVERSION WAIVER	
FROM GENERAL REVENUE FUND . . . . .	156,750,806
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	199,015,892

From the funds in Specific Appropriation 382, \$7,861,055 from the General Revenue Fund and \$9,980,650 from the Operations and Maintenance Trust Fund are provided to expand the current Nursing Home Diversion program by an additional 1,000 slots, effective July 1, 2011. The department shall first enroll individuals from the waitlist who are assessed at a priority score of 4 or higher.

383 SPECIAL CATEGORIES	
PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)	
FROM GENERAL REVENUE FUND . . . . .	6,287,069
FROM OPERATIONS AND MAINTENANCE TRUST FUND . . . . .	7,982,264

From the funds in Specific Appropriation 383, \$1,192,369 from the General Revenue Fund and \$1,513,868 from the Operations and Maintenance Trust Fund are provided to increase the Program for All Inclusive Care for the Elderly (PACE) by 275 slots; 75 PACE slots are provided for Pinellas County effective July 1, 2011, 50 PACE slots are provided for Lee County effective January 1, 2012, and 150 PACE slots are provided for Polk, Highlands, and Hardee Counties, effective April 1, 2012.

383A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND	
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NONSTATE ENTITIES - FIXED CAPITAL OUTLAY			
GRANTS AND AIDS - SENIOR CITIZEN CENTERS			
FROM GENERAL REVENUE FUND . . . . .	1,400,000		
From the funds in Specific Appropriation 383A, \$1,400,000 from nonrecurring general revenue funds is provided for the construction of the Glades Community Senior Center in Belle Glade.			
TOTAL: HOME AND COMMUNITY SERVICES			
FROM GENERAL REVENUE FUND . . . . .	308,684,911		
FROM TRUST FUNDS . . . . .		415,902,855	
TOTAL POSITIONS . . . . .	68.50		
TOTAL ALL FUNDS . . . . .		724,587,766	
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
APPROVED SALARY RATE	3,874,590		
384 SALARIES AND BENEFITS POSITIONS	75.00		
FROM GENERAL REVENUE FUND . . . . .	1,954,131		
FROM ADMINISTRATIVE TRUST FUND . . .		1,917,383	
FROM FEDERAL GRANTS TRUST FUND . . .		1,455,411	
385 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	89,463		
FROM ADMINISTRATIVE TRUST FUND . . .		456,484	
FROM FEDERAL GRANTS TRUST FUND . . .		700,478	
386 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	268,029		
FROM ADMINISTRATIVE TRUST FUND . . .		436,689	
FROM FEDERAL GRANTS TRUST FUND . . .		957,809	
387 OPERATING CAPITAL OUTLAY			
FROM FEDERAL GRANTS TRUST FUND . . .		2,000	
387A SPECIAL CATEGORIES			
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
FROM GENERAL REVENUE FUND . . . . .	366		
388 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	5,485		
FROM ADMINISTRATIVE TRUST FUND . . .		197,464	
FROM FEDERAL GRANTS TRUST FUND . . .		225,900	
389 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	73,417		
390 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	11,835		
FROM ADMINISTRATIVE TRUST FUND . . .		18,909	
391 DATA PROCESSING SERVICES			
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .		5,288	
392 DATA PROCESSING SERVICES			
SOUTHWOOD SHARED RESOURCE CENTER			
FROM ADMINISTRATIVE TRUST FUND . . .		156,674	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND . . . . .	2,402,726		
FROM TRUST FUNDS . . . . .		6,530,489	
TOTAL POSITIONS . . . . .	75.00		
TOTAL ALL FUNDS . . . . .		8,933,215	

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CONSUMER ADVOCATE SERVICES			
APPROVED SALARY RATE	1,391,604		
393 SALARIES AND BENEFITS POSITIONS	33.50		
FROM GENERAL REVENUE FUND . . . . .		431,519	
FROM FEDERAL GRANTS TRUST FUND . . .			1,484,341
394 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			98,825
FROM FEDERAL GRANTS TRUST FUND . . .			405,633
395 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .		126,818	
FROM ADMINISTRATIVE TRUST FUND . . .			100,000
FROM FEDERAL GRANTS TRUST FUND . . .			107,427
396 SPECIAL CATEGORIES			
PUBLIC GUARDIANSHIP CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	1,937,527		
FROM ADMINISTRATIVE TRUST FUND . . .			154,816
397 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .		6,760	
FROM ADMINISTRATIVE TRUST FUND . . .			456,000
398 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .		63,264	
FROM FEDERAL GRANTS TRUST FUND . . .			5,774
399 SPECIAL CATEGORIES			
LONG TERM CARE OMBUDSMAN COUNCIL			
FROM GENERAL REVENUE FUND . . . . .		921,985	
FROM FEDERAL GRANTS TRUST FUND . . .			626,020
400 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .		5,180	
FROM FEDERAL GRANTS TRUST FUND . . .			10,075
TOTAL: CONSUMER ADVOCATE SERVICES			
FROM GENERAL REVENUE FUND . . . . .		3,493,053	
FROM TRUST FUNDS . . . . .			3,448,911
TOTAL POSITIONS . . . . .	33.50		
TOTAL ALL FUNDS . . . . .			6,941,964
TOTAL: ELDER AFFAIRS, DEPARTMENT OF			
FROM GENERAL REVENUE FUND . . . . .		319,000,999	
FROM TRUST FUNDS . . . . .			439,105,404
TOTAL POSITIONS . . . . .	450.00		
TOTAL ALL FUNDS . . . . .			758,106,403
TOTAL APPROVED SALARY RATE . . . .	18,325,695		
HEALTH, DEPARTMENT OF			
PROGRAM: EXECUTIVE DIRECTION AND SUPPORT			
ADMINISTRATIVE SUPPORT			
APPROVED SALARY RATE	13,265,951		
401 SALARIES AND BENEFITS POSITIONS	290.50		
FROM GENERAL REVENUE FUND . . . . .		1,257,370	
FROM ADMINISTRATIVE TRUST FUND . . .			15,946,221
402 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			1,088,963
FROM FEDERAL GRANTS TRUST FUND . . .			75,000

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403	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	121,812	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,791,484
	FROM FEDERAL GRANTS TRUST FUND . . . . .		60,000
404	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - MINORITY HEALTH INITIATIVES		
	FROM GENERAL REVENUE FUND . . . . .	2,652,337	
	FROM TOBACCO SETTLEMENT TRUST FUND . . . . .		481,707
405	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	63,408	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,300
406	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		22,269
407	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	277,342	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,584,672
	FROM FEDERAL GRANTS TRUST FUND . . . . .		100,000
	From the funds in Specific Appropriation 407, \$25,000 in nonrecurring funds from the General Revenue Fund is provided to the Thelma Gibson Health Initiative in Coconut Grove.		
408	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	175,521	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		130,651
409	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	29,353	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		95,408
TOTAL:	ADMINISTRATIVE SUPPORT		
	FROM GENERAL REVENUE FUND . . . . .	4,577,143	
	FROM TRUST FUNDS . . . . .		22,377,675
	TOTAL POSITIONS . . . . .	290.50	
	TOTAL ALL FUNDS . . . . .		26,954,818
INFORMATION TECHNOLOGY			
	APPROVED SALARY RATE	5,109,760	
410	SALARIES AND BENEFITS		
	POSITIONS	99.00	
	FROM GENERAL REVENUE FUND . . . . .	2,678,696	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		3,736,330
411	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		231,000
412	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	2,806,264	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,622,002
413	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		380,000
414	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	910,718	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,894,838
415	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		

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	FROM GENERAL REVENUE FUND . . . . .	86,509	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		25,052
416	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	17,216	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		27,348
417	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,425,948
418	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	100,000	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,875,079
419	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,409,849
420	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER (NSRC) DEPRECIATION FEDERAL SHARE BILLINGS		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		17,011
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND . . . . .	6,599,403	
	FROM TRUST FUNDS . . . . .		14,644,457
	TOTAL POSITIONS . . . . .	99.00	
	TOTAL ALL FUNDS . . . . .		21,243,860
PROGRAM: COMMUNITY PUBLIC HEALTH			
FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES			
The Florida Hospital/Sanford-Burnham Translational Research Institute is designated as a State of Florida Resource for research in diabetes diagnosis, prevention and treatment. The Florida Hospital/Sanford-Burnham Translational Research Institute may coordinate with the Department of Health with activities and grant opportunities in relation to research in diabetes, prevention and treatment.			
	APPROVED SALARY RATE	9,571,690	
421	SALARIES AND BENEFITS		
	POSITIONS	210.00	
	FROM GENERAL REVENUE FUND . . . . .	2,321,620	
	FROM EPILEPSY SERVICES TRUST FUND . . . . .		65,186
	FROM FEDERAL GRANTS TRUST FUND . . . . .		8,654,733
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND . . . . .		1,208,612
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND . . . . .		632,186
422	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		230,708
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		63,220
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND . . . . .		132,326
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND . . . . .		61,332
From the funds in Specific Appropriation, 423, 431, and 433, \$1,124,801 from the Administrative Trust Fund, of which \$830,386 is nonrecurring, is provided for the Department of Health to procure software to develop and integrate electronic dental records with other electronic medical records to provide a single comprehensive electronic medical record for the department and county health department clients. The department shall provide preference for products which have already been developed and designed to be readily integrated into other			

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non-dental electronic medical records.		
423	EXPENSES	
	FROM GENERAL REVENUE FUND . . . . .	174,800
	FROM ADMINISTRATIVE TRUST FUND . . . . .	722,128
	FROM RAPE CRISIS PROGRAM TRUST FUND . . . . .	24,492
	FROM EPILEPSY SERVICES TRUST FUND . . . . .	31,044
	FROM FEDERAL GRANTS TRUST FUND . . . . .	3,478,476
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .	21,410
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND . . . . .	447,752
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND . . . . .	294,030
424	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	4,245,455
	FROM FEDERAL GRANTS TRUST FUND . . . . .	1,067,783
425	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EPILEPSY SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	2,107,152
	FROM EPILEPSY SERVICES TRUST FUND . . . . .	1,427,831
426	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS	
	FROM GENERAL REVENUE FUND . . . . .	3,455,424
427	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM	
	FROM GENERAL REVENUE FUND . . . . .	16,383,035
	FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	2,838,477
428	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLUORIDATION PROJECT	
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND . . . . .	150,000
429	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS-RURAL DIVERSITY MINORITY HEALTH CARE	
	FROM GENERAL REVENUE FUND . . . . .	2,100,000
	FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	250,000

From the funds in Specific Appropriation 429, \$1,000,000 is provided for comprehensive primary and preventive dental and medical services to the uninsured and underinsured population in Lake Wales and surrounding communities.

From the funds in Specific Appropriation 429, \$500,000 is provided from the General Revenue Fund to the AGAPE Community Health Center for a mobile dental unit to serve underserved areas of Duval County.

From the funds in Specific Appropriation 429, \$600,000 from the General Revenue Fund is provided on a nonrecurring basis to the Doctors' Memorial Hospital to serve the North Florida communities of Holmes, Jackson, Walton, and Washington counties.

From the funds in Specific Appropriation 429, \$250,000 in nonrecurring funds from the Tobacco Settlement Trust Fund is provided to establish a countywide mobile health unit to provide primary and acute care to the uninsured population of Gadsden County.

429A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RURAL PRIMARY CARE RESIDENCY SLOTS	
	FROM GENERAL REVENUE FUND . . . . .	3,000,000

From the funds in Specific Appropriation 429A, \$3,000,000 from the General Revenue Fund is provided for a rural primary care residency expansion initiative available to hospital based and non hospital based osteopathic and allopathic graduate medical education programs. Such

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programs must be engaged in developing new or expanding existing graduate medical education primary care positions or programs. The department shall develop specific criteria, which shall include, but not be limited to: minimum program requirements, evaluation requirements which shall be requirements that funds be utilized for graduate medical education initiatives in rural primary care physician specialties as defined in s. 381.0403, Florida Statutes. On or before September 1, 2011, qualified programs may apply to the department for funding with the objective of initiating or expanding existing or adding new rural primary care residency positions or programs by July 2012.		
430	AID TO LOCAL GOVERNMENTS SCHOOL HEALTH SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	1,125,057
	FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	9,902,925
	FROM FEDERAL GRANTS TRUST FUND . . . . .	9,291,548
From the funds in Specific Appropriation 430 and 439, \$5,000,000 from the Federal Grants Trust Fund is provided for school health services using Title XXI administrative funding. The Agency for Health Care Administration is authorized to seek a state plan amendment necessary to implement this provision.		
431	OPERATING CAPITAL OUTLAY	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	125,000
	FROM FEDERAL GRANTS TRUST FUND . . . . .	56,500
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND . . . . .	25,000
431A	SPECIAL CATEGORIES GRANTS AND AIDS - OUNCE OF PREVENTION	
	FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	1,900,000
From the funds in Specific Appropriation 431A, Ounce of Prevention shall identify, fund, and evaluate innovative prevention programs for at-risk children and families, and \$250,000 shall be used for statewide public education campaigns on television and radio to educate the public on critical prevention issues facing Florida's at-risk children and families. The Ounce of Prevention shall contract with a not-for-profit corporation that provides matching funds in a three to one ratio.		
432	SPECIAL CATEGORIES GRANTS AND AIDS - CRISIS COUNSELING	
	FROM GENERAL REVENUE FUND . . . . .	2,000,000

From the funds in Specific Appropriation 432, a minimum of 85 percent of the appropriated funds shall be spent on direct client services, direct service provider certification and Option Line.

The department shall award a contract to a current Florida Pregnancy Support Services Program (FPSSP) contract management provider that is a Florida non-profit corporation and recognized as tax exempt by the IRS under code section 501 (c)(3) for this Specific Appropriation. The contract shall provide for the development and implementation of certification standards and to provide the required contract management of all sub-contracted direct service providers, OptionLine and FPSSP website.

The department shall pay the non-profit contract management provider no less than \$380 per month per sub-contracted direct service provider for contract management and an FPSSP website.

The department is authorized to spend no more than \$50,000 for agency program oversight activities.

433	SPECIAL CATEGORIES CONTRACTED SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	105,527
	FROM ADMINISTRATIVE TRUST FUND . . . . .	287,910
	FROM RAPE CRISIS PROGRAM TRUST FUND . . . . .	57,000
	FROM FEDERAL GRANTS TRUST FUND . . . . .	1,438,124
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .	5,740

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FROM MATERNAL AND CHILD HEALTH		
BLOCK GRANT TRUST FUND . . . . .	13,000	
FROM PREVENTIVE HEALTH SERVICES		
BLOCK GRANT TRUST FUND . . . . .	305,500	
434 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND . . . . .	8,729,037	
FROM ADMINISTRATIVE TRUST FUND . . . . .	100,000	
FROM RAPE CRISIS PROGRAM TRUST		
FUND . . . . .	1,982,925	
FROM TOBACCO SETTLEMENT TRUST FUND . . . . .	500,000	
FROM FEDERAL GRANTS TRUST FUND . . . . .	6,036,020	
FROM MATERNAL AND CHILD HEALTH		
BLOCK GRANT TRUST FUND . . . . .	2,075,773	
FROM PREVENTIVE HEALTH SERVICES		
BLOCK GRANT TRUST FUND . . . . .	119,630	

From the funds in Specific Appropriation 434, \$500,000 in recurring funds from the General Revenue Fund is provided to the Florida Heiken Children's Vision Program to provide free comprehensive eye examinations and eyeglasses to financially disadvantaged school children who have no other source for vision care.

From the funds in Specific Appropriation 434, \$500,000 in nonrecurring funds from the Tobacco Settlement Trust Fund is provided to Vision Quest to provide free comprehensive eye examinations and eyeglasses to financially disadvantaged school children who have no other source for vision care.

From the funds in Specific Appropriation 434, \$777,169 in recurring funds from the General Revenue Fund is provided to the University of Miami for the Crohn's Disease and Ulcerative Colitis Project.

From the funds in Specific Appropriation 434, \$10,000 in recurring funds from the General Revenue Fund is provided to the South Florida Fragile X Clinic (SFFXC) at the University of Miami to expand evaluation and treatment services to children and adolescents who have Fragile X.

From the funds in Specific Appropriation 434, \$500,000 in recurring funds from the General Revenue Fund is provided to the Health Care Center for the Homeless, Inc., to serve homeless and uninsured residents in Orange, Osceola, and Seminole counties.

From the funds in Specific Appropriation 434, \$500,000 in recurring funds from the General Revenue Fund is provided to the Apopka Family Health Center to address rural minority health issues.

From the funds in Specific Appropriation 434, \$316,584 from the General Revenue Fund, of which \$34,545 is nonrecurring, is provided to the Palm Beach County Rape Crisis Treatment Center.

From the funds in Specific Appropriation 434, \$1,950,000 in recurring funds from the General Revenue Fund is provided to the Nova Southeastern University to support the assignment of students enrolled in Osteopathic Medicine, Pharmacy, Dentistry, and Nursing in medical/clinical rotations at health care clinics and hospitals, and Federally Qualified Health Centers located in rural and underserved areas of the state.

From the funds in Specific Appropriation, 434, \$500,000 in nonrecurring funds from the General Revenue Fund is provided to the Miami Project to Cure Paralysis.

435 SPECIAL CATEGORIES		
GRANTS AND AIDS - HEALTHY START COALITIONS		
FROM GENERAL REVENUE FUND . . . . .	18,454,198	
FROM FEDERAL GRANTS TRUST FUND . . . . .	2,178,303	
FROM MATERNAL AND CHILD HEALTH		
BLOCK GRANT TRUST FUND . . . . .	6,542,389	

From the funds in Specific Appropriation 435, \$200,000 in nonrecurring funds from the General Revenue Fund is provided for the Healthy Start Coalition of Orange County.

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436 SPECIAL CATEGORIES		
HEALTH EDUCATION RISK REDUCTION PROJECT		
FROM PREVENTIVE HEALTH SERVICES		
BLOCK GRANT TRUST FUND . . . . .		12,686
437 SPECIAL CATEGORIES		
HEALTHY START COORDINATED CARE SYSTEM		
WAIVER		
FROM GENERAL REVENUE FUND . . . . .	15,171,241	
FROM FEDERAL GRANTS TRUST FUND . . . . .		22,932,070
438 SPECIAL CATEGORIES		
GRANTS AND AIDS - FEDERAL NUTRITION		
PROGRAMS		
FROM FEDERAL GRANTS TRUST FUND . . . . .		476,078,960
439 SPECIAL CATEGORIES		
FULL SERVICE SCHOOLS - INTERAGENCY		
COOPERATION		
FROM GENERAL REVENUE FUND . . . . .	6,000,000	
FROM FEDERAL GRANTS TRUST FUND . . . . .		2,500,000
440 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	58,652	
FROM FEDERAL GRANTS TRUST FUND . . . . .		41,861
441 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND . . . . .	18,397	
FROM FEDERAL GRANTS TRUST FUND . . . . .		59,905
FROM MATERNAL AND CHILD HEALTH		
BLOCK GRANT TRUST FUND . . . . .		7,990
FROM PREVENTIVE HEALTH SERVICES		
BLOCK GRANT TRUST FUND . . . . .		3,242
441A SPECIAL CATEGORIES		
STATE OPERATIONS - AMERICAN RECOVERY AND		
REINVESTMENT ACT OF 2009		
FROM FEDERAL GRANTS TRUST FUND . . . . .		735,676
441B SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES -		
AMERICAN RECOVERY AND REINVESTMENT ACT OF		
2009		
FROM FEDERAL GRANTS TRUST FUND . . . . .		567,321
441C QUALIFIED EXPENDITURE CATEGORY		
WOMEN, INFANTS AND CHILDREN DATA SYSTEM		
FROM FEDERAL GRANTS TRUST FUND . . . . .		4,383,252
TOTAL: FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES		
FROM GENERAL REVENUE FUND . . . . .	85,449,595	
FROM TRUST FUNDS . . . . .		572,067,976
TOTAL POSITIONS . . . . .	210.00	
TOTAL ALL FUNDS . . . . .		657,517,571

INFECTIOUS DISEASE CONTROL

APPROVED SALARY RATE 16,021,660

442 SALARIES AND BENEFITS	POSITIONS	406.50	
FROM GENERAL REVENUE FUND . . . . .		4,982,362	
FROM FEDERAL GRANTS TRUST FUND . . . . .			12,658,150
FROM OPERATIONS AND MAINTENANCE			
TRUST FUND . . . . .			4,594,418
443 OTHER PERSONAL SERVICES			
FROM FEDERAL GRANTS TRUST FUND . . . . .			596,922
FROM OPERATIONS AND MAINTENANCE			
TRUST FUND . . . . .			51,211

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444	EXPENSES	
	FROM GENERAL REVENUE FUND . . . . .	1,093,611
	FROM FEDERAL GRANTS TRUST FUND . . .	7,800,184
	FROM GRANTS AND DONATIONS TRUST	
	FUND . . . . .	33,037
	FROM OPERATIONS AND MAINTENANCE	
	TRUST FUND . . . . .	648,564
445	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - AIDS PATIENT CARE	
	FROM GENERAL REVENUE FUND . . . . .	12,609,807
	FROM FEDERAL GRANTS TRUST FUND . . .	7,060,522
446	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - RYAN WHITE CONSORTIA	
	FROM FEDERAL GRANTS TRUST FUND . . .	20,754,358
<p>Funds in Specific Appropriation 446 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.</p>		
447	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - STATEWIDE ACQUIRED	
	IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS	
	FROM GENERAL REVENUE FUND . . . . .	10,463,853
448	AID TO LOCAL GOVERNMENTS	
	CONTRIBUTION TO COUNTY HEALTH UNITS	
	FROM GENERAL REVENUE FUND . . . . .	12,462,553
449	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND . . . . .	20,562
	FROM FEDERAL GRANTS TRUST FUND . . .	178,326
	FROM GRANTS AND DONATIONS TRUST	
	FUND . . . . .	3,000
450	FOOD PRODUCTS	
	FROM GENERAL REVENUE FUND . . . . .	167,470
	FROM OPERATIONS AND MAINTENANCE	
	TRUST FUND . . . . .	58,213
451	SPECIAL CATEGORIES	
	CONTRACTED SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	665,595
	FROM FEDERAL GRANTS TRUST FUND . . .	4,716,511
	FROM GRANTS AND DONATIONS TRUST	
	FUND . . . . .	241,558
	FROM OPERATIONS AND MAINTENANCE	
	TRUST FUND . . . . .	70,000
452	SPECIAL CATEGORIES	
	GRANTS AND AIDS - CONTRACTED SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	1,530,876
	FROM FEDERAL GRANTS TRUST FUND . . .	11,166,097
	FROM GRANTS AND DONATIONS TRUST	
	FUND . . . . .	902,004
453	SPECIAL CATEGORIES	
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL	
	SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	139,356
454	SPECIAL CATEGORIES	
	GRANTS AND AIDS - ACQUIRED IMMUNE	
	DEFICIENCY SYNDROME (AIDS) INSURANCE	
	CONTINUATION PROGRAM	
	FROM GENERAL REVENUE FUND . . . . .	6,454,951
	FROM FEDERAL GRANTS TRUST FUND . . .	4,891,498
455	SPECIAL CATEGORIES	

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	PURCHASED CLIENT SERVICES	
	FROM GENERAL REVENUE FUND . . . . .	106,323
456	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND . . . . .	82,929
	FROM OPERATIONS AND MAINTENANCE	
	TRUST FUND . . . . .	141,249
457	SPECIAL CATEGORIES	
	TRANSFER TO DEPARTMENT OF MANAGEMENT	
	SERVICES - HUMAN RESOURCES SERVICES	
	PURCHASED PER STATEWIDE CONTRACT	
	FROM GENERAL REVENUE FUND . . . . .	50,981
	FROM FEDERAL GRANTS TRUST FUND . . .	95,640
	FROM OPERATIONS AND MAINTENANCE	
	TRUST FUND . . . . .	34,413
457A	SPECIAL CATEGORIES	
	STATE OPERATIONS - AMERICAN RECOVERY AND	
	REINVESTMENT ACT OF 2009	
	FROM FEDERAL GRANTS TRUST FUND . . .	45,109
457B	SPECIAL CATEGORIES	
	GRANTS AND AIDS - CONTRACTED SERVICES -	
	AMERICAN RECOVERY AND REINVESTMENT ACT OF	
	2009	
	FROM FEDERAL GRANTS TRUST FUND . . .	972,652
458	SPECIAL CATEGORIES	
	OUTREACH FOR PREGNANT WOMEN	
	FROM GENERAL REVENUE FUND . . . . .	500,000
TOTAL: INFECTIOUS DISEASE CONTROL		
	FROM GENERAL REVENUE FUND . . . . .	51,331,229
	FROM TRUST FUNDS . . . . .	77,713,636
	TOTAL POSITIONS . . . . .	406.50
	TOTAL ALL FUNDS . . . . .	129,044,865
ENVIRONMENTAL HEALTH SERVICES		
	APPROVED SALARY RATE	9,769,560
459	SALARIES AND BENEFITS	POSITIONS
	FROM GENERAL REVENUE FUND . . . . .	215.50
	FROM ADMINISTRATIVE TRUST FUND . . .	1,684,847
	FROM FEDERAL GRANTS TRUST FUND . . .	2,359,097
	FROM GRANTS AND DONATIONS TRUST	
	FUND . . . . .	1,896,302
	FROM RADIATION PROTECTION TRUST	
	FUND . . . . .	6,143,674
460	OTHER PERSONAL SERVICES	
	FROM ADMINISTRATIVE TRUST FUND . . .	71,060
	FROM FEDERAL GRANTS TRUST FUND . . .	131,791
	FROM GRANTS AND DONATIONS TRUST	
	FUND . . . . .	130,415
	FROM RADIATION PROTECTION TRUST	
	FUND . . . . .	33,393
461	EXPENSES	
	FROM GENERAL REVENUE FUND . . . . .	209,662
	FROM ADMINISTRATIVE TRUST FUND . . .	978,799
	FROM FEDERAL GRANTS TRUST FUND . . .	348,011
	FROM GRANTS AND DONATIONS TRUST	
	FUND . . . . .	321,055
	FROM RADIATION PROTECTION TRUST	
	FUND . . . . .	1,734,991
462	AID TO LOCAL GOVERNMENTS	
	CONTRIBUTION TO COUNTY HEALTH UNITS	
	FROM GENERAL REVENUE FUND . . . . .	2,200,270
	FROM ADMINISTRATIVE TRUST FUND . . .	427,426

SECTION 3 - HUMAN SERVICES	
SPECIFIC	
APPROPRIATION	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	2,194,571
463 OPERATING CAPITAL OUTLAY	
FROM ADMINISTRATIVE TRUST FUND . . .	15,000
FROM FEDERAL GRANTS TRUST FUND . . .	31,698
FROM RADIATION PROTECTION TRUST FUND . . . . .	56,997
464 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM ADMINISTRATIVE TRUST FUND . . .	80,000
FROM RADIATION PROTECTION TRUST FUND . . . . .	130,856
465 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	97,489
FROM ADMINISTRATIVE TRUST FUND . . .	335,165
FROM FEDERAL GRANTS TRUST FUND . . .	643,776
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	3,401,038
FROM RADIATION PROTECTION TRUST FUND . . . . .	150,000
From the funds in Specific Appropriation 465, \$2,725,000 in nonrecurring funds from the Grants and Donations Trust Fund is provided to the department to complete phase II and phase III and complete the study authorized in Specific Appropriation 1682 of chapter 2008-152, Laws of Florida. The report shall include recommendations on passive strategies for nitrogen reduction that complement use of conventional onsite wastewater treatment systems. The department shall submit an interim report of the completion of phase II and progress on phase III on February 1, 2012, a subsequent status report on May 16, 2012, and a final report upon completion of phase III to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to proceeding with any nitrogen reduction activities.	
466 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM FEDERAL GRANTS TRUST FUND . . .	750,000
467 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	80,080
FROM RADIATION PROTECTION TRUST FUND . . . . .	14,575
468 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
FROM GENERAL REVENUE FUND . . . . .	12,636
FROM ADMINISTRATIVE TRUST FUND . . .	13,165
FROM FEDERAL GRANTS TRUST FUND . . .	9,717
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	13,473
FROM RADIATION PROTECTION TRUST FUND . . . . .	40,543
469 SPECIAL CATEGORIES	
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	534,775
TOTAL: ENVIRONMENTAL HEALTH SERVICES	
FROM GENERAL REVENUE FUND . . . . .	4,284,984
FROM TRUST FUNDS . . . . .	24,603,769
TOTAL POSITIONS . . . . .	215.50
TOTAL ALL FUNDS . . . . .	28,888,753

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SPECIFIC	
APPROPRIATION	
COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS	
APPROVED SALARY RATE	471,942,896
470 SALARIES AND BENEFITS POSITIONS	12,189.00
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	645,972,385
471 OTHER PERSONAL SERVICES	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	49,347,686
472 EXPENSES	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	113,503,288
473 AID TO LOCAL GOVERNMENTS	
CONTRIBUTION TO COUNTY HEALTH UNITS	
FROM GENERAL REVENUE FUND . . . . .	131,119,016
FROM TOBACCO SETTLEMENT TRUST FUND .	3,919,999
474 AID TO LOCAL GOVERNMENTS	
COMMUNITY HEALTH INITIATIVES	
FROM GENERAL REVENUE FUND . . . . .	1,778,101
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	500,000
From the funds in Specific Appropriation 474, \$100,000 in recurring general revenue funds is provided to increase funding to La Liga-League Against Cancer.	
From the funds in Specific Appropriation 474, \$500,000 is provided from the General Revenue Fund, of which \$315,455 is nonrecurring for the Gadsden Nurse-Family Partnership.	
475 OPERATING CAPITAL OUTLAY	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	11,267,152
476 LUMP SUM	
COUNTY HEALTH DEPARTMENTS POSITIONS	400.00
477 SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	2,809,253
478 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	71,989,733
479 SPECIAL CATEGORIES	
GRANTS AND AIDS - CONTRACTED SERVICES	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	27,500
480 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	6,444,419
481 SPECIAL CATEGORIES	
DEFERRED-PAYMENT COMMODITY CONTRACTS	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	288,347
482 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND . . . . .	3,378,153

SECTION 3 - HUMAN SERVICES  
SPECIFIC  
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Table with 2 columns: Description and Amount. Rows include 482A SPECIAL CATEGORIES (STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009), 482B SPECIAL CATEGORIES (GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009), and 482C FIXED CAPITAL OUTLAY (CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS).

From the funds in Specific Appropriation 482C, the following projects are funded from nonrecurring funds in the County Health Department Trust Fund:

Table with 2 columns: Department Name and Amount. Lists funding for various county health departments including Volusia, Palm Beach, Washington, Jackson, Brevard, Pinellas, Baker, Miami-Dade, Miami, Lake, and Walton.

Table with 2 columns: Description and Amount. Includes 482D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY MAINTENANCE AND REPAIR OF COUNTY HEALTH DEPARTMENTS, and a TOTAL for COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS.

STATEWIDE PUBLIC HEALTH SUPPORT SERVICES

APPROVED SALARY RATE 24,056,007

Table with 2 columns: Description and Amount. Includes 483 SALARIES AND BENEFITS POSITIONS and 484 OTHER PERSONAL SERVICES FROM EMERGENCY MEDICAL SERVICES.

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Table with 2 columns: Description and Amount. Includes 485 EXPENSES FROM GENERAL REVENUE FUND, FROM ADMINISTRATIVE TRUST FUND, FROM EMERGENCY MEDICAL SERVICES TRUST FUND, FROM BIOMEDICAL RESEARCH TRUST FUND, FROM FEDERAL GRANTS TRUST FUND, FROM GRANTS AND DONATIONS TRUST FUND, FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND, and FROM PLANNING AND EVALUATION TRUST FUND.

From the funds in Specific Appropriation 485, \$250,000 in recurring funds from the General Revenue Fund shall be used to support the Statewide Council on Deafness.

From the funds in Specific Appropriation 485 and 490, \$1,952,084 from the Planning and Evaluation Trust Fund is provided for the inclusion of Severe Combined Immunodeficiency Disease (SCID) testing within the Newborn Screening Program.

Table with 2 columns: Description and Amount. Includes 486 AID TO LOCAL GOVERNMENTS (GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS), 487 AID TO LOCAL GOVERNMENTS (GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS), 488 OPERATING CAPITAL OUTLAY (FROM GENERAL REVENUE FUND, FROM ADMINISTRATIVE TRUST FUND, FROM EMERGENCY MEDICAL SERVICES TRUST FUND, FROM FEDERAL GRANTS TRUST FUND, FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND, FROM PLANNING AND EVALUATION TRUST FUND), 489 SPECIAL CATEGORIES (GRANTS AND AIDS - STRENGTHENING DOMESTIC SECURITY - BIOTERRORISM ENHANCEMENTS - HEALTH AND HOSPITALS), and 490 SPECIAL CATEGORIES (CONTRACTED SERVICES).

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SPECIFIC  
APPROPRIATION

Funds in Specific Appropriation 491 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of state general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

492 SPECIAL CATEGORIES  
JAMES AND ESTHER KING BIOMEDICAL RESEARCH PROGRAM  
FROM BIOMEDICAL RESEARCH TRUST FUND . . . . . 7,200,000

From the funds in Specific Appropriation 492, up to \$50,000 shall be used for collaborative biomedical research projects within the state's historically black colleges and universities.

From the funds in Specific Appropriation 492, \$5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the James and Esther King Biomedical Research Program.

492A SPECIAL CATEGORIES  
WILLIAM G. "BILL" BANKHEAD, JR., AND DAVID COLEY CANCER RESEARCH PROGRAM  
FROM GENERAL REVENUE FUND . . . . . 5,000,000  
FROM BIOMEDICAL RESEARCH TRUST FUND . . . . . 5,000,000

From the funds provided in Specific Appropriation 492A, \$500,000 is provided to maintain the statewide Brain Tumor Registry Program at the McKnight Brain Institute.

From the funds provided in Specific Appropriation 492A, \$5,000,000 in nonrecurring funds from the General Revenue Fund and \$5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.

492B SPECIAL CATEGORIES  
H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE  
FROM BIOMEDICAL RESEARCH TRUST FUND . . . . . 5,000,000

From the funds in Specific Appropriation 492B, \$5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the H. Lee Moffitt Cancer Center and Research Institute.

492C SPECIAL CATEGORIES  
BIOMEDICAL RESEARCH  
FROM BIOMEDICAL RESEARCH TRUST FUND . . . . . 10,000,000

From the funds in Specific Appropriation 492C, \$5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the Shands Cancer Hospital, and \$5,000,000 in nonrecurring funds from the Biomedical Research Trust Fund is provided to the Sylvester Cancer Center at the University of Miami.

493 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM GENERAL REVENUE FUND . . . . . 2,849,626  
FROM PLANNING AND EVALUATION TRUST FUND . . . . . 190,161

494 SPECIAL CATEGORIES  
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS  
FROM FEDERAL GRANTS TRUST FUND . . . . . 1,000,000

495 SPECIAL CATEGORIES  
GRANTS AND AIDS - TRAUMA CARE  
FROM ADMINISTRATIVE TRUST FUND . . . . . 2,500,000

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FROM EMERGENCY MEDICAL SERVICES TRUST FUND . . . . . 7,593,747

496 SPECIAL CATEGORIES  
GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS  
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND . . . . . 929,006

497 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT  
FROM GENERAL REVENUE FUND . . . . . 94,624  
FROM ADMINISTRATIVE TRUST FUND . . . . . 3,857  
FROM EMERGENCY MEDICAL SERVICES TRUST FUND . . . . . 23,894  
FROM FEDERAL GRANTS TRUST FUND . . . . . 71,253  
FROM GRANTS AND DONATIONS TRUST FUND . . . . . 7,584  
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND . . . . . 1,261  
FROM PLANNING AND EVALUATION TRUST FUND . . . . . 79,870

497A SPECIAL CATEGORIES  
STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
FROM FEDERAL GRANTS TRUST FUND . . . . . 3,067

497B SPECIAL CATEGORIES  
GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
FROM FEDERAL GRANTS TRUST FUND . . . . . 105,884

497C FIXED CAPITAL OUTLAY  
HEALTH FACILITIES REPAIR AND MAINTENANCE - STATEWIDE  
FROM PLANNING AND EVALUATION TRUST FUND . . . . . 2,625,000

From the funds in Specific Appropriation 497C, the following projects are funded from nonrecurring funds in the Planning and Evaluation Trust Fund:

Miami Lab - electrical switch gear and distribution..... 1,300,000  
Miami, Lantana, Tampa Labs - building backup generators..... 1,000,000  
Pensacola Lab-HVAC renovation/boiler replacement..... 325,000

TOTAL: STATEWIDE PUBLIC HEALTH SUPPORT SERVICES  
FROM GENERAL REVENUE FUND . . . . . 36,663,714  
FROM TRUST FUNDS . . . . . 271,910,605

TOTAL POSITIONS . . . . . 611.00  
TOTAL ALL FUNDS . . . . . 308,574,319

PROGRAM: CHILDREN'S MEDICAL SERVICES

CHILDREN'S SPECIAL HEALTH CARE

APPROVED SALARY RATE 30,237,715

498 SALARIES AND BENEFITS POSITIONS 739.50  
FROM GENERAL REVENUE FUND . . . . . 19,241,454  
FROM DONATIONS TRUST FUND . . . . . 15,344,685  
FROM FEDERAL GRANTS TRUST FUND . . . . . 6,523,287

499 OTHER PERSONAL SERVICES  
FROM GENERAL REVENUE FUND . . . . . 980,591  
FROM DONATIONS TRUST FUND . . . . . 89,063  
FROM FEDERAL GRANTS TRUST FUND . . . . . 388,687

500 EXPENSES

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Table with 3 columns: Description, Amount, and Subtotal. Rows include: FROM GENERAL REVENUE FUND (1,575,885), FROM DONATIONS TRUST FUND (3,702,407), FROM FEDERAL GRANTS TRUST FUND (2,937,218), 501 OPERATING CAPITAL OUTLAY (29,319), 502 SPECIAL CATEGORIES (16,654,931), 503 SPECIAL CATEGORIES (8,847,219), 504 SPECIAL CATEGORIES (281,710).

Funds in Specific Appropriation 502 shall not be used to support continuing education courses or training for health professionals or staff employed by the Children's Medical Services (CMS) Network or under contract with the department. This limitation shall include but not be limited to: classroom instruction, train the trainer, or web-based continuing education courses that may be considered professional development, or that results in continuing education credits that may be applied towards the initial or subsequent renewal of a health professional's license. This does not preclude the CMS Network from providing information on treatment methodologies or best practices to appropriate CMS network health professionals, staff, or contractors.

From the funds in Specific Appropriation 502, the department shall transfer an amount not to exceed \$450,000 from the General Revenue Fund to the Agency for Health Care Administration for Medicaid reimbursable services that support children enrolled in contracted medical foster care programs.

From the funds in Specific Appropriation 502, \$200,000 in nonrecurring funds from the General Revenue Fund is provided to the Howard Phillip Center for Children and Families.

From the funds in Specific Appropriation 504, \$1,500,000 in nonrecurring funds from the Donations Trust Fund is provided to a public hospital created either by county ordinance or by special act of the Florida Legislature which has no taxing authority, located in Lee County for the purpose of initial planning and design of a free standing children's hospital to serve Southwest Florida.

From the funds in Specific Appropriation 504, \$150,000 in nonrecurring funds from the Donations Trust Fund shall be provided to the Florida Birth Related Neurological Injury Compensation Association to conduct a study on birth-related brachial plexus injuries, causes and treatments, and their impact on malpractice insurance premiums in Florida. Funding shall include payment of expenses pursuant to s. 112.061, Florida Statutes. The Association shall submit its findings in a report to the President of the Senate and the Speaker of the House of Representatives on or before December 1,

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Table with 3 columns: Description, Amount, and Subtotal. Rows include: 2011., 505 SPECIAL CATEGORIES (845,169), 506 SPECIAL CATEGORIES (1,261,387), 507 SPECIAL CATEGORIES (413,123), 508 SPECIAL CATEGORIES (16,488,500), 509 SPECIAL CATEGORIES (161,951), 509A SPECIAL CATEGORIES (4,217,257), 509B QUALIFIED EXPENDITURE CATEGORY (2,000,000), TOTAL: CHILDREN'S SPECIAL HEALTH CARE (261,190,136), PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS, MEDICAL QUALITY ASSURANCE, APPROVED SALARY RATE (22,250,249), 510 SALARIES AND BENEFITS (608.50).

From the funds in Specific Appropriation 505, an increase of \$286,668 in recurring funds from the General Revenue Fund is provided to the Islet Cell Transplantation to Cure Diabetes Project.

From the funds in Specific Appropriation 508, \$2,893,818 from the General Revenue Fund is provided as the state match for Medicaid reimbursable early intervention services in Specific Appropriation 169.

From the funds in Specific Appropriation 508, \$4,217,257 from the Federal Grants Trust Fund is provided for Early Steps-IDEA Part C as a result of federal funding received from the American Recovery and Reinvestment Act of 2009.

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511	OTHER PERSONAL SERVICES FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		5,365,666
512	EXPENSES FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . . FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		126,239 7,414,988
513	OPERATING CAPITAL OUTLAY FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		57,604
514	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		13,000
515	SPECIAL CATEGORIES UNLICENSED ACTIVITIES FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		1,231,856
516	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		186,242
517	SPECIAL CATEGORIES CONTRACTED SERVICES FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . . FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		19,500 13,825,119
518	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . . FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		10,693 514,425
519	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . . FROM MEDICAL QUALITY ASSURANCE TRUST FUND . . . . .		4,204 254,545
TOTAL:	MEDICAL QUALITY ASSURANCE FROM TRUST FUNDS . . . . .		61,005,682
	TOTAL POSITIONS . . . . .	608.50	
	TOTAL ALL FUNDS . . . . .		61,005,682

COMMUNITY HEALTH RESOURCES

	APPROVED SALARY RATE	4,486,677	
520	SALARIES AND BENEFITS POSITIONS	111.00	
	FROM GENERAL REVENUE FUND . . . . .	772,851	
	FROM ADMINISTRATIVE TRUST FUND . . .		388,549
	FROM TOBACCO SETTLEMENT TRUST FUND .		307,894
	FROM FEDERAL GRANTS TRUST FUND . . .		1,428,619
	FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND . . . . .		3,008,340

From the funds in Specific Appropriation 520, \$307,894 and four positions are provided to implement the Comprehensive Statewide Tobacco Education and Prevention Program in accordance with Section 27, Article

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SPECIFIC  
APPROPRIATION  
X of the State Constitution.

521	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . .		10,000 19,770
522	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . . FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND . . . . .	81,376	133,178 555,127 29,729 771,028
523	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS FROM GENERAL REVENUE FUND . . . . .	64,747	
524	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL HEALTH COUNCILS FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,006,000
525	OPERATING CAPITAL OUTLAY FROM FEDERAL GRANTS TRUST FUND . . . . . FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND . . . . .		12,850 9,000
527	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . . FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND . . . . .	16,562	5,623 616,997 3,581 391,923
528	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM TOBACCO SETTLEMENT TRUST FUND . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND . . . . .	953,502	288,752 437,153 1,250,000
529	SPECIAL CATEGORIES GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . .	500,000	574,305
530	SPECIAL CATEGORIES BRAIN AND SPINAL CORD HOME AND COMMUNITY BASED SERVICES WAIVER FROM GENERAL REVENUE FUND . . . . . FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND . . . . .	1,889,762	17,799,349

From the funds in Specific Appropriation 530, an additional \$6,808,897 from the from the Brain and Spinal Cord Injury Rehabilitation Trust Fund are provided to expand the current Brain and Spinal Cord and Spinal Cord Home and Community Based Services Waiver program. The department shall work with the Agency for Health Care Administration to seek approval for the expansion.

531	SPECIAL CATEGORIES CYSTIC FIBROSIS HOME AND COMMUNITY BASED SERVICES WAIVER FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . .	750,010	1,156,398
532	SPECIAL CATEGORIES		

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Table with 2 columns: Description and Amount. Includes rows for Purchased Client Services, Special Categories (533, 534, 535), and Tobacco Settlement Trust Fund.

Funds in Specific Appropriation 535 shall be used to implement the Comprehensive Statewide Tobacco Education and Prevention Program in accordance with Section 27, Article X of the State Constitution as adjusted annually for inflation, using the Consumer Price Index as published by the United States Department of Labor. The appropriation shall be allocated as follows:

Table with 2 columns: Description and Amount. Lists allocations for State & Community Interventions, AHEC, Health Communications, Cessation, Surveillance & Evaluation, and Administration & Management.

From the funds in Specific Appropriation 535, the department may use nicotine replacements and other treatments approved by the Federal Food and Drug Administration as part of smoking cessation interventions.

Table with 2 columns: Description and Amount. Includes row for Florida Agricultural and Mechanical University Crestview Center.

From the funds in Specific Appropriation 536, \$1,500,000 from the General Revenue Fund is provided for the Department of Health to transfer to the Florida Agricultural and Mechanical University (FAMU) to continue the FAMU Crestview Education Center project.

Table with 2 columns: Description and Amount. Includes row for Special Categories (537) regarding transfer to Department of Management Services.

Table with 2 columns: Description and Amount. Includes row for Special Categories (538) regarding medically fragile enhancement payment.

Table with 2 columns: Description and Amount. Includes row for Special Categories (538A) regarding state operations - American Recovery and Reinvestment Act of 2009.

Table with 2 columns: Description and Amount. Includes row for Special Categories (538B) regarding grants and aids - American Recovery and Reinvestment Act of 2009.

TOTAL: COMMUNITY HEALTH RESOURCES

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Table with 2 columns: Description and Amount. Includes rows for From General Revenue Fund, From Trust Funds, Total Positions, and Total All Funds.

PROGRAM: DISABILITY DETERMINATIONS

DISABILITY BENEFITS DETERMINATION

Table with 2 columns: Description and Amount. Includes rows for Approved Salary Rate, Salaries and Benefits (539), and Other Personal Services (540).

Table with 2 columns: Description and Amount. Includes rows for Expenses (541) and Operating Capital Outlay (542).

Table with 2 columns: Description and Amount. Includes rows for Special Categories (543) regarding contracted services.

Table with 2 columns: Description and Amount. Includes rows for Special Categories (544) regarding risk management insurance.

Table with 2 columns: Description and Amount. Includes rows for Special Categories (545) regarding transfer to Department of Management Services.

Table with 2 columns: Description and Amount. Includes rows for Special Categories (545) regarding transfer to Department of Management Services.

Table with 2 columns: Description and Amount. Includes rows for Special Categories (545) regarding transfer to Department of Management Services.

Table with 2 columns: Description and Amount. Includes rows for Total: Disability Benefits Determination.

Table with 2 columns: Description and Amount. Includes rows for Total Positions and Total All Funds.

Table with 2 columns: Description and Amount. Includes rows for Total: Health, Department of.

Table with 2 columns: Description and Amount. Includes rows for Total Positions, Total All Funds, and Total Approved Salary Rate.

VETERANS' AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

APPROVED SALARY RATE 26,694,123

SECTION 3 - HUMAN SERVICES			
SPECIFIC			
APPROPRIATION			
546	SALARIES AND BENEFITS	POSITIONS	977.00
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		40,419,762
547	OTHER PERSONAL SERVICES		
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		2,986,987
548	EXPENSES		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		31,900
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		11,990,893
549	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		57,300
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		268,865
550	FOOD PRODUCTS		
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		3,226,561
551	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		13,328,171
552	SPECIAL CATEGORIES		
	RECREATIONAL EQUIPMENT AND SUPPLIES		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		72,500
553	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		1,048,358
554	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		376,217
554A	FIXED CAPITAL OUTLAY		
	ADDITIONS AND IMPROVEMENTS TO THE		
	VETERANS' HOMES		
	FROM FEDERAL GRANTS TRUST FUND . . .		3,139,500
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		1,690,500
554B	FIXED CAPITAL OUTLAY		
	MAINTENANCE AND REPAIR OF STATE-OWNED		
	RESIDENTIAL FACILITIES FOR VETERANS		
	FROM STATE HOMES FOR VETERANS		
	TRUST FUND . . . . .		1,800,500
TOTAL: VETERANS' HOMES			
	FROM TRUST FUNDS . . . . .		80,438,014
	TOTAL POSITIONS . . . . .	977.00	
	TOTAL ALL FUNDS . . . . .		80,438,014
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	1,653,336	
555	SALARIES AND BENEFITS	POSITIONS	27.00
	FROM GENERAL REVENUE FUND . . . . .		2,299,950
556	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		19,765

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557	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	714,810	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		100,458
558	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	120,512	
559	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	124,538	
	FROM OPERATIONS AND MAINTENANCE		
	TRUST FUND . . . . .		110,000
560	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	6,845	
561	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	9,541	
562	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	2,557	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	3,298,518	
	FROM TRUST FUNDS . . . . .		210,458
	TOTAL POSITIONS . . . . .	27.00	
	TOTAL ALL FUNDS . . . . .		3,508,976
VETERANS' BENEFITS AND ASSISTANCE			
	APPROVED SALARY RATE	3,256,970	
563	SALARIES AND BENEFITS	POSITIONS	79.00
	FROM GENERAL REVENUE FUND . . . . .	3,770,382	
	FROM FEDERAL GRANTS TRUST FUND . . .		542,368
564	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	12,000	
565	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	197,067	
	FROM FEDERAL GRANTS TRUST FUND . . .		100,603
566	LUMP SUM		
	VETERANS' BENEFITS AND ASSISTANCE		
	POSITIONS	39.00	
567	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	2,569	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,000
568	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	12,746	
	FROM FEDERAL GRANTS TRUST FUND . . .		442
569	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	26,121	
	FROM FEDERAL GRANTS TRUST FUND . . .		3,535
TOTAL: VETERANS' BENEFITS AND ASSISTANCE			
	FROM GENERAL REVENUE FUND . . . . .	4,020,885	
	FROM TRUST FUNDS . . . . .		648,948

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TOTAL POSITIONS . . . . .	118.00	
TOTAL ALL FUNDS . . . . .		4,669,833
TOTAL: VETERANS' AFFAIRS, DEPARTMENT OF		
FROM GENERAL REVENUE FUND . . . . .	7,319,403	
FROM TRUST FUNDS . . . . .		81,297,420
TOTAL POSITIONS . . . . .	1,122.00	
TOTAL ALL FUNDS . . . . .		88,616,823
TOTAL APPROVED SALARY RATE . . . . .	31,604,429	

TOTAL OF SECTION 3

FROM GENERAL REVENUE FUND . . . . .	7,014,243,461	
FROM TRUST FUNDS . . . . .		22,977,039,639
TOTAL POSITIONS . . . . .	35,686.25	
TOTAL ALL FUNDS . . . . .		29,991,283,100

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The moneys contained herein are appropriated from the named funds to the Department of Corrections, Justice Administration, Department of Juvenile Justice, Florida Department of Law Enforcement, Department of Legal Affairs/Attorney General, and the Parole Commission as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 570 through 759, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Governor and to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediately preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to section 944.023(1)(b), Florida Statutes. The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2012.

From the funds in Specific Appropriations 570 through 759, the Department of Corrections shall, before closing, substantially reducing the use of, or changing the purpose of any state correctional institution as defined in section 944.02, Florida Statutes, submit its proposal to the Governor's Office of Policy and Budget and the chairs of the Senate Budget Committee and the House Appropriations Committee for review.

The department may transfer up to 1,200 beds to existing private prisons

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with available capacity if it determines that such transfers are in accordance with American Correctional Association and department standards, and would provide a cost savings of at least 7 percent.

Funds in Specific Appropriation 570 through 759 shall not be used to pay for unoccupied space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2011, and for which it has been determined by the Secretary of the department that there is no longer a need.

From the funds in Specific Appropriations 570 through 759, the Department of Corrections shall issue a request for proposal, or multiple requests for proposal, as defined in section 287.057(1)(b), Florida Statutes, for the management and operation of the correctional facilities and assigned correctional units, including annexes, work camps, road prisons and work release centers currently operated by the Department of Corrections in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, DeSoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade and Monroe counties, excluding Glades Correctional Institution and Hendry Correctional Institution. The request for proposal shall provide for a contract commencement date of no later than January 1, 2012.

At a minimum, the contract shall require adherence to all applicable federal, state and local laws, as well as all rules adopted by the Department of Corrections for private prison service providers. These facilities shall continue to operate at capacities set forth in section 944.023, Florida Statutes. Funds received for these institutions from canteens, subsistence payments, and any other participation accounts shall continue to be remitted to the General Revenue Fund. All activities regarding the classification of inmates will remain under the Department of Correction's supervision and direction as required by current law. Each facility's average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated for Fiscal Year 2009-2010.

The contract between the Department of Corrections and the private provider must specify performance measures and levels of expected performance by the contracts for each performance measure to ensure contractor performance and accountability. The required performance measures shall include, but are not limited to: the number of batteries committed by inmates on one or more persons per 1,000 inmates; number of inmates receiving major disciplinary reports per 1,000 inmates; percentage of random inmate drug tests that are negative; percentage of reported criminal incidents investigated by the proper authorities; number of escapes from the secure perimeter of major institutions; percentage of inmates placed in a facility that provides at least one of the inmate's primary program needs; number of transition plans completed for inmates released from prison; number of release plans completed for inmates released from prison; percentage of release plans completed for inmates released from prison; percentage of inmates needing programs who successfully complete drug abuse education or treatment programs; number of inmates who are receiving substance abuse services; percentage of inmates completing mandatory literacy programs who score at or above 6th grade level on next Tests of Adult Basic Education; percentage of inmates who successfully complete mandatory literacy programs; percentage of inmates who successfully complete GED education programs; percentage of inmates needing special education programs who participate in special education (federal law) programs; percentage of inmates who successfully complete vocational education programs; average increase in grade level achieved by inmates participating in educational programs per 3-month instructional period; and percentage of inmates who successfully complete transition, rehabilitation, or support programs without subsequent recommitment to community supervision or prison for 24 months after release. The Department of Corrections shall provide quarterly reports to the chairs of the Senate Budget Committee and the House Appropriations Committee on the performance of the private prison provider under contract with the department using the required performance measures and other performance measures contained in the contracts. For work release centers, the required performance measures shall include, but are not limited to: percent employment of supervised individuals; illegal substance use by supervised individuals; victim restitution paid by supervised individuals; compliance with no contact

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orders by supervised individuals; number of serious incidents occurring at the facility; and the number of absconders.

The contract or contracts between the Department of Corrections and the private provider shall specifically require adherence to the requirements set forth in section 119.01, Florida Statutes, to ensure that any nongovernmental entity contracting with the Department of Corrections for the management and operations of correctional facilities and services shall have the same duty to release information about the management and operation of a correctional facility and services as a state agency managing and operating such a facility and services would have under section 119.01, Florida Statutes. The contract between the Department of Corrections and the private provider shall be required to adhere to the provisions provided in section 287.0571, Florida Statutes, regardless of any exemptions.

If after engaging in the competitive solicitation process, the Department of Corrections determines that the process has yielded responses that meet all current statutory requirements, the department shall develop and remit a transition plan and recommended revisions to its operating budget to the Legislative Budget Commission by December 1, 2011. The department also must submit a cost-benefit analysis which delineates the department's current costs of providing the services and the savings that would be generated by the transition plan yielding a minimum annual savings of 7 percent. Upon approval by the commission, the department may award the contract. Additional budget amendments may be submitted during the 2011-2012 fiscal year as necessary for the proper alignment of budget and positions.

Funds in Specific Appropriations 570 through 579 reflect reductions in recurring general revenue funds in the amount of \$3,017,882 to accomplish the transition of 800 medium or close custody beds at an average per diem of \$53.34 to 800 contract residential substance abuse beds.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

APPROVED SALARY RATE 9,038,192

570	SALARIES AND BENEFITS	POSITIONS	239.00	
	FROM GENERAL REVENUE FUND . . . . .		11,702,841	
	FROM ADMINISTRATIVE TRUST FUND . . . . .			2,138,946
571	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .		82,132	
	FROM ADMINISTRATIVE TRUST FUND . . . . .			133,494
572	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND . . . . .		46,507	
573	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND . . . . .		130,634	
574	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT			
	SERVICES - HUMAN RESOURCES SERVICES			
	PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND . . . . .		3,247	
TOTAL:	BUSINESS SERVICE CENTERS			
	FROM GENERAL REVENUE FUND . . . . .		11,965,361	
	FROM TRUST FUNDS . . . . .			2,272,440
	TOTAL POSITIONS . . . . .	239.00		
	TOTAL ALL FUNDS . . . . .			14,237,801

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 12,688,626

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575	SALARIES AND BENEFITS	POSITIONS	263.00	
	FROM GENERAL REVENUE FUND . . . . .		9,376,133	
	FROM ADMINISTRATIVE TRUST FUND . . . . .			2,762,480
	FROM CRIMINAL JUSTICE STANDARDS			
	AND TRAINING TRUST FUND . . . . .			83,053
576	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND . . . . .		22,090	
	FROM ADMINISTRATIVE TRUST FUND . . . . .			292,906
577	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .		992,361	
	FROM ADMINISTRATIVE TRUST FUND . . . . .			491,826
	FROM CRIMINAL JUSTICE STANDARDS			
	AND TRAINING TRUST FUND . . . . .			1,083,200
578	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND . . . . .		20,227	
	FROM ADMINISTRATIVE TRUST FUND . . . . .			30,160
	FROM CRIMINAL JUSTICE STANDARDS			
	AND TRAINING TRUST FUND . . . . .			240,600
	FROM FEDERAL GRANTS TRUST FUND . . . . .			101,840
579	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE			
	HEARINGS			
	FROM GENERAL REVENUE FUND . . . . .		5,853	
580	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND . . . . .		488,509	
	FROM CRIMINAL JUSTICE STANDARDS			
	AND TRAINING TRUST FUND . . . . .			200,000
	FROM FEDERAL GRANTS TRUST FUND . . . . .			347,650
581	SPECIAL CATEGORIES			
	TRANSFER TO GENERAL REVENUE FUND			
	FROM FEDERAL GRANTS TRUST FUND . . . . .			13,900,000
	Funds in Specific Appropriation 581 are from reimbursements from the U. S. Government for incarcerating aliens in Florida's prisons. If total reimbursements exceed \$13,900,000, the department shall submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.			
582	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND . . . . .		319,756	
583	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT			
	SERVICES - HUMAN RESOURCES SERVICES			
	PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND . . . . .		9,945,213	
	FROM ADMINISTRATIVE TRUST FUND . . . . .			73,415
	FROM CORRECTIONAL WORK PROGRAM			
	TRUST FUND . . . . .			149,087
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND . . . . .		21,170,142	
	FROM TRUST FUNDS . . . . .			19,756,217
	TOTAL POSITIONS . . . . .	263.00		
	TOTAL ALL FUNDS . . . . .			40,926,359

INFORMATION TECHNOLOGY

The Department of Corrections shall cooperate in consolidating its mainframe with the mainframe platform at the Southwood Shared Resource Center. Such cooperation shall include providing to the Southwood Shared Resource Center all requested information and documentation relating to the hardware and software being consolidated. Such cooperation shall also include making changes requested by the Southwood Shared Resource

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Center or determined necessary by the department in application development, operation, and management processes and procedures to enable standardization of the consolidated mainframe platform.

APPROVED SALARY RATE	7,856,445		
584 SALARIES AND BENEFITS POSITIONS	161.50		
FROM GENERAL REVENUE FUND . . . . .	9,192,533		
FROM ADMINISTRATIVE TRUST FUND . . . . .			1,124,928
585 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	13,500		
586 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	1,613,162		
FROM ADMINISTRATIVE TRUST FUND . . . . .			24,518
587 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	127,720		
588 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	2,155,781		
FROM ADMINISTRATIVE TRUST FUND . . . . .			7,812
589 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	47,662		
590 SPECIAL CATEGORIES			
DEFERRED-PAYMENT COMMODITY CONTRACTS			
FROM GENERAL REVENUE FUND . . . . .	295,329		
591 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	1,392		
592 DATA PROCESSING SERVICES			
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF			
MANAGEMENT SERVICES			
FROM GENERAL REVENUE FUND . . . . .	226,334		
593 DATA PROCESSING SERVICES			
OTHER DATA PROCESSING SERVICES			
FROM GENERAL REVENUE FUND . . . . .	4		
594 DATA PROCESSING SERVICES			
SOUTHWOOD SHARED RESOURCE CENTER			
FROM GENERAL REVENUE FUND . . . . .	3,879,533		
FROM ADMINISTRATIVE TRUST FUND . . . . .			7,148
TOTAL: INFORMATION TECHNOLOGY			
FROM GENERAL REVENUE FUND . . . . .	17,552,950		
FROM TRUST FUNDS . . . . .			1,164,406
TOTAL POSITIONS . . . . .	161.50		
TOTAL ALL FUNDS . . . . .			18,717,356

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

From the funds provided in Specific Appropriations 605, 616, and 628 a total of \$1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities. Funding is provided as follows: \$269,324 for the Bay Correctional Facility, \$339,242 for the Moore Haven Correctional Facility, \$275,560 for the South Bay Correctional Facility, \$100,000 for the Gadsden Correctional Facility and \$90,236 for the Lake City Correctional Facility. These funds may not be distributed if there are outstanding claims for ad valorem taxes due on the property at issue and may not be distributed until the property is reclassified on the real property and tangible personal property rolls as Government State property back to the date the finance corporation or other state entity acquired the

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title thereto. These distributions shall be adjusted, with respect to any facility, to reimburse the Department of Corrections for the total amounts expended by the state in resisting the imposition of such ad valorem tax claims, including all attorneys' fees and costs actually incurred by the state's agencies.

From the funds in Specific Appropriations 605, 616, 628, 638A, 649A and 660A, the Department of Corrections must ensure all future private prison contracts have explicit conditions that provide for the flexibility to adjust the percentages of special needs inmates to allow for changes in overall state populations of those inmates. Such percentages must be based on Department of Corrections' special needs inmate population forecasts, so that medical and mental healthcare costs are appropriately shared by both private and state prisons. All future private prison contracts must require each private prison vendor to report the same performance measures for inmate programs in private prisons as reported by the Department of Corrections for its comparable public institutions. As part of the private prisons contracting negotiations process, the Department of Corrections must consult with each private prison vendor to establish high, reasonable, and achievable performance standards. All future private prison contracts must require each private prison vendor to develop inmate visitation policies and telephone rates for the private prisons that are consistent with those policies followed by the state's public prisons and encourage inmate family contact, as directed by Florida Statutes. Finally, the Department of Corrections must require all future private prison contracts to adhere to the department's established criteria for awarding Privately Operated Institutions Inmate Welfare Trust Fund monies so that the Department of Correction's staff can verify such funds are being used appropriately.

From the funds provided in Specific Appropriations 570 through 759, the Department of Corrections shall implement an electronic time and attendance system in all regions. The department shall report installation and operational costs and annual cost savings projections related to the implementation of the electronic time and attendance system to the Speaker of the House of Representatives and the President of the Senate by November 1, 2011.

The department shall identify 6,400 prison beds at an average per diem of \$53.34 and implement cost efficiencies that will reduce the per diem by 5 percent. This plan may use Department of Corrections beds or privatized beds. The department shall provide this plan to the Governor's Office of Policy and Budget, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011.

Funds and positions in Specific Appropriations 570 through 688A and 726 through 759 support the state's inmate population increase. These funds and positions are sufficient to provide housing and security for 101,783 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 101,778 inmates.

Funds and positions in Specific Appropriation 570 through 688A and 726 through 759 are provided to address security needs for the additional prison population expected in Fiscal Year 2011-2012 as projected by the Criminal Justice Estimating Conference.

From the funds in Specific Appropriations 595 through 688A, \$250,000 in recurring general revenue funds is provided to the Department of Corrections to issue a request for proposal, as defined in section 287.057(1)(b), Florida Statutes, for the development of a water savings plan that creates performance standards for rain water harvesting and water reuse to achieve annual cost savings of at least 25 percent from the 2008, 2009, and 2010 calendar years. By no later than September 30, 2011, the department shall identify a vendor to conduct an inventory the water consumption of all department facilities consuming water for irrigation, gray water or drinking water purposes, including an inventory of each facility's roof surface area. To achieve these cost savings objectives, the vendor shall submit a plan to the department by February 1, 2012, which identifies the most cost-effective plan for the procurement of services and cistern products and establishes performance standards for the efficient and effective use of water resources and estimates of future potential savings and other related benefits.

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ADULT MALE CUSTODY OPERATIONS

APPROVED SALARY RATE	317,865,052		
595 SALARIES AND BENEFITS	POSITIONS	8,996.00	
FROM GENERAL REVENUE FUND		407,085,170	
FROM FEDERAL GRANTS TRUST FUND			362,845

Current Department of Corrections' employees who are affected by the prison privatization initiative shall be given first preference for continued employment by the contractors. The department shall make reasonable efforts to find a suitable job placement for employees who wish to remain state employees.

Funds in Specific Appropriations 595 and 597 reflect reductions in recurring general revenue funds in the amount of \$6,800,000. To implement this reduction, the department shall limit payment for the number of correctional officer basic recruit training course hours to 400. In addition, the department shall use, to the extent possible, department employees that are certified by the Criminal Justice Standards and Training Commission as instructors for correctional officer basic recruit training courses.

596 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND	4,363,376		
FROM GRANTS AND DONATIONS TRUST FUND			91,000
597 EXPENSES			
FROM GENERAL REVENUE FUND	22,565,215		
FROM FEDERAL GRANTS TRUST FUND		216,949	
FROM GRANTS AND DONATIONS TRUST FUND			240,389

From the funds in Specific Appropriation 597, \$142,900 from recurring general revenue funds is provided to the City of Pahoee as a payment in lieu of taxes for the Sago Palm facility.

From the funds provided in Specific Appropriation 597, the Department of Corrections may spend up to \$400,000 from the General Revenue Fund for a public awareness campaign describing penalties for "10-20-Life" offenses and other criminal offenses.

598 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND	303,666		
FROM FEDERAL GRANTS TRUST FUND		750,000	
FROM GRANTS AND DONATIONS TRUST FUND			250,000
599 FOOD PRODUCTS			
FROM GENERAL REVENUE FUND	25,252,702		
FROM FEDERAL GRANTS TRUST FUND		83,421	
600 SPECIAL CATEGORIES CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND	5,596,318		
FROM FEDERAL GRANTS TRUST FUND		273,617	
601 SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION			
FROM GENERAL REVENUE FUND	2,850,296		
FROM FEDERAL GRANTS TRUST FUND		118,172	
602 SPECIAL CATEGORIES OVERTIME			
FROM GENERAL REVENUE FUND	523,270		
603 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND	15,404,315		
FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND			1,048,049
604 SPECIAL CATEGORIES			

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SALARY INCENTIVE PAYMENTS			
FROM GENERAL REVENUE FUND			6,511,330
605 SPECIAL CATEGORIES PRIVATE PRISON OPERATIONS			
FROM GENERAL REVENUE FUND			170,015,862
FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND			1,300,586
606 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND			238,575
TOTAL: ADULT MALE CUSTODY OPERATIONS			
FROM GENERAL REVENUE FUND		660,710,095	
FROM TRUST FUNDS			4,735,028
TOTAL POSITIONS	8,996.00		
TOTAL ALL FUNDS			665,445,123

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS

APPROVED SALARY RATE	38,607,223		
607 SALARIES AND BENEFITS	POSITIONS	1,082.00	
FROM GENERAL REVENUE FUND		45,353,906	
FROM GRANTS AND DONATIONS TRUST FUND			127,870
608 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		394,325	
FROM GRANTS AND DONATIONS TRUST FUND			32,884
609 EXPENSES			
FROM GENERAL REVENUE FUND		2,319,642	
FROM GRANTS AND DONATIONS TRUST FUND			50,703
610 FOOD PRODUCTS			
FROM GENERAL REVENUE FUND		2,123,043	
FROM GRANTS AND DONATIONS TRUST FUND			15,841
611 SPECIAL CATEGORIES CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		625,305	
612 SPECIAL CATEGORIES FOOD SERVICE AND PRODUCTION			
FROM GENERAL REVENUE FUND		143,868	
FROM GRANTS AND DONATIONS TRUST FUND			22,509
613 SPECIAL CATEGORIES OVERTIME			
FROM GENERAL REVENUE FUND		469,295	
614 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		3,571,054	
615 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS			
FROM GENERAL REVENUE FUND		359,078	
616 SPECIAL CATEGORIES PRIVATE PRISON OPERATIONS			
FROM GENERAL REVENUE FUND		43,786,968	
FROM PRIVATELY OPERATED			

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	INSTITUTIONS INMATE WELFARE TRUST		
	FUND . . . . .		597,359
617	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	11,457	
TOTAL: ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS			
	FROM GENERAL REVENUE FUND . . . . .	99,157,941	
	FROM TRUST FUNDS . . . . .		847,166
	TOTAL POSITIONS . . . . .	1,082.00	
	TOTAL ALL FUNDS . . . . .		100,005,107
MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS			
	APPROVED SALARY RATE	13,199,764	
618	SALARIES AND BENEFITS POSITIONS	292.00	
	FROM GENERAL REVENUE FUND . . . . .	22,797,112	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		512,423
619	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	331,720	
620	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	373,799	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		24,336
621	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	20,185	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		500,000
622	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	1,285,396	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		483,667
623	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	29,599	
624	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND . . . . .	202,811	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		191,046
625	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND . . . . .	486,977	
626	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	2,097,390	
627	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	154,950	
628	SPECIAL CATEGORIES		
	PRIVATE PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	26,204,958	
	FROM PRIVATELY OPERATED		
	INSTITUTIONS INMATE WELFARE TRUST		
	FUND . . . . .		195,403
629	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	8,300	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		1,044

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS			
	FROM GENERAL REVENUE FUND . . . . .		53,993,197
	FROM TRUST FUNDS . . . . .		1,907,919
	TOTAL POSITIONS . . . . .	292.00	
	TOTAL ALL FUNDS . . . . .		55,901,116
SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS			
	APPROVED SALARY RATE	180,227,614	
630	SALARIES AND BENEFITS POSITIONS	5,067.00	
	FROM GENERAL REVENUE FUND . . . . .	236,346,072	
631	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,304,144	
632	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	3,970,206	
633	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	10,994,585	
634	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,762,621	
635	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND . . . . .	1,078,807	
636	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND . . . . .	654,272	
637	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	12,688,833	
638	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	1,512,882	
638A	SPECIAL CATEGORIES		
	PRIVATE PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	41,443,980	
639	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	39,054	
TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS			
	FROM GENERAL REVENUE FUND . . . . .		311,795,456
	TOTAL POSITIONS . . . . .	5,067.00	
	TOTAL ALL FUNDS . . . . .		311,795,456
RECEPTION CENTER OPERATIONS			
	APPROVED SALARY RATE	71,521,029	
640	SALARIES AND BENEFITS POSITIONS	2,043.00	
	FROM GENERAL REVENUE FUND . . . . .	92,373,449	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		8,907
641	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	729,221	
642	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	4,012,010	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		31,090

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

643	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . .		250,000
644	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	5,708,748	
	FROM FEDERAL GRANTS TRUST FUND . . .		32,449
645	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	87,126	
646	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND . . . . .	351,345	
	FROM FEDERAL GRANTS TRUST FUND . . .		46,893
647	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND . . . . .	299,643	
648	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	3,196,410	
649	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	659,891	
649A	SPECIAL CATEGORIES		
	PRIVATE PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	25,481,406	
650	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	20,680	
TOTAL:	RECEPTION CENTER OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	132,919,929	
	FROM TRUST FUNDS . . . . .		369,339
	TOTAL POSITIONS . . . . .	2,043.00	
	TOTAL ALL FUNDS . . . . .		133,289,268
PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION			
	APPROVED SALARY RATE	37,199,280	
651	SALARIES AND BENEFITS	POSITIONS	1,028.00
	FROM GENERAL REVENUE FUND . . . . .		31,117,633
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		21,362,793
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		51,713
652	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	583,980	
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		705,880
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		32,776
653	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	154,907	
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		90,020
654	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	965,437	
655	LUMP SUM		
	CORRECTIONAL WORK PROGRAMS		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

		POSITIONS	10.00
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		794,639
Funds and positions in Specific Appropriation 655 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contracts.			
656	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	23,451,420	
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		284,315
657	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND . . . . .	195,018	
658	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND . . . . .	185,998	
659	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	1,070,849	
660	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	292,460	
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		176,435
660A	SPECIAL CATEGORIES		
	PRIVATE PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	3,291,417	
660B	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	4,802	
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		4,802
TOTAL: PUBLIC SERVICE WORKSQUADS AND WORK RELEASE TRANSITION			
	FROM GENERAL REVENUE FUND . . . . .	61,313,921	
	FROM TRUST FUNDS . . . . .		23,503,373
	TOTAL POSITIONS . . . . .	1,038.00	
	TOTAL ALL FUNDS . . . . .		84,817,294
ROAD PRISON OPERATIONS			
	APPROVED SALARY RATE	3,753,364	
661	SALARIES AND BENEFITS	POSITIONS	95.00
	FROM GENERAL REVENUE FUND . . . . .		381
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		5,720,410
662	EXPENSES		
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		507,513
663	FOOD PRODUCTS		
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		352,549
664	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM CORRECTIONAL WORK PROGRAM		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	TRUST FUND . . . . .		11,284
665	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		53,567
666	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		24,666
TOTAL:	ROAD PRISON OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	381	
	FROM TRUST FUNDS . . . . .		6,669,989
	TOTAL POSITIONS . . . . .	95.00	
	TOTAL ALL FUNDS . . . . .		6,670,370
OFFENDER MANAGEMENT AND CONTROL			
	APPROVED SALARY RATE	44,057,471	
667	SALARIES AND BENEFITS POSITIONS	1,305.00	
	FROM GENERAL REVENUE FUND . . . . .		58,862,897
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		66,515
668	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		258,761
669	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		2,821,357
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		1,959
670	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .		21,578
671	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		31,653
672	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		62,811
	FROM CORRECTIONAL WORK PROGRAM		
	TRUST FUND . . . . .		1,655
673	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .		8,097
TOTAL:	OFFENDER MANAGEMENT AND CONTROL		
	FROM GENERAL REVENUE FUND . . . . .	62,067,154	
	FROM TRUST FUNDS . . . . .		70,129
	TOTAL POSITIONS . . . . .	1,305.00	
	TOTAL ALL FUNDS . . . . .		62,137,283
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	8,733,593	
674	SALARIES AND BENEFITS POSITIONS	178.00	
	FROM GENERAL REVENUE FUND . . . . .		12,394,388
675	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		75,000
676	EXPENSES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .		2,096,468
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		226,785
	FROM SALE OF GOODS AND SERVICES		
	CLEARING TRUST FUND . . . . .		2,678,250
677	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .		256,642
678	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		1,307,104
	From funds in Specific Appropriation 678, \$1,000,000 in recurring		
	general revenue funds is provided to continue the victim notification		
	system (VINE).		
679	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		100,080
680	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .		2,397
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		16,157,079
	FROM TRUST FUNDS . . . . .		2,980,035
	TOTAL POSITIONS . . . . .	178.00	
	TOTAL ALL FUNDS . . . . .		19,137,114
CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR			
	APPROVED SALARY RATE	18,453,126	
681	SALARIES AND BENEFITS POSITIONS	581.00	
	FROM GENERAL REVENUE FUND . . . . .		24,108,518
682	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		52,808,686
683	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .		364,154
684	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .		4,653
685	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		4,658,135
686	SPECIAL CATEGORIES		
	DEFERRED-PAYMENT COMMODITY CONTRACTS		
	FROM GENERAL REVENUE FUND . . . . .		4,198,894
687	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .		12,410
688	FIXED CAPITAL OUTLAY		
	CORRECTIONAL FACILITIES - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND . . . . .		72,339,384

Funds in Specific Appropriation 688 are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the following correctional facilities:

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

SPECIFIC

APPROPRIATION

Bay Correctional Facility.....	3,420,846
Moore Haven Correctional Facility (Glades County).....	3,065,027
South Bay Correctional Facility (Palm Beach County).....	5,050,052
Graceville Correctional Facility (Jackson County).....	7,510,216
Okeechobee Correctional Institution.....	3,453,098
Blackwater River Correctional Facility (Santa Rosa County)..	10,716,569
Gadsden Correctional Facility.....	3,048,183
Lake City Correctional Facility (Columbia County).....	2,620,198
Demilly Correctional Institution (Polk County).....	1,393,875
Sago Palm Work Camp (Palm Beach County).....	1,477,625
Various DOC Facility Projects - Series 2009 B and C Bonds...	30,583,695

Series 2009 B and C Bonds include various facility construction projects for the following Department of Corrections facilities:

Mayo Annex (Lafayette County), Suwannee Annex (Suwannee County), Lowell Reception Center (Marion County), Lancaster Secure Housing Unit (Gilchrist County), Liberty Work Camp (Liberty County), Franklin Work Camp (Franklin County), Cross City Work Camp (Dixie County), Okeechobee Work Camp (Okeechobee County), New River Work Camp (Bradford County), Santa Rosa Work Camp (Santa Rosa County), Hollywood Work Release Center (Broward County), Kissimmee Work Release Center (Osceola County), Lake City Work Release Center (Columbia County), Santa Fe Work Release Center (Alachua County), Everglades Re-Entry Center (Dade County), Baker Re-Entry Center (Baker County), and Pat Thomas Re-Entry Center (Gadsden County).

688A FIXED CAPITAL OUTLAY	
MAJOR REPAIRS, RENOVATIONS AND	
IMPROVEMENTS TO MAJOR INSTITUTIONS	
FROM GENERAL REVENUE FUND . . . . .	300,000

TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR	
FROM GENERAL REVENUE FUND . . . . .	158,794,834
TOTAL POSITIONS . . . . .	581.00
TOTAL ALL FUNDS . . . . .	158,794,834

PROGRAM: COMMUNITY CORRECTIONS

From the funds in Specific Appropriations 689 through 725, the Department of Corrections may issue a request for proposal, as defined in section 287.057(1)(b), Florida Statutes, for a validated risk and needs assessment tool to classify offenders being supervised by the department by level of risk to re-offend in the areas of violence, property or drug crimes, in order to guide recommendations regarding appropriate supervision. This instrument will assist in determining whether violators should complete community-based sanctions, return to incarceration, or be transferred to an appropriate reentry or community based program. The department may implement the risk assessment as an integrated web-based automated offender referral management system that matches the offenders' needs with appropriate service providers and interventions to enhance supervision and outcomes.

PROBATION SUPERVISION	
APPROVED SALARY RATE	71,236,672
689 SALARIES AND BENEFITS POSITIONS	1,916.00
FROM GENERAL REVENUE FUND . . . . .	101,140,304
FROM FEDERAL GRANTS TRUST FUND . . . . .	28,374
690 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	42,455
691 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	1,842,313
FROM FEDERAL GRANTS TRUST FUND . . . . .	14,108
692 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	239,631
693 SPECIAL CATEGORIES	
BUILDING/OFFICE RENT PAYMENTS	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

SPECIFIC

APPROPRIATION

FROM GENERAL REVENUE FUND . . . . .	12,271,573
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Funds in Specific Appropriation 693 are provided to continue rent payments for individual private contracts for rental of office/building space at a rate not to exceed the rate for each contract in effect on June 30, 2011. Price level increases are not provided for rent payments for Department of Corrections' private leases in the 2011-2012 fiscal year. No other funds are appropriated or shall be transferred by the department for such increases.

694 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	83,919
695 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	3,819,532
696 SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS	
FROM GENERAL REVENUE FUND . . . . .	300,704
696A SPECIAL CATEGORIES	
STATE OPERATIONS - AMERICAN RECOVERY AND	
REINVESTMENT ACT OF 2009	
FROM FEDERAL GRANTS TRUST FUND . . . . .	91,400
696B SPECIAL CATEGORIES	
SALARIES AND BENEFITS - AMERICAN RECOVERY	
AND REINVESTMENT ACT OF 2009	
FROM FEDERAL GRANTS TRUST FUND . . . . .	875,993

TOTAL: PROBATION SUPERVISION	
FROM GENERAL REVENUE FUND . . . . .	119,740,431
FROM TRUST FUNDS . . . . .	1,009,875
TOTAL POSITIONS . . . . .	1,916.00
TOTAL ALL FUNDS . . . . .	120,750,306

DRUG OFFENDER PROBATION SUPERVISION

APPROVED SALARY RATE	13,131,253
697 SALARIES AND BENEFITS POSITIONS	302.00
FROM GENERAL REVENUE FUND . . . . .	19,931,192
698 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	353,990
699 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	17,310
700 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	9,357
701 SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS	
FROM GENERAL REVENUE FUND . . . . .	57,537
TOTAL: DRUG OFFENDER PROBATION SUPERVISION	
FROM GENERAL REVENUE FUND . . . . .	20,369,386
TOTAL POSITIONS . . . . .	302.00
TOTAL ALL FUNDS . . . . .	20,369,386
PRE TRIAL INTERVENTION SUPERVISION	
APPROVED SALARY RATE	2,774,063
702 SALARIES AND BENEFITS POSITIONS	71.00
FROM GENERAL REVENUE FUND . . . . .	4,194,175
703 EXPENSES	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	55,746	
704	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,565	
705	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	18,467	
TOTAL:	PRE TRIAL INTERVENTION SUPERVISION		
	FROM GENERAL REVENUE FUND . . . . .	4,269,953	
	TOTAL POSITIONS . . . . .	71.00	
	TOTAL ALL FUNDS . . . . .	4,269,953	
COMMUNITY CONTROL SUPERVISION			
	APPROVED SALARY RATE	17,369,133	
706	SALARIES AND BENEFITS	POSITIONS	401.00
	FROM GENERAL REVENUE FUND . . . . .	26,743,208	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		133,824
707	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	383,721	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		50,609
708	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	13,711	
709	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	120,503	
710	SPECIAL CATEGORIES		
	ELECTRONIC MONITORING		
	FROM GENERAL REVENUE FUND . . . . .	6,276,469	
TOTAL:	COMMUNITY CONTROL SUPERVISION		
	FROM GENERAL REVENUE FUND . . . . .	33,537,612	
	FROM TRUST FUNDS . . . . .		184,433
	TOTAL POSITIONS . . . . .	401.00	
	TOTAL ALL FUNDS . . . . .	33,722,045	
POST PRISON RELEASE SUPERVISION			
	APPROVED SALARY RATE	15,285,754	
711	SALARIES AND BENEFITS	POSITIONS	318.00
	FROM GENERAL REVENUE FUND . . . . .	22,945,332	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		25,185
712	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	346,557	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		212,243
713	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	5,488	
714	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	68,203	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		30,030
TOTAL:	POST PRISON RELEASE SUPERVISION		
	FROM GENERAL REVENUE FUND . . . . .	23,365,580	
	FROM TRUST FUNDS . . . . .		267,458
	TOTAL POSITIONS . . . . .	318.00	
	TOTAL ALL FUNDS . . . . .	23,633,038	

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ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
715	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	300,000	
716	SPECIAL CATEGORIES		
	CONTRACT DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,000,000	
717	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	4,963,104	
718	SPECIAL CATEGORIES		
	LOCAL COMMUNITY CORRECTIONS PROJECT		
	FROM GENERAL REVENUE FUND . . . . .	226,004	
719	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS		
	FROM GENERAL REVENUE FUND . . . . .	12,215,555	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		550,000
	From the funds in Specific Appropriation 719, \$600,000 in recurring general revenue funds are provided for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACC) in Hillsborough County.		
TOTAL:	ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	18,704,663	
	FROM TRUST FUNDS . . . . .		550,000
	TOTAL ALL FUNDS . . . . .	19,254,663	
OFFENDER MANAGEMENT AND CONTROL			
	APPROVED SALARY RATE	1,342,330	
720	SALARIES AND BENEFITS	POSITIONS	39.00
	FROM GENERAL REVENUE FUND . . . . .	2,279,944	
721	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	18,490	
722	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	35,306	
723	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	26,284	
TOTAL:	OFFENDER MANAGEMENT AND CONTROL		
	FROM GENERAL REVENUE FUND . . . . .	2,360,024	
	TOTAL POSITIONS . . . . .	39.00	
	TOTAL ALL FUNDS . . . . .	2,360,024	
COMMUNITY FACILITY OPERATIONS			
724	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	2,816,521	
725	SPECIAL CATEGORIES		
	JUDICIAL/DEPARTMENT OF CORRECTIONS SENTENCING ALTERNATIVES		
	FROM GENERAL REVENUE FUND . . . . .	700,143	
	Pursuant to sections 944.012(6)(c), 921.00241 and 775.082(10), Florida Statutes, \$700,143 in recurring general revenue funds are provided in Specific Appropriation 725 for Judicial/DOC pilot programs for offenders who would be sentenced to prison, but could be diverted to appropriate programs that allow the offender to retain community		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
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support, access drug treatment and/or employment opportunities while receiving life-skills assistance in a structured environment. These treatment programs may include drug treatment, residential and outpatient treatment programming, day reporting or other services to reduce recidivism.

These pilot programs are to be initiated in communities where the circuit court and Department of Corrections, in conjunction with community stakeholders, agree to implement evidence-based practices and graduated incentives that are anticipated to result in a reduction in prison admissions for that community.

TOTAL: COMMUNITY FACILITY OPERATIONS	
FROM GENERAL REVENUE FUND . . . . .	3,516,664
 TOTAL ALL FUNDS . . . . .	 3,516,664

PROGRAM: HEALTH SERVICES

From the funds in Specific Appropriations 726 through 741, the Department of Corrections shall award contracts to private companies for the provision of health services. The department shall issue a request for proposal, in accordance with chapter 287, Florida Statutes, for statewide comprehensive health care services, excluding region 4, for inmates in the custody of the department. The department must also issue requests for proposals, in accordance with chapter 287, Florida Statutes, individually for regions 1, 2, and 3. These requests for proposal shall not apply to health care services for inmates housed in institutions authorized under the provisions of chapter 957, Florida Statutes. The contract or contracts shall take effect in Fiscal Year 2011-2012. Comprehensive health care services shall include physical health care services (including utilization management), dental services, and mental health services. The department shall determine the award based on best cost and interest to the state. Any intent to award for comprehensive health services is contingent upon a cost savings of at least 7 percent less than the department's Fiscal Year 2009-2010 healthcare expenditures. In order to achieve these cost savings, the contracts shall be written in a manner that enables the contractors to access the legislatively mandated Medicare plus 10 percent provider rates available to the department.

The contracts between the Department of Corrections and the private provider shall specifically require adherence to the requirements set forth in section 119.01, Florida Statutes, to ensure that any nongovernmental entity contracting with the Department of Corrections for the provision of health services shall have the same duty to release information about the provision of health services as a state agency providing such services would have under section 119.01, Florida Statutes.

The department must submit a cost-benefit analysis which delineates the department's current costs of providing the services and the savings that would be generated by the transition plan yielding a minimum savings of at least 7 percent to the Legislative Budget Commission by December 1, 2011. The department shall only award a contract or contracts based on the approval of the Legislative Budget Commission. The department shall also submit recommended revisions to its operating budget including any savings for Fiscal Year 2011-2012 to the Legislative Budget Commission, and such savings shall be placed in reserve. Upon approval by the commission the department may award the contract for outsourcing of health services.

Current Department of Corrections' employees who are affected by the health services privatization initiatives shall be given first preference for continued employment by the contractors. The department shall make reasonable efforts to find a suitable job placement for employees who wish to remain state employees.

INMATE HEALTH SERVICES	
APPROVED SALARY RATE	122,538,444
726 SALARIES AND BENEFITS POSITIONS	2,789.00
FROM GENERAL REVENUE FUND . . . . .	155,652,581

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727 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND . . . . .	18,443,297	
728 EXPENSES		
FROM GENERAL REVENUE FUND . . . . .	11,331,867	
729 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND . . . . .	249,229	
730 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND . . . . .	773,686	
731 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	755,181	
732 SPECIAL CATEGORIES		
INMATE HEALTH SERVICES		
FROM GENERAL REVENUE FUND . . . . .	93,040,947	
FROM ADMINISTRATIVE TRUST FUND . . . . .		116,000

From the funds in Specific Appropriation 732, \$100,000 is provided for Hepatitis B vaccinations for inmates.

733 SPECIAL CATEGORIES		
TREATMENT OF INMATES - GENERAL DRUGS		
FROM GENERAL REVENUE FUND . . . . .	22,769,835	
734 SPECIAL CATEGORIES		
TREATMENT OF INMATES - PSYCHOTROPIC DRUGS		
FROM GENERAL REVENUE FUND . . . . .	11,786,133	
735 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND . . . . .	385,441	
TOTAL: INMATE HEALTH SERVICES		
FROM GENERAL REVENUE FUND . . . . .	315,188,197	
FROM TRUST FUNDS . . . . .		116,000
 TOTAL POSITIONS . . . . .	 2,789.00	
TOTAL ALL FUNDS . . . . .		315,304,197

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

APPROVED SALARY RATE	527,639	
736 SALARIES AND BENEFITS POSITIONS	11.50	
FROM GENERAL REVENUE FUND . . . . .	106,193	
FROM FEDERAL GRANTS TRUST FUND . . . . .		526,936
737 OTHER PERSONAL SERVICES		
FROM FEDERAL GRANTS TRUST FUND . . . . .		184,207
738 EXPENSES		
FROM GENERAL REVENUE FUND . . . . .	178,506	
FROM FEDERAL GRANTS TRUST FUND . . . . .		721,494
739 OPERATING CAPITAL OUTLAY		
FROM FEDERAL GRANTS TRUST FUND . . . . .		27,019
740 SPECIAL CATEGORIES		
INMATE HEALTH SERVICES		
FROM GENERAL REVENUE FUND . . . . .	2,204,554	
741 SPECIAL CATEGORIES		
TREATMENT OF INMATES - INFECTIOUS DISEASE DRUGS		
FROM GENERAL REVENUE FUND . . . . .	20,181,349	

TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES

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SPECIFIC			
APPROPRIATION			
FROM GENERAL REVENUE FUND . . . . .	22,670,602		
FROM TRUST FUNDS . . . . .		1,459,656	
TOTAL POSITIONS . . . . .	11.50		
TOTAL ALL FUNDS . . . . .		24,130,258	

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
APPROVED SALARY RATE	1,569,267		
742 SALARIES AND BENEFITS POSITIONS	35.00		
FROM GENERAL REVENUE FUND . . . . .	882,178		
FROM FEDERAL GRANTS TRUST FUND . . . . .		798,523	
743 OTHER PERSONAL SERVICES			
FROM FEDERAL GRANTS TRUST FUND . . . . .		32,809	
744 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	71,548		
FROM FEDERAL GRANTS TRUST FUND . . . . .		622,865	
745 OPERATING CAPITAL OUTLAY			
FROM FEDERAL GRANTS TRUST FUND . . . . .		45,600	
746 SPECIAL CATEGORIES			
CONTRACT DRUG ABUSE SERVICES			
FROM GENERAL REVENUE FUND . . . . .	1,889,663		
FROM FEDERAL GRANTS TRUST FUND . . . . .		3,072,341	
TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES			
FROM GENERAL REVENUE FUND . . . . .	2,843,389		
FROM TRUST FUNDS . . . . .		4,572,138	
TOTAL POSITIONS . . . . .	35.00		
TOTAL ALL FUNDS . . . . .		7,415,527	

BASIC EDUCATION SKILLS

APPROVED SALARY RATE	13,972,951		
747 SALARIES AND BENEFITS POSITIONS	316.00		
FROM GENERAL REVENUE FUND . . . . .	12,346,707		
FROM FEDERAL GRANTS TRUST FUND . . . . .		2,550,717	
748 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	444,197		
FROM FEDERAL GRANTS TRUST FUND . . . . .		516,172	
749 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	1,961,233		
FROM FEDERAL GRANTS TRUST FUND . . . . .		1,933,823	

From funds in Specific Appropriation 749, \$500,000 from recurring general revenue funds is provided to issue a request for proposal, as defined in section 287.057(1)(b), F.S., to establish a pilot online career education program to serve up to 400 inmates through an Advanced/SACS accredited online school district that offers career-based online high school diplomas designed to prepare adults for transition into the workplace. The department may use federal funds provided to educate inmates to expand this pilot beyond 400 inmates. The department shall provide an initial report regarding the progress of the inmates in the online diploma and career certificate programs to the chairs of the Senate Budget Committee and the House Appropriations Committee by December 31, 2011.

750 OPERATING CAPITAL OUTLAY			
FROM FEDERAL GRANTS TRUST FUND . . . . .		472,386	
751 SPECIAL CATEGORIES			
CONTRACTED SERVICES			

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APPROPRIATION			
FROM GENERAL REVENUE FUND . . . . .		39,226	
FROM FEDERAL GRANTS TRUST FUND . . . . .			1,402,052
752 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .		96,009	
753 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .		15,530	
FROM FEDERAL GRANTS TRUST FUND . . . . .			1,391
TOTAL: BASIC EDUCATION SKILLS			
FROM GENERAL REVENUE FUND . . . . .		14,902,902	
FROM TRUST FUNDS . . . . .			6,876,541
TOTAL POSITIONS . . . . .	316.00		
TOTAL ALL FUNDS . . . . .			21,779,443

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

APPROVED SALARY RATE	3,383,447		
754 SALARIES AND BENEFITS POSITIONS	60.00		
FROM GENERAL REVENUE FUND . . . . .	4,217,105		
FROM FEDERAL GRANTS TRUST FUND . . . . .			452,057
755 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .		112,697	
756 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .		381,876	
FROM FEDERAL GRANTS TRUST FUND . . . . .			119,152
757 OPERATING CAPITAL OUTLAY			
FROM FEDERAL GRANTS TRUST FUND . . . . .			3,000
758 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .		3,330,057	
FROM FEDERAL GRANTS TRUST FUND . . . . .			324,848
759 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .		3,244	
TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT			
FROM GENERAL REVENUE FUND . . . . .		8,044,979	
FROM TRUST FUNDS . . . . .			899,057
TOTAL POSITIONS . . . . .	60.00		
TOTAL ALL FUNDS . . . . .			8,944,036

TOTAL: CORRECTIONS, DEPARTMENT OF			
FROM GENERAL REVENUE FUND . . . . .		2,197,112,822	
FROM TRUST FUNDS . . . . .			80,211,199
TOTAL POSITIONS . . . . .	27,599.00		
TOTAL ALL FUNDS . . . . .			2,277,324,021
TOTAL APPROVED SALARY RATE . . . . .	1,026,331,732		

JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE	3,597,321		
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760	SALARIES AND BENEFITS	POSITIONS	80.00
	FROM GENERAL REVENUE FUND		4,736,750
761	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		19,776
762	EXPENSES		
	FROM GENERAL REVENUE FUND		674,858
	FROM GRANTS AND DONATIONS TRUST		
	FUND		428,416
763	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		20,000
764	LUMP SUM		
	WORKLOAD FOR COUNTY OR MUNICIPAL CONTRACTS		
	POSITIONS	14.00	

The positions in Specific Appropriation 764 are provided for State Attorneys and Public Defenders to use for grants received from counties during Fiscal Year 2011-2012 for the purpose of prosecution of local ordinance violations pursuant to section 27.34, Florida Statutes, or defense of persons accused of violating local ordinances pursuant to section 27.54, Florida Statutes. Such transfers are contingent upon the Justice Administrative Commission notifying the chair of the Senate Budget Committee and the chair of the House Appropriations Committee and the Governor's Office of Policy and Budget. Such notification is subject to the legislative objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions consistent with the salaries provided for in the grant.

765	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FOSTER CARE CITIZEN		
	REVIEW PANEL		
	FROM GENERAL REVENUE FUND		92,160
	FROM GRANTS AND DONATIONS TRUST		
	FUND		300,000
766	SPECIAL CATEGORIES		
	SEXUAL PREDATOR CIVIL COMMITMENT		
	LITIGATION COSTS		
	FROM GENERAL REVENUE FUND		3,397,591

Funds in Specific Appropriation 766 are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The maximum amount to be paid by the Justice Administrative Commission for medical experts for sexual predator civil commitment cases is \$200 per hour and all related travel costs must be apportioned to the associated case. The Justice Administrative Commission is authorized to pay up to \$5,000 per case for case-related expenses incurred by the State Attorney, the Public Defender, or the criminal conflict and civil regional counsel, or court appointed counsel where there is an ethical conflict, for a combined maximum of \$10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee describing, by judicial circuit: requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.

767	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		86,520
768	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF FINANCIAL		
	SERVICES - AUDITS OF CLERK BUDGETS		
	FROM GENERAL REVENUE FUND		69,668
769	SPECIAL CATEGORIES		

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	PUBLIC DEFENDER DUE PROCESS COSTS		
	FROM GENERAL REVENUE FUND		18,663,034

Funds in Specific Appropriation 769 are provided for the Public Defenders' due process costs as specified in section 29.006, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	823,448
2nd Judicial Circuit	656,793
3rd Judicial Circuit	147,619
4th Judicial Circuit	1,273,749
5th Judicial Circuit	871,658
6th Judicial Circuit	1,189,457
7th Judicial Circuit	675,912
8th Judicial Circuit	479,128
9th Judicial Circuit	1,151,167
10th Judicial Circuit	757,431
11th Judicial Circuit	3,319,357
12th Judicial Circuit	647,744
13th Judicial Circuit	1,890,561
14th Judicial Circuit	328,641
15th Judicial Circuit	837,310
16th Judicial Circuit	114,835
17th Judicial Circuit	1,374,773
18th Judicial Circuit	644,172
19th Judicial Circuit	601,795
20th Judicial Circuit	877,484

From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st Judicial Circuit	190,611
2nd Judicial Circuit	323,698
3rd Judicial Circuit	52,251
6th Judicial Circuit	103,493
7th Judicial Circuit	37,310
8th Judicial Circuit	83,798
9th Judicial Circuit	481,878
10th Judicial Circuit	68,975
11th Judicial Circuit	121,996
12th Judicial Circuit	153,205
13th Judicial Circuit	784,106
14th Judicial Circuit	134,089
15th Judicial Circuit	93,646
16th Judicial Circuit	74,983
17th Judicial Circuit	60,851

770	SPECIAL CATEGORIES		
	CHILD DEPENDENCY AND CIVIL CONFLICT CASE		
	FROM GENERAL REVENUE FUND		9,485,048

Funds in Specific Appropriation 770 are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, of these case payments to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by judicial circuit, which shall include, but not be limited to: information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements and performance measures for court appointed counsel including: average time to complete cases by case type; number of bar complaints for state paid cases; percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per

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case by type from this special appropriations category.

The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for the following dependency and civil cases is set as follows:

Table listing various legal categories and their associated costs, such as 'ADMISSION OF INMATE TO MENTAL HEALTH FACILITY' at 300 and 'TERMINATION OF PARENTAL RIGHTS' at 1,000.

771 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND . . . . . 66,847

771A SPECIAL CATEGORIES
ATTORNEY PAYMENTS OVER FLAT FEE
FROM GENERAL REVENUE FUND . . . . . 3,000,000

Funds in Specific Appropriation 771A are provided for court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law.

772 SPECIAL CATEGORIES
CRIMINAL CONFLICT CASE COSTS
FROM GENERAL REVENUE FUND . . . . . 19,576,706

Funds in Specific Appropriation 772 are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes.

From the funds in Specific Appropriation 772, a total of \$216,934 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator.

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
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The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for criminal conflict cases is set as follows:

Table listing various legal categories and their associated costs, such as 'POSTCONVICTION - Sections 3.850 and 3.800, F.S.' at 1,000 and 'CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL)' at 15,000.

The hourly rate for mitigation specialists in capital death cases shall not exceed \$75.00 per hour.

The maximum amount to be paid by the Justice Administrative Commission for non-attorney due process services other than those specified, shall not exceed the rates in effect for the 2007-2008 fiscal year.

The maximum amount to be paid by the Justice Administrative Commission for investigators for criminal conflict cases is \$40 per hour.

- 1. Depositions Appearance fees: 1st hour: \$50.00; thereafter \$25.00 per hour
2. Deposition transcript fee (Original & one copy): 10 business day delivery: \$2.95 per page
3. Appellate/hearing transcript fee (Original & all copies needed with minimum 2): 10 business day delivery: \$3.95 per page
4. Transcription from tapes or audio recordings (other than depositions or hearings): Either \$35 per hour listening fee or \$3.00 per page whichever is greater.
5. Video Services: \$100 per hour per location.

When a defense attorney orders a transcript, the court reporter shall bill either the number of pages for the transcript or the applicable appearance or listening fee, whichever is greater.

773 SPECIAL CATEGORIES
STATE ATTORNEY DUE PROCESS COSTS
FROM GENERAL REVENUE FUND . . . . . 10,716,646

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
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Funds in Specific Appropriation 773 are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

Table with 2 columns: Circuit number and Amount. Rows include 1st through 20th Judicial Circuits with amounts ranging from 634,159 to 645,444.

From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

Table with 2 columns: Circuit number and Amount. Rows include 1st through 17th Judicial Circuits with amounts ranging from 18,232 to 20,081.

774 SPECIAL CATEGORIES  
CRIMINAL CONFLICT AND DEPENDENCY COUNSEL  
LIABILITY  
FROM GENERAL REVENUE FUND . . . . . 9,957,836

Funds in Specific Appropriation 774 are provided to pay for criminal conflict, dependency and other civil cases for which appointment was made during Fiscal Years 2004-2005, 2005-2006, and 2006-2007. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee.

775 SPECIAL CATEGORIES  
STATE ATTORNEY AND PUBLIC DEFENDER  
TRAINING  
FROM GENERAL REVENUE FUND . . . . . 33,529  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 3,000

776 SPECIAL CATEGORIES  
DUE PROCESS CONTINGENCY FUND  
FROM GENERAL REVENUE FUND . . . . . 904,451

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777 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT  
SERVICES - HUMAN RESOURCES SERVICES  
PURCHASED PER STATEWIDE CONTRACT  
FROM GENERAL REVENUE FUND . . . . . 2,388,332  
FROM CHILD SUPPORT TRUST FUND . . . . . 72,718  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 76,216  
FROM INDIGENT CRIMINAL DEFENSE  
TRUST FUND . . . . . 22,259

From the funds provided in Specific Appropriation 777, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund, Child Support Enforcement Trust Fund, State Attorney Revenue Trust Fund, Public Defender Revenue Trust Fund, and Indigent Criminal Defense Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.

778 SPECIAL CATEGORIES  
TRANSFER TO THE DEPARTMENT OF FINANCIAL  
SERVICES FOR THE POSTCONVICTION CAPITAL  
COLLATERAL CASES - REGISTRY ATTORNEYS  
FROM GENERAL REVENUE FUND . . . . . 1,765,996

781 DATA PROCESSING SERVICES  
SOUTHWOOD SHARED RESOURCE CENTER  
FROM GENERAL REVENUE FUND . . . . . 17,931

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES  
FROM GENERAL REVENUE FUND . . . . . 85,673,679  
FROM TRUST FUNDS . . . . . 902,609  
TOTAL POSITIONS . . . . . 94.00  
TOTAL ALL FUNDS . . . . . 86,576,288

PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE  
APPROVED SALARY RATE 20,986,664

782 SALARIES AND BENEFITS POSITIONS 539.00  
FROM GENERAL REVENUE FUND . . . . . 26,651,535

Funds and positions in Specific Appropriations 782 through 790, shall first be used to represent children involved in dependency proceedings. Once all children in dependency proceedings are represented, the funds may be used to represent children in other proceedings as authorized by law.

783 OTHER PERSONAL SERVICES  
FROM GENERAL REVENUE FUND . . . . . 125,000  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 150,000

784 EXPENSES  
FROM GENERAL REVENUE FUND . . . . . 1,477,575  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 50,249

785 OPERATING CAPITAL OUTLAY  
FROM GENERAL REVENUE FUND . . . . . 24,000  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 10,000

786 SPECIAL CATEGORIES  
GRANTS AND AIDS - COURT SYSTEM SERVICES  
FOR CHILDREN AND YOUTH  
FROM GENERAL REVENUE FUND . . . . . 892,656

787 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM GENERAL REVENUE FUND . . . . . 1,473,393  
FROM GRANTS AND DONATIONS TRUST

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS		
SPECIFIC		
APPROPRIATION		
FUND . . . . .		110,000
788 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	561,107	
789 DATA PROCESSING SERVICES		
OTHER DATA PROCESSING SERVICES		
FROM GENERAL REVENUE FUND . . . . .	42,057	
790 DATA PROCESSING SERVICES		
SOUTHWOOD SHARED RESOURCE CENTER		
FROM GENERAL REVENUE FUND . . . . .	85,966	
TOTAL: PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE		
FROM GENERAL REVENUE FUND . . . . .	31,333,289	
FROM TRUST FUNDS . . . . .		320,249
TOTAL POSITIONS . . . . .	539.00	
TOTAL ALL FUNDS . . . . .		31,653,538

PROGRAM: CLERKS OF COURT

CLERKS OF COURT

790A EXPENSES		
FROM GENERAL REVENUE FUND . . . . .	350,000	
The funds in Specific Appropriation 790A are for the Orange County Clerk of Court for costs associated with the Casey Anthony case.		
791 SPECIAL CATEGORIES		
GRANTS & AIDS - CLERKS OF COURT		
FROM THE CLERKS OF THE COURT TRUST		
FUND . . . . .		445,080,312

The budget for each clerk of court and the approved unit costs required under section 28.36, F.S., for the state fiscal year 2011-2012 are contained in the document entitled "2010-2011 and 2011-2012 Clerk of Court Unit Cost Budgets" dated May 3, 2011, and on file with the Secretary of the Senate. This document is hereby incorporated by reference into the 2011-2012 General Appropriations Act.

From the funds in Specific Appropriation 791, the clerks of court shall implement the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, for the ten trial court divisions by January 1, 2012. The ten divisions are defined pursuant to subsection 28.36, (3), Florida Statutes.

TOTAL: CLERKS OF COURT		
FROM GENERAL REVENUE FUND . . . . .	350,000	
FROM TRUST FUNDS . . . . .		445,080,312
TOTAL ALL FUNDS . . . . .		445,430,312

CLERKS OF COURT OPERATIONS CORPORATION

APPROVED SALARY RATE	534,991	
792 SALARIES AND BENEFITS POSITIONS	7.00	
FROM THE CLERKS OF THE COURT TRUST		
FUND . . . . .		699,206

From the funds in Specific Appropriation 792, the Clerk of Courts Operation Corporation shall work with the Office of the State Courts Administrator to jointly develop and recommend by November 1, 2011, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee appropriate Article V revenue streams to be directed to the State Courts Revenue Trust Fund and the Clerk of Court Trust Fund to eliminate problems with cash flow in both funds and to ensure revenue streams are adequate to support appropriations.

793 OTHER PERSONAL SERVICES		
FROM THE CLERKS OF THE COURT TRUST		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS		
SPECIFIC		
APPROPRIATION		
FUND . . . . .		30,000
794 EXPENSES		
FROM THE CLERKS OF THE COURT TRUST		
FUND . . . . .		244,177
795 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM THE CLERKS OF THE COURT TRUST		
FUND . . . . .		665,000
796 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM THE CLERKS OF THE COURT TRUST		
FUND . . . . .		1,736
TOTAL: CLERKS OF COURT OPERATIONS CORPORATION		
FROM TRUST FUNDS . . . . .		1,640,119

TOTAL POSITIONS . . . . .	7.00	
TOTAL ALL FUNDS . . . . .		1,640,119

STATE ATTORNEYS

Only the Prosecution Coordination Office's budgeting, legal, training and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations 797 through 920. These funds may not be expended for lobbying on behalf of the office or the Florida Prosecuting Attorneys Association before the Legislature but may be expended to respond to requests for information. Funding for this office shall not exceed \$400,000 from the State Attorneys Revenue Trust Fund.

PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE	10,322,898	
797 SALARIES AND BENEFITS POSITIONS	236.75	
FROM GENERAL REVENUE FUND . . . . .		11,359,998
FROM STATE ATTORNEYS REVENUE TRUST		
FUND . . . . .		2,084,770
FROM GRANTS AND DONATIONS TRUST		
FUND . . . . .		380,081
798 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND . . . . .	30,415	
FROM STATE ATTORNEYS REVENUE TRUST		
FUND . . . . .		280,836
FROM GRANTS AND DONATIONS TRUST		
FUND . . . . .		4,013
799 SPECIAL CATEGORIES		
STATE ATTORNEY OPERATING EXPENDITURES		
FROM GENERAL REVENUE FUND . . . . .		871,057
FROM STATE ATTORNEYS REVENUE TRUST		
FUND . . . . .		107,210
FROM FORFEITURE AND INVESTIGATIVE		
SUPPORT TRUST FUND . . . . .		9,047
FROM GRANTS AND DONATIONS TRUST		
FUND . . . . .		41,211
800 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	44,223	
FROM STATE ATTORNEYS REVENUE TRUST		
FUND . . . . .		33,085
FROM GRANTS AND DONATIONS TRUST		
FUND . . . . .		117
801 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND . . . . .		9,874

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
802	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM GRANTS AND DONATIONS TRUST FUND . . . . .		172,748
TOTAL: PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	12,315,567	
	FROM TRUST FUNDS . . . . .		3,113,118
	TOTAL POSITIONS . . . . .	236.75	
	TOTAL ALL FUNDS . . . . .		15,428,685
PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	5,670,409	
803	SALARIES AND BENEFITS POSITIONS	116.00	
	FROM GENERAL REVENUE FUND . . . . .	6,555,223	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		643,139
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		333,311
804	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	25,381	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		180,310
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		65,647
804A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		19,000
805	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND . . . . .	353,565	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		124,644
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		103,995
806	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . .	18,379	
807	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND . . . . .	8,093	
808	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM GRANTS AND DONATIONS TRUST FUND . . . . .		14,408
TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	6,960,641	
	FROM TRUST FUNDS . . . . .		1,484,454
	TOTAL POSITIONS . . . . .	116.00	
	TOTAL ALL FUNDS . . . . .		8,445,095
PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	3,414,965	
809	SALARIES AND BENEFITS POSITIONS	71.00	
	FROM GENERAL REVENUE FUND . . . . .	3,817,212	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		516,344
	FROM GRANTS AND DONATIONS TRUST		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FUND . . . . .		253,460
810	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	7,857	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		6,372
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		66,124
811	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND . . . . .	216,966	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		27,204
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		76,701
812	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . .	19,558	
813	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND . . . . .	6,034	
814	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM GRANTS AND DONATIONS TRUST FUND . . . . .		11,495
TOTAL: PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	4,067,627	
	FROM TRUST FUNDS . . . . .		957,700
	TOTAL POSITIONS . . . . .	71.00	
	TOTAL ALL FUNDS . . . . .		5,025,327
PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	16,708,197	
815	SALARIES AND BENEFITS POSITIONS	370.00	
	FROM GENERAL REVENUE FUND . . . . .	18,747,664	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		1,818,494
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,460,367
From the positions and funds provided in Specific Appropriation 815, two full-time equivalent positions with associated rate of 95,646 and \$138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.			
816	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	139,844	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		467,754
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND . . . . .		55,000
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		788,118
816A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		19,000
817	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND . . . . .	285,412	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		335,658
	FROM FORFEITURE AND INVESTIGATIVE		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	SUPPORT TRUST FUND . . . . .	110,800	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	455,515	
818	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	117,724	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	965	
819	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	11,404	
820	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	110,164	
TOTAL: PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	19,302,048	
	FROM TRUST FUNDS . . . . .	5,621,835	
	TOTAL POSITIONS . . . . .	370.00	
	TOTAL ALL FUNDS . . . . .	24,923,883	
PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	11,971,282	
821	SALARIES AND BENEFITS POSITIONS	239.00	
	FROM GENERAL REVENUE FUND . . . . .	13,599,025	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	680,266	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	1,469,043	
822	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	10,599	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	239,092	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	79,104	
822A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	19,000	
823	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	529,767	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	24,337	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	18,341	
824	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	55,228	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	1,640	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	1,864	
825	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	15,740	
826	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND		
	REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FUND . . . . .		36,080
827	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		31,362
TOTAL: PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	14,210,359	
	FROM TRUST FUNDS . . . . .		2,600,129
	TOTAL POSITIONS . . . . .	239.00	
	TOTAL ALL FUNDS . . . . .		16,810,488
PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	22,457,412	
828	SALARIES AND BENEFITS POSITIONS	475.00	
	FROM GENERAL REVENUE FUND . . . . .	23,613,145	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		3,136,256
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		3,370,602
829	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	86,869	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		364,506
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		64,737
829A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		38,000
830	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	478,581	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		232,453
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		574,048
831	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	82,995	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		32,846
832	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	22,724	
833	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		109,631
TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	24,284,314	
	FROM TRUST FUNDS . . . . .		7,923,079
	TOTAL POSITIONS . . . . .	475.00	
	TOTAL ALL FUNDS . . . . .		32,207,393
PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	11,135,986	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
834	SALARIES AND BENEFITS	POSITIONS	242.00
	FROM GENERAL REVENUE FUND . . . . .		12,480,048
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		1,945,627
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		458,691
835	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		39,274
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		271,831
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		9,980
835A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		19,000
836	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .		620,797
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		342,348
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		158,681
837	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		42,146
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		16,800
838	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		6,094
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		17,620
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		2,380
839	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		31,362
TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .		13,188,359
	FROM TRUST FUNDS . . . . .		3,274,320
	TOTAL POSITIONS . . . . .		242.00
	TOTAL ALL FUNDS . . . . .		16,462,679
PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE		6,263,660
840	SALARIES AND BENEFITS	POSITIONS	139.00
	FROM GENERAL REVENUE FUND . . . . .		7,319,391
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		668,935
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		429,786
841	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		8,533
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		169,958
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		34,329
842	SPECIAL CATEGORIES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .		292,067
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		18,485
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		9,040
843	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		52,588
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		10,130
844	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		13,506
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .		7,686,085
	FROM TRUST FUNDS . . . . .		1,340,663
	TOTAL POSITIONS . . . . .		139.00
	TOTAL ALL FUNDS . . . . .		9,026,748
PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE		16,624,498
845	SALARIES AND BENEFITS	POSITIONS	361.50
	FROM GENERAL REVENUE FUND . . . . .		20,236,768
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		1,264,391
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		159,869
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		872,056
From the positions and funds provided in Specific Appropriation 845, five full-time equivalent positions with associated salary rate of 268,146 and \$388,617 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.			
846	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		140,793
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		295,752
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		63,000
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		1,000
847	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .		928,098
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		197,029
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		35,225
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		17,641
848	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		71,109
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		85,398
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		864
849	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		26,486
850	SPECIAL CATEGORIES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .	1,325	
851	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .	157,615	
TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	21,403,254	
	FROM TRUST FUNDS . . . . .		3,151,165
	TOTAL POSITIONS . . . . .	361.50	
	TOTAL ALL FUNDS . . . . .		24,554,419
PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	10,680,495	
852	SALARIES AND BENEFITS	216.00	
	FROM GENERAL REVENUE FUND . . . . .	11,107,399	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		1,950,403
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		935,797
853	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	31,189	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		237,128
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		33,018
853A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		38,000
854	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	217,562	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		203,328
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		227,558
855	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	40,312	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		23,883
856	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	14,365	
857	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		72,132
TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	11,410,827	
	FROM TRUST FUNDS . . . . .		3,721,247
	TOTAL POSITIONS . . . . .	216.00	
	TOTAL ALL FUNDS . . . . .		15,132,074

PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	APPROVED SALARY RATE	53,027,803	
858	SALARIES AND BENEFITS	POSITIONS	1,264.00
	FROM GENERAL REVENUE FUND . . . . .		44,132,857
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		3,247,593
	FROM CHILD SUPPORT TRUST FUND . . . . .		18,682,942
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND . . . . .		210,518
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		3,907,514
From the positions and funds provided in Specific Appropriation 858, two full-time equivalent positions with associated salary rate of 97,386 and \$141,134 from the Grants and Donations Trust Fund and two full-time equivalent positions with associated salary rate of 96,584 and \$139,252 from general revenue.			
Additionally, two full-time equivalent positions with associated salary rate of 96,084 and \$139,254 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.			
859	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		239,005
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		736,709
	FROM CHILD SUPPORT TRUST FUND . . . . .		868,300
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		231,131
859A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND . . . . .		19,000
860	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .		776,740
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		239,390
	FROM CHILD SUPPORT TRUST FUND . . . . .		3,890,818
	FROM CIVIL RICO TRUST FUND . . . . .		200,020
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND . . . . .		203,700
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,400,527
861	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		391,606
	FROM CHILD SUPPORT TRUST FUND . . . . .		22,384
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND . . . . .		169,609
862	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		22,221
863	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		568,063
864	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,763,336
TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .		45,562,429
	FROM TRUST FUNDS . . . . .		36,361,554

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
TOTAL POSITIONS . . . . .	1,264.00		
TOTAL ALL FUNDS . . . . .		81,923,983	
PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL			
CIRCUIT			
APPROVED SALARY RATE	8,576,980		
865 SALARIES AND BENEFITS POSITIONS	182.00		
FROM GENERAL REVENUE FUND . . . . .	10,271,397		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .		1,252,062	
866 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	23,211		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .		161,623	
866A SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .		38,000	
867 SPECIAL CATEGORIES			
STATE ATTORNEY OPERATING EXPENDITURES			
FROM GENERAL REVENUE FUND . . . . .	408,884		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .		89,785	
868 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	54,983		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .		17,601	
869 SPECIAL CATEGORIES			
SALARY INCENTIVE PAYMENTS			
FROM GENERAL REVENUE FUND . . . . .	9,461		
TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL			
CIRCUIT			
FROM GENERAL REVENUE FUND . . . . .	10,767,936		
FROM TRUST FUNDS . . . . .		1,559,071	
TOTAL POSITIONS . . . . .	182.00		
TOTAL ALL FUNDS . . . . .		12,327,007	

PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL			
CIRCUIT			
APPROVED SALARY RATE	16,680,807		
870 SALARIES AND BENEFITS POSITIONS	357.00		
FROM GENERAL REVENUE FUND . . . . .	18,833,826		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .		2,082,880	
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .		684,037	
From the positions and funds provided in Specific Appropriation 870, two full-time equivalent positions with associated salary rate of 109,446 and \$158,617 from the Grants and Donations Trust Fund and four full-time equivalent positions with associated salary rate of 219,542 and \$310,748 from general revenue funds are provided for prosecution of insurance fraud.			
Additionally, two full-time equivalent positions with associated salary rate of 96,084 and \$139,253 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.			
871 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	119,228		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .		302,150	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .			7,755
871A SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .			10,000
872 SPECIAL CATEGORIES			
STATE ATTORNEY OPERATING EXPENDITURES			
FROM GENERAL REVENUE FUND . . . . .	648,570		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .			180,196
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .			81,630
873 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	90,428		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .			32,379
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .			3,379
874 SPECIAL CATEGORIES			
SALARY INCENTIVE PAYMENTS			
FROM GENERAL REVENUE FUND . . . . .	6,827		
875 SPECIAL CATEGORIES			
SALARIES AND BENEFITS - AMERICAN RECOVERY			
AND REINVESTMENT ACT OF 2009			
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .			405,234
TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL			
CIRCUIT			
FROM GENERAL REVENUE FUND . . . . .	19,698,879		
FROM TRUST FUNDS . . . . .			3,789,640
TOTAL POSITIONS . . . . .	357.00		
TOTAL ALL FUNDS . . . . .			23,488,519
PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL			
CIRCUIT			
APPROVED SALARY RATE	5,743,893		
876 SALARIES AND BENEFITS POSITIONS	123.00		
FROM GENERAL REVENUE FUND . . . . .	6,795,345		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .			516,740
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .			401,423
877 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	9,899		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .			136,429
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .			1
877A SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .			19,000
878 SPECIAL CATEGORIES			
STATE ATTORNEY OPERATING EXPENDITURES			
FROM GENERAL REVENUE FUND . . . . .	240,615		
FROM STATE ATTORNEYS REVENUE TRUST			
FUND . . . . .			6,676
879 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	45,078	
	FROM STATE ATTORNEYS REVENUE TRUST		96,943
	FUND . . . . .		
880	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	7,697	
881	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	11,660	
TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	7,098,634	
	FROM TRUST FUNDS . . . . .		1,188,872
	TOTAL POSITIONS . . . . .	123.00	
	TOTAL ALL FUNDS . . . . .		8,287,506
PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	16,238,329	
882	SALARIES AND BENEFITS POSITIONS	331.00	
	FROM GENERAL REVENUE FUND . . . . .	18,048,049	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		2,185,271
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		83,507
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		1,328,556

From the positions and funds provided in Specific Appropriation 882, two full-time equivalent positions with associated salary rate of 95,646 and \$138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
887	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		88,192
TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	18,799,456	
	FROM TRUST FUNDS . . . . .		4,457,084
	TOTAL POSITIONS . . . . .	331.00	
	TOTAL ALL FUNDS . . . . .		23,256,540
PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	3,051,173	
888	SALARIES AND BENEFITS POSITIONS	62.00	
	FROM GENERAL REVENUE FUND . . . . .	3,480,785	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		382,517
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		193,870
889	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	15,490	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		55,015
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		76,054
890	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	138,664	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		54,509
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		106,514
891	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	23,890	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		18,404
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		9,185
892	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	7,041	
TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	3,665,870	
	FROM TRUST FUNDS . . . . .		896,068
	TOTAL POSITIONS . . . . .	62.00	
	TOTAL ALL FUNDS . . . . .		4,561,938
PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	23,535,799	
893	SALARIES AND BENEFITS POSITIONS	509.00	
	FROM GENERAL REVENUE FUND . . . . .	27,820,828	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .		3,329,442
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		472,448

From the positions and funds provided in Specific Appropriation 893,

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

two full-time equivalent positions with associated salary rate of 95,646 and \$138,618 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.

894	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	114,991	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		440,220
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		122,864
895	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	1,160,599	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		166,042
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		34,601
896	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	206,653	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		177,416
897	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	23,491	
898	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		200
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		53
899	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		30,993
900	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		128,381
TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	29,326,562	
	FROM TRUST FUNDS . . . . .		4,902,660
	TOTAL POSITIONS . . . . .	509.00	
	TOTAL ALL FUNDS . . . . .		34,229,222
PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	13,633,064	
901	SALARIES AND BENEFITS		
	POSITIONS	294.00	
	FROM GENERAL REVENUE FUND . . . . .	15,512,826	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		1,855,315
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		944,300
902	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	25,100	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		263,418

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		12,512
902A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		19,000
903	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	615,868	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		38,459
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		64,924
904	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	52,967	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		10,026
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		6,231
905	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	9,587	
906	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		16,802
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	16,216,348	
	FROM TRUST FUNDS . . . . .		3,230,987
	TOTAL POSITIONS . . . . .	294.00	
	TOTAL ALL FUNDS . . . . .		19,447,335
PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	7,644,966	
907	SALARIES AND BENEFITS		
	POSITIONS	166.00	
	FROM GENERAL REVENUE FUND . . . . .	8,297,090	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		1,180,054
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		641,875
908	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	19,414	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		209,720
908A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		19,000
909	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	520,498	
	FROM STATE ATTORNEYS REVENUE TRUST FUND . . . . .		9,502
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		36,372
910	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	18,060	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	21,451	
911	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	8,764	
912	SPECIAL CATEGORIES		
	LEAVE LIABILITY		
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	189,754	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	10,581	
913	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND		
	REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	37,142	
TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL			
	CIRCUIT		
	FROM GENERAL REVENUE FUND . . . . .	8,863,826	
	FROM TRUST FUNDS . . . . .		2,355,451
	TOTAL POSITIONS . . . . .	166.00	
	TOTAL ALL FUNDS . . . . .		11,219,277
PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL			
	CIRCUIT		
	APPROVED SALARY RATE	13,823,620	
914	SALARIES AND BENEFITS	POSITIONS	310.00
	FROM GENERAL REVENUE FUND . . . . .	15,740,959	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	1,333,520	
	FROM CIVIL RICO TRUST FUND . . . . .	118,381	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	1,379,117	
915	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	32,100	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	324,690	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	10,925	
916	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	816,802	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	94,087	
	FROM CIVIL RICO TRUST FUND . . . . .	27,102	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	38,923	
917	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	57,277	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	36,376	
918	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	21,024	
	FROM STATE ATTORNEYS REVENUE TRUST		
	FUND . . . . .	480	
919	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND		
	REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FUND . . . . .		10,068
920	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		138,804
TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL			
	CIRCUIT		
	FROM GENERAL REVENUE FUND . . . . .	16,668,162	
	FROM TRUST FUNDS . . . . .		3,512,473
	TOTAL POSITIONS . . . . .	310.00	
	TOTAL ALL FUNDS . . . . .		20,180,635
PUBLIC DEFENDERS			
Only the Public Defenders Coordination Office's budgeting, legal, training and education needs may be funded by each Public Defender's office within the funds provided in Specific Appropriations 921 through 1026. These funds may not be expended for lobbying on behalf of the office or the Public Defender's Association before the Legislature but may be expended to respond to requests for information. Funding for this office shall not exceed \$400,000 from the Indigent Criminal Defense Trust Fund.			
PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	5,580,732	
921	SALARIES AND BENEFITS	POSITIONS	119.00
	FROM GENERAL REVENUE FUND . . . . .	6,747,497	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		213,357
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		121,811
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		486,065
922	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	22,604	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		6,977
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		178,078
922A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		67,500
923	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	195,976	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		5,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		142,129
924	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	15,795	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		7,271
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	6,981,872	
	FROM TRUST FUNDS . . . . .		1,228,188
	TOTAL POSITIONS . . . . .	119.00	
	TOTAL ALL FUNDS . . . . .		8,210,060
PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL			

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION  
CIRCUIT

APPROVED SALARY RATE	3,980,532		
926 SALARIES AND BENEFITS	POSITIONS	85.00	
FROM GENERAL REVENUE FUND		4,668,880	
FROM PUBLIC DEFENDERS REVENUE TRUST FUND			147,784
FROM GRANTS AND DONATIONS TRUST FUND			73,845
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			428,328
927 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		20,487	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			172,586
928 SPECIAL CATEGORIES			
PUBLIC DEFENDER OPERATING EXPENDITURES			
FROM GENERAL REVENUE FUND		161,598	
FROM GRANTS AND DONATIONS TRUST FUND			1,677
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			114,267
929 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		13,991	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			6,706
TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT			
FROM GENERAL REVENUE FUND		4,864,956	
FROM TRUST FUNDS			945,193
TOTAL POSITIONS		85.00	
TOTAL ALL FUNDS			5,810,149
PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT			
APPROVED SALARY RATE	1,840,219		
930 SALARIES AND BENEFITS	POSITIONS	30.00	
FROM GENERAL REVENUE FUND		2,166,759	
FROM PUBLIC DEFENDERS REVENUE TRUST FUND			68,686
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			191,340
931 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		251	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			68,319
931A SPECIAL CATEGORIES			
ACQUISITION OF MOTOR VEHICLES			
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			19,000
932 SPECIAL CATEGORIES			
PUBLIC DEFENDER OPERATING EXPENDITURES			
FROM GENERAL REVENUE FUND		85,952	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			32,531
933 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		3,206	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			4,218
TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT			

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

FROM GENERAL REVENUE FUND	2,256,168		
FROM TRUST FUNDS			384,094
TOTAL POSITIONS	30.00		
TOTAL ALL FUNDS			2,640,262
PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT			
APPROVED SALARY RATE	7,807,358		
934 SALARIES AND BENEFITS	POSITIONS	147.00	
FROM GENERAL REVENUE FUND		9,118,930	
FROM PUBLIC DEFENDERS REVENUE TRUST FUND			288,869
FROM GRANTS AND DONATIONS TRUST FUND			203,068
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			508,778
935 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		22,001	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			274,926
936 SPECIAL CATEGORIES			
PUBLIC DEFENDER OPERATING EXPENDITURES			
FROM GENERAL REVENUE FUND		264,498	
FROM GRANTS AND DONATIONS TRUST FUND			50,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			147,636
937 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		53,764	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			132,919
938 SPECIAL CATEGORIES			
SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009			
FROM GRANTS AND DONATIONS TRUST FUND			37,500
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT			
FROM GENERAL REVENUE FUND		9,459,193	
FROM TRUST FUNDS			1,643,696
TOTAL POSITIONS	147.00		
TOTAL ALL FUNDS			11,102,889
PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
APPROVED SALARY RATE	4,981,371		
939 SALARIES AND BENEFITS	POSITIONS	108.00	
FROM GENERAL REVENUE FUND		6,043,234	
FROM PUBLIC DEFENDERS REVENUE TRUST FUND			179,128
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			686,415
940 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		21,727	
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND			396,830
941 SPECIAL CATEGORIES			
PUBLIC DEFENDER OPERATING EXPENDITURES			
FROM GENERAL REVENUE FUND		109,560	
FROM GRANTS AND DONATIONS TRUST FUND			8,000

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	191,830	
942	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	16,261	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	4,348	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	6,190,782	
	FROM TRUST FUNDS . . . . .	1,466,551	
	TOTAL POSITIONS . . . . .	108.00	
	TOTAL ALL FUNDS . . . . .	7,657,333	

PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	10,840,100	
944	SALARIES AND BENEFITS	POSITIONS	226.00
	FROM GENERAL REVENUE FUND . . . . .	12,532,634	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .	390,040	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	525,103	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	1,092,901	

945	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	78,566	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	4,836	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	307,284	

945A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	31,000	

946	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	512,076	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	8,000	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	301,822	

947	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	38,295	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	5,391	

948	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	56,250	

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	13,161,571	
	FROM TRUST FUNDS . . . . .	2,722,627	
	TOTAL POSITIONS . . . . .	226.00	
	TOTAL ALL FUNDS . . . . .	15,884,198	

PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	5,398,949	
949	SALARIES AND BENEFITS	POSITIONS	114.00

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	6,684,744	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		211,189
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		353,920
950	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	30	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		106,650

951	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	137,528	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		6,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		121,860

952	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	33,395	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		2,433

953	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		11,251

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	6,855,697	
	FROM TRUST FUNDS . . . . .		813,303
	TOTAL POSITIONS . . . . .	114.00	
	TOTAL ALL FUNDS . . . . .		7,669,000

PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	3,557,272	

954	SALARIES AND BENEFITS	POSITIONS	74.00
	FROM GENERAL REVENUE FUND . . . . .	4,417,774	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		139,599
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		354,052

955	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	12,759	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		105,135

956	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	98,884	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		5,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		58,980

957	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	12,276	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		6,372

TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	4,541,693	
	FROM TRUST FUNDS . . . . .		669,138

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	TOTAL POSITIONS . . . . .	74.00	
	TOTAL ALL FUNDS . . . . .		5,210,831
PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	9,764,813	
958	SALARIES AND BENEFITS POSITIONS	221.00	
	FROM GENERAL REVENUE FUND . . . . .	9,696,122	
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND . . . . .		280,268
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,271,245
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		2,523,363
959	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	25,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		7,500
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		286,772
960	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	729,253	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		120,440
961	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	33,669	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		20,271
962	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		45,000
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	10,484,044	
	FROM TRUST FUNDS . . . . .		4,554,859
	TOTAL POSITIONS . . . . .	221.00	
	TOTAL ALL FUNDS . . . . .		15,038,903
PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	5,357,730	
963	SALARIES AND BENEFITS POSITIONS	114.00	
	FROM GENERAL REVENUE FUND . . . . .	6,239,151	
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND . . . . .		197,269
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		598,403
964	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	12,424	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		154,772
965	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	174,642	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		167,753
966	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	26,568	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
967	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		37,500
TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	6,452,785	
	FROM TRUST FUNDS . . . . .		1,155,697
	TOTAL POSITIONS . . . . .	114.00	
	TOTAL ALL FUNDS . . . . .		7,608,482
PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	20,242,327	
968	SALARIES AND BENEFITS POSITIONS	384.00	
	FROM GENERAL REVENUE FUND . . . . .	23,091,491	
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND . . . . .		730,820
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,534,065
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		1,099,000
969	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	101,863	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		85,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		527,447
970	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .	3,233	
971	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	457,185	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		15,008
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		84,580
972	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	130,150	
TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	23,783,922	
	FROM TRUST FUNDS . . . . .		4,075,920
	TOTAL POSITIONS . . . . .	384.00	
	TOTAL ALL FUNDS . . . . .		27,859,842
PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	4,627,508	
973	SALARIES AND BENEFITS POSITIONS	95.50	
	FROM GENERAL REVENUE FUND . . . . .	5,228,518	
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND . . . . .		165,412
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		494,227
974	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	19,836	
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND . . . . .		82,728

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	20,000	
975	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	222,605	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	58,400	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	28,100	
976	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	12,878	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .	8,624	
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	5,483,837	
	FROM TRUST FUNDS . . . . .		857,491
	TOTAL POSITIONS . . . . .	95.50	
	TOTAL ALL FUNDS . . . . .		6,341,328
PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	10,642,780	
977	SALARIES AND BENEFITS POSITIONS	220.50	
	FROM GENERAL REVENUE FUND . . . . .	11,335,568	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		359,045
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		1,246,949
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		1,411,307
978	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	46,413	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		180,122
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		100,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		11,201
979	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		44,000
980	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	524,895	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		107,844
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		107,983
981	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	41,774	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		14,483
982	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		94,687
TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL			

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	CIRCUIT		
	FROM GENERAL REVENUE FUND . . . . .	11,948,650	
	FROM TRUST FUNDS . . . . .		3,677,621
	TOTAL POSITIONS . . . . .	220.50	
	TOTAL ALL FUNDS . . . . .		15,626,271
PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	3,147,153	
983	SALARIES AND BENEFITS POSITIONS	61.00	
	FROM GENERAL REVENUE FUND . . . . .	3,665,257	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		115,832
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		52,547
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		444,156
984	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	7,101	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		198,485
985	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	127,551	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		15,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		144,216
986	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	27,845	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		3,907
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	3,827,754	
	FROM TRUST FUNDS . . . . .		974,143
	TOTAL POSITIONS . . . . .	61.00	
	TOTAL ALL FUNDS . . . . .		4,801,897
PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	9,191,064	
987	SALARIES AND BENEFITS POSITIONS	194.00	
	FROM GENERAL REVENUE FUND . . . . .	10,799,924	
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		341,615
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		19,164
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		609,314
988	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	47,601	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		282,606
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		27,708
989	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	149,103	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		78,670

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		286,744
990	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	49,673	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	11,046,301	
	FROM TRUST FUNDS . . . . .		1,645,821
	TOTAL POSITIONS . . . . .	194.00	
	TOTAL ALL FUNDS . . . . .		12,692,122
PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	2,101,626	
991	SALARIES AND BENEFITS	POSITIONS	42.00
	FROM GENERAL REVENUE FUND . . . . .		2,458,219
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		77,854
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		40,798
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		126,067
992	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	6,968	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		5,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		39,697
993	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	66,016	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		10,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		17,760
994	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	6,891	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		3,279
TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	2,538,094	
	FROM TRUST FUNDS . . . . .		320,455
	TOTAL POSITIONS . . . . .	42.00	
	TOTAL ALL FUNDS . . . . .		2,858,549
PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	12,244,736	
995	SALARIES AND BENEFITS	POSITIONS	223.00
	FROM GENERAL REVENUE FUND . . . . .		13,319,172
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		421,968
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		879,619
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		1,964,634
996	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	82,254	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		150,708
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		245,171
997	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	428,405	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		208,165
998	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	47,036	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		6,788
999	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		65,625
TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	13,876,867	
	FROM TRUST FUNDS . . . . .		3,942,678
	TOTAL POSITIONS . . . . .	223.00	
	TOTAL ALL FUNDS . . . . .		17,819,545
PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	5,969,524	
1000	SALARIES AND BENEFITS	POSITIONS	119.00
	FROM GENERAL REVENUE FUND . . . . .		5,893,598
	FROM PUBLIC DEFENDERS REVENUE		
	TRUST FUND . . . . .		186,440
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		1,316,549
1001	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	12,792	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		122,992
1002	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	337,745	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		5,000
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		302,414
1003	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	43,111	
	FROM INDIGENT CRIMINAL DEFENSE		
	TRUST FUND . . . . .		13,879
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL			
CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	6,287,246	
	FROM TRUST FUNDS . . . . .		1,947,274
	TOTAL POSITIONS . . . . .	119.00	
	TOTAL ALL FUNDS . . . . .		8,234,520
PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL			
CIRCUIT			
	APPROVED SALARY RATE	3,820,433	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
1004	SALARIES AND BENEFITS	POSITIONS	78.00
	FROM GENERAL REVENUE FUND . . . . .		4,162,462
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND . . . . .		131,789
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		259,660
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		490,082
1005	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	19,893	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		40,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		200,562
1006	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	105,428	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		196,090
1007	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	20,063	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		8,244
TOTAL: PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	4,307,846	
	FROM TRUST FUNDS . . . . .		1,326,427
	TOTAL POSITIONS . . . . .	78.00	
	TOTAL ALL FUNDS . . . . .		5,634,273
PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	6,421,399	
1008	SALARIES AND BENEFITS	POSITIONS	137.00
	FROM GENERAL REVENUE FUND . . . . .		6,924,714
	FROM PUBLIC DEFENDERS REVENUE TRUST FUND . . . . .		207,147
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		709,870
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		620,168
1009	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	15,098	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		20,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		184,570
1010	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .	341,624	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		64,260
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		202,102
1011	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	27,594	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		5,798
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND . . . . .		49,174
1012	SPECIAL CATEGORIES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	SALARIES AND BENEFITS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		118,656
TOTAL: PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	7,309,030	
	FROM TRUST FUNDS . . . . .		2,181,745
	TOTAL POSITIONS . . . . .	137.00	
	TOTAL ALL FUNDS . . . . .		9,490,775
PUBLIC DEFENDERS APPELLATE DIVISION			
PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	1,780,461	
1013	SALARIES AND BENEFITS	POSITIONS	34.00
	FROM GENERAL REVENUE FUND . . . . .		2,212,152
1014	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		21,114
1015	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .		123,941
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	2,357,207	
	TOTAL POSITIONS . . . . .	34.00	
	TOTAL ALL FUNDS . . . . .		2,357,207
PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	1,757,773	
1016	SALARIES AND BENEFITS	POSITIONS	33.00
	FROM GENERAL REVENUE FUND . . . . .		2,148,691
1017	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		2,370
1018	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .		138,053
TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND . . . . .	2,289,114	
	TOTAL POSITIONS . . . . .	33.00	
	TOTAL ALL FUNDS . . . . .		2,289,114
PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	2,461,956	
1019	SALARIES AND BENEFITS	POSITIONS	50.00
	FROM GENERAL REVENUE FUND . . . . .		3,061,383
1020	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		727,390
1021	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND . . . . .		139,857

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
 SPECIFIC  
 APPROPRIATION  
 TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH  
 JUDICIAL CIRCUIT  
 FROM GENERAL REVENUE FUND . . . . . 3,928,630  
  
 TOTAL POSITIONS . . . . . 50.00  
 TOTAL ALL FUNDS . . . . . 3,928,630

PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH  
 JUDICIAL CIRCUIT  
  
 APPROVED SALARY RATE 1,573,325  
 1022 SALARIES AND BENEFITS POSITIONS 24.00  
 FROM GENERAL REVENUE FUND . . . . . 1,898,112  
  
 1023 OTHER PERSONAL SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 33,731  
  
 1024 SPECIAL CATEGORIES  
 PUBLIC DEFENDER OPERATING EXPENDITURES  
 FROM GENERAL REVENUE FUND . . . . . 37,161  
  
 TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH  
 JUDICIAL CIRCUIT  
 FROM GENERAL REVENUE FUND . . . . . 1,969,004  
  
 TOTAL POSITIONS . . . . . 24.00  
 TOTAL ALL FUNDS . . . . . 1,969,004

PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH  
 JUDICIAL CIRCUIT  
  
 APPROVED SALARY RATE 2,513,258  
 1025 SALARIES AND BENEFITS POSITIONS 37.00  
 FROM GENERAL REVENUE FUND . . . . . 3,058,711  
 FROM INDIGENT CRIMINAL DEFENSE  
 TRUST FUND . . . . . 151,959  
  
 1026 SPECIAL CATEGORIES  
 PUBLIC DEFENDER OPERATING EXPENDITURES  
 FROM GENERAL REVENUE FUND . . . . . 40,021  
 FROM INDIGENT CRIMINAL DEFENSE  
 TRUST FUND . . . . . 150,000  
  
 TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH  
 JUDICIAL CIRCUIT  
 FROM GENERAL REVENUE FUND . . . . . 3,098,732  
 FROM TRUST FUNDS . . . . . 301,959  
  
 TOTAL POSITIONS . . . . . 37.00  
 TOTAL ALL FUNDS . . . . . 3,400,691

CAPITAL COLLATERAL REGIONAL COUNSELS  
 PROGRAM: MIDDLE REGIONAL COUNSEL  
 PROVIDE STATE REQUIRED POST CONVICTION LEGAL  
 REPRESENTATION TO DEATH-ROW INMATES  
  
 APPROVED SALARY RATE 2,158,366  
 1027 SALARIES AND BENEFITS POSITIONS 40.00  
 FROM GENERAL REVENUE FUND . . . . . 2,858,616  
  
 1028 OTHER PERSONAL SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 28,911  
 FROM CAPITAL COLLATERAL REGIONAL  
 COUNSEL TRUST FUND . . . . . 100,000  
  
 1029 SPECIAL CATEGORIES  
 CASE RELATED COSTS  
 FROM GENERAL REVENUE FUND . . . . . 363,004  
 FROM CAPITAL COLLATERAL REGIONAL

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
 SPECIFIC  
 APPROPRIATION  
 COUNSEL TRUST FUND . . . . . 100,000  
  
 1031 SPECIAL CATEGORIES  
 OPERATING EXPENDITURES  
 FROM GENERAL REVENUE FUND . . . . . 373,319  
  
 1032 SPECIAL CATEGORIES  
 RISK MANAGEMENT INSURANCE  
 FROM GENERAL REVENUE FUND . . . . . 8,411  
  
 TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL  
 REPRESENTATION TO DEATH-ROW INMATES  
 FROM GENERAL REVENUE FUND . . . . . 3,632,261  
 FROM TRUST FUNDS . . . . . 200,000  
  
 TOTAL POSITIONS . . . . . 40.00  
 TOTAL ALL FUNDS . . . . . 3,832,261

PROGRAM: SOUTHERN REGIONAL COUNSEL  
 PROVIDE STATE REQUIRED POST CONVICTION LEGAL  
 REPRESENTATION TO DEATH-ROW INMATES  
  
 APPROVED SALARY RATE 1,692,440  
 1033 SALARIES AND BENEFITS POSITIONS 31.00  
 FROM GENERAL REVENUE FUND . . . . . 2,175,974  
  
 1034 OTHER PERSONAL SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 8  
 FROM CAPITAL COLLATERAL REGIONAL  
 COUNSEL TRUST FUND . . . . . 100,000  
  
 1035 SPECIAL CATEGORIES  
 CASE RELATED COSTS  
 FROM GENERAL REVENUE FUND . . . . . 473,367  
 FROM CAPITAL COLLATERAL REGIONAL  
 COUNSEL TRUST FUND . . . . . 65,000  
  
 1036 SPECIAL CATEGORIES  
 OPERATING EXPENDITURES  
 FROM GENERAL REVENUE FUND . . . . . 348,458  
 FROM CAPITAL COLLATERAL REGIONAL  
 COUNSEL TRUST FUND . . . . . 35,000  
  
 1037 SPECIAL CATEGORIES  
 RISK MANAGEMENT INSURANCE  
 FROM GENERAL REVENUE FUND . . . . . 9,437  
  
 TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL  
 REPRESENTATION TO DEATH-ROW INMATES  
 FROM GENERAL REVENUE FUND . . . . . 3,007,244  
 FROM TRUST FUNDS . . . . . 200,000  
  
 TOTAL POSITIONS . . . . . 31.00  
 TOTAL ALL FUNDS . . . . . 3,207,244

CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSELS  
 PROGRAM: REGIONAL CONFLICT COUNSEL - FIRST  
  
 APPROVED SALARY RATE 5,185,062  
 1038 SALARIES AND BENEFITS POSITIONS 108.00  
 FROM GENERAL REVENUE FUND . . . . . 7,382,052  
  
 1039 OTHER PERSONAL SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 154,055  
  
 1040 SPECIAL CATEGORIES  
 CONTRACTED SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 805,526  
 FROM INDIGENT CIVIL DEFENSE TRUST  
 FUND . . . . . 233,446

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

1041	SPECIAL CATEGORIES		
	REGIONAL CONFLICT COUNCIL OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	151,410	
1042	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	28,354	
1043	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	25,587	
TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FIRST			
	FROM GENERAL REVENUE FUND . . . . .	8,546,984	
	FROM TRUST FUNDS . . . . .		233,446
	TOTAL POSITIONS . . . . .	108.00	
	TOTAL ALL FUNDS . . . . .		8,780,430

PROGRAM: REGIONAL CONFLICT COUNSEL - SECOND

APPROVED SALARY RATE 4,441,371

1044	SALARIES AND BENEFITS	POSITIONS	101.00
	FROM GENERAL REVENUE FUND . . . . .		6,313,122
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		67,558
1045	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	270,041	
1046	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,021,113	
	FROM INDIGENT CIVIL DEFENSE TRUST		
	FUND . . . . .		234,488
1047	SPECIAL CATEGORIES		
	REGIONAL CONFLICT COUNCIL OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	118,970	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		165,425

1048	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	43,699	

1049	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	24,844	

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - SECOND

	FROM GENERAL REVENUE FUND . . . . .	7,791,789	
	FROM TRUST FUNDS . . . . .		467,471
	TOTAL POSITIONS . . . . .	101.00	
	TOTAL ALL FUNDS . . . . .		8,259,260

PROGRAM: REGIONAL CONFLICT COUNSEL - THIRD

APPROVED SALARY RATE 2,127,882

1050	SALARIES AND BENEFITS	POSITIONS	43.00
	FROM GENERAL REVENUE FUND . . . . .		3,006,443
1051	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	156,474	
1052	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

	FROM GENERAL REVENUE FUND . . . . .	1,477,959	
	FROM INDIGENT CIVIL DEFENSE TRUST		
	FUND . . . . .		86,956
1053	SPECIAL CATEGORIES		
	REGIONAL CONFLICT COUNCIL OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	34,955	
1054	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	8,170	
1055	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	11,915	

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - THIRD

	FROM GENERAL REVENUE FUND . . . . .	4,695,916	
	FROM TRUST FUNDS . . . . .		86,956
	TOTAL POSITIONS . . . . .	43.00	
	TOTAL ALL FUNDS . . . . .		4,782,872

PROGRAM: REGIONAL CONFLICT COUNSEL - FOURTH

APPROVED SALARY RATE 3,001,418

1056	SALARIES AND BENEFITS	POSITIONS	63.00
	FROM GENERAL REVENUE FUND . . . . .		4,268,609
1057	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	810,763	
1058	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,564,200	
	FROM INDIGENT CIVIL DEFENSE TRUST		
	FUND . . . . .		121,892

1059	SPECIAL CATEGORIES		
	REGIONAL CONFLICT COUNCIL OPERATIONS		
	FROM GENERAL REVENUE FUND . . . . .	147,521	

1060	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	14,442	

1061	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	15,972	

TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FOURTH

	FROM GENERAL REVENUE FUND . . . . .	6,821,507	
	FROM TRUST FUNDS . . . . .		121,892
	TOTAL POSITIONS . . . . .	63.00	
	TOTAL ALL FUNDS . . . . .		6,943,399

PROGRAM: REGIONAL CONFLICT COUNSEL - FIFTH

APPROVED SALARY RATE 3,032,150

1062	SALARIES AND BENEFITS	POSITIONS	67.00
	FROM GENERAL REVENUE FUND . . . . .		4,355,542
1063	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	208,569	
1064	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

FROM GENERAL REVENUE FUND . . . . .	964,645	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		5,800
FROM INDIGENT CIVIL DEFENSE TRUST FUND . . . . .		195,193
1065 SPECIAL CATEGORIES		
REGIONAL CONFLICT COUNCIL OPERATIONS		
FROM GENERAL REVENUE FUND . . . . .	150,288	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		13,890
1066 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	12,204	
1067 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND . . . . .	16,985	
TOTAL: PROGRAM: REGIONAL CONFLICT COUNSEL - FIFTH		
FROM GENERAL REVENUE FUND . . . . .	5,708,233	
FROM TRUST FUNDS . . . . .		214,883
TOTAL POSITIONS . . . . .	67.00	
TOTAL ALL FUNDS . . . . .		5,923,116
TOTAL: JUSTICE ADMINISTRATION		
FROM GENERAL REVENUE FUND . . . . .	644,359,080	
FROM TRUST FUNDS . . . . .		581,744,387
TOTAL POSITIONS . . . . .	10,127.25	
TOTAL ALL FUNDS . . . . .		1,226,103,467
TOTAL APPROVED SALARY RATE . . . . .	471,568,300	

JUVENILE JUSTICE, DEPARTMENT OF

From the funds in Specific Appropriations 1068 through 1147, each provider who contracts with the Department of Juvenile Justice shall provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents shall include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

From the funds in Specific Appropriations 1068 through 1147, the Department of Juvenile Justice shall establish a performance accountability system for each provider who contracts with the department for the delivery of services to children at-risk of future involvement in the criminal justice system, as determined by the department. The contract shall include both output measures, such as the number of children served, and outcome measures, such as program completion. The contractor shall report performance results annually to the department. The department's Office of Program Accountability shall summarize performance results from all contracts and report the information annually to the Legislature.

From the funds in Specific Appropriations 1068 through 1147, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.

From the funds in Specific Appropriations 1068 through 1147, the Department of Juvenile Justice must, before implementing any departmental reorganization plans, submit its proposal to the Governor's

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

Office of Policy and Budget and to the Legislative Budget Commission for approval.

Funds in Specific Appropriations 1068 through 1147 shall not be used to pay for unoccupied space currently being leased by the Department of Juvenile Justice in the event the leases are vacant on or after July 1, 2011, and for which it has been determined by the Secretary of the department that there is no longer a need.

PROGRAM: JUVENILE DETENTION PROGRAM

DETENTION CENTERS

From the funds in Specific Appropriations 1068 through 1077A, the department may contract for services consistent with the department's Juvenile Detention Alternative Initiative (JDAI) and the Annie E. Casey Foundation to divert youth from secure detention to alternative community based services. These services should be designed using in-home and community advocacy to reduce the need for more expensive restrictive placements, build community capacity to reduce recidivism, create supported work opportunities for youth, and improve community safety.

From the funds in Specific Appropriations 1068 through 1077A, the amount from the Shared County/State Juvenile Detention Trust Fund available to the department shall be reduced by the actual reduction in cost associated with providing detention to those juveniles prior to adjudication from a county that opts to provide detention to juveniles prior to adjudication. The remaining counties that continue to place juveniles in the Department of Juvenile Justice's detention centers shall have their billings decreased by the actual reductions in cost, with an exception to fiscally constrained counties.

From the funds in Specific Appropriations 1068 through 1077A, the Florida Association of Counties and the Department of Juvenile Justice shall provide joint recommendations to fund alternatives for locally funded and operated juvenile detention to the Executive Office of the Governors, the President of the Florida Senate and the Speaker of the Florida House of Representatives no later than November 1, 2011. The Department of Juvenile Justice must notify the Senate Budget Committee, the House Appropriations Committee, and the Governor's Office of Policy and Budget of the date of any meeting at least one week prior to each meeting.

	APPROVED SALARY RATE	49,826,348		
1068	SALARIES AND BENEFITS	POSITIONS	1,556.00	
	FROM GENERAL REVENUE FUND . . . . .		11,548,536	
	FROM FEDERAL GRANTS TRUST FUND . . . . .			757,540
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			329,049
	FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND . . . . .			59,886,264
1069	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	269,707		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			473,972
	FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND . . . . .			1,812,737
1070	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .	1,651,164		
	FROM FEDERAL GRANTS TRUST FUND . . . . .			763,886
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			786,180
	FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND . . . . .			4,854,043
1071	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND . . . . .	10,771		
	FROM FEDERAL GRANTS TRUST FUND . . . . .			7,293
	FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND . . . . .			219,973

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
1072	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	335,753	
	FROM FEDERAL GRANTS TRUST FUND . . .		834,388
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		127,472
	FROM SHARED COUNTY/STATE JUVENILE		
	DETENTION TRUST FUND . . . . .		1,502,575
1073	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND		
	PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND . . . . .	179,110	
1073A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - GRANTS TO FISCALLY		
	CONSTRAINED COUNTIES FOR DETENTION CENTER		
	COSTS		
	FROM GENERAL REVENUE FUND . . . . .	4,632,618	
1074	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	564,783	
	FROM FEDERAL GRANTS TRUST FUND . . .		20,392
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		3,116
	FROM SHARED COUNTY/STATE JUVENILE		
	DETENTION TRUST FUND . . . . .		1,729,324
1075	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	4,790,024	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		25,000
	FROM SHARED COUNTY/STATE JUVENILE		
	DETENTION TRUST FUND . . . . .		3,318,407
1076	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	584,778	
	FROM SHARED COUNTY/STATE JUVENILE		
	DETENTION TRUST FUND . . . . .		3,920,590
1077	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	108,233	
	FROM FEDERAL GRANTS TRUST FUND . . .		9,777
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		1,421
	FROM SHARED COUNTY/STATE JUVENILE		
	DETENTION TRUST FUND . . . . .		575,447
1077A	FIXED CAPITAL OUTLAY		
	DEPARTMENT OF JUVENILE JUSTICE MAINTENANCE		
	AND REPAIR - STATE OWNED BUILDINGS		
	FROM GENERAL REVENUE FUND . . . . .	300,000	
TOTAL:	DETENTION CENTERS		
	FROM GENERAL REVENUE FUND . . . . .	24,975,477	
	FROM TRUST FUNDS . . . . .		81,958,846
	TOTAL POSITIONS . . . . .	1,556.00	
	TOTAL ALL FUNDS . . . . .		106,934,323
PROGRAM: PROBATION AND COMMUNITY CORRECTIONS			
PROGRAM			
AFTERCARE SERVICES - CONDITIONAL RELEASE			
	APPROVED SALARY RATE	807,915	
1078	SALARIES AND BENEFITS	POSITIONS	24.00
	FROM GENERAL REVENUE FUND . . . . .		1,107,382

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		2,797
1079	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	119,521	
1080	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND		
	PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND . . . . .	451,630	
1081	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,714	
1082	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	18,285,232	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		1,519,035
	FROM SOCIAL SERVICES BLOCK GRANT		
	TRUST FUND . . . . .		992
1083	SPECIAL CATEGORIES		
	PRODIGY		
	FROM GENERAL REVENUE FUND . . . . .	4,400,000	
From the funds in Specific Appropriation 1083, the Prodigy Program shall include at least two of the four at-risk domains of the Department of Juvenile Justice's risk factors when placing a youth into a prevention, intervention or diversion program. In addition, each youth who enters the program shall be tracked by the department's Juvenile Justice Information System (JJIS) or Prevention Web system. In addition, the Prodigy Program shall contract with a consultant to track arrests or re-arrests for prevention, intervention, and diversion youth for 12 months after completing the program and submit the results to the department semi-annually.			
1084	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	8,620	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		21
TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE			
	FROM GENERAL REVENUE FUND . . . . .	24,374,099	
	FROM TRUST FUNDS . . . . .		1,522,845
	TOTAL POSITIONS . . . . .	24.00	
	TOTAL ALL FUNDS . . . . .		25,896,944
JUVENILE PROBATION			
	APPROVED SALARY RATE	46,854,375	
1085	SALARIES AND BENEFITS	POSITIONS	1,335.50
	FROM GENERAL REVENUE FUND . . . . .		55,765,453
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		67,121
	FROM SOCIAL SERVICES BLOCK GRANT		
	TRUST FUND . . . . .		7,629,663
1086	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,178,896	
1087	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	8,077,043	
	FROM FEDERAL GRANTS TRUST FUND . . .		35,866
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		7,407
	FROM SOCIAL SERVICES BLOCK GRANT		
	TRUST FUND . . . . .		494,362

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
 SPECIFIC  
 APPROPRIATION

1088	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . .	68,687	
1089	SPECIAL CATEGORIES JUVENILE REDIRECTIONS PROGRAM FROM GENERAL REVENUE FUND . . . . .	9,364,831	
	Funds in Specific Appropriation 1089, are provided for services to youth at risk of commitment, which are eligible to be placed in evidenced-based and other alternative programs for family therapy services. These services shall be provided as an alternative to commitment. The Department of Juvenile Justice and each participating court may jointly develop criteria to identify youth appropriate for diversion into the Redirection Program.		
	From the funds in Specific Appropriation 1089, the Department of Juvenile Justice may transfer up to \$2,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children eligible for specialized mental health services.		
1090	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .	995,862	70,346
1091	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . .	13,548,354	14,813
1092	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . .	989,034	
1093	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . .	462,016	26,049
TOTAL:	JUVENILE PROBATION FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .	90,450,176	8,345,627
	TOTAL POSITIONS . . . . .	1,335.50	
	TOTAL ALL FUNDS . . . . .		98,795,803

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1094	SPECIAL CATEGORIES LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME FROM GENERAL REVENUE FUND . . . . .	184,317	
1095	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . . FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .	18,393,545	18,462 81,003
TOTAL:	NON-RESIDENTIAL DELINQUENCY REHABILITATION FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .	18,577,862	99,465
	TOTAL ALL FUNDS . . . . .		18,677,327

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT SECRETARY FOR ADMINISTRATIVE SERVICES

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
 SPECIFIC  
 APPROPRIATION  
 EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE	9,670,616	
1096	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . .	226.50	12,988,989 132,946 296,967
1097	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM JUVENILE JUSTICE TRAINING TRUST FUND . . . . .	161,156	72,341 11,712
1098	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . . FROM JUVENILE JUSTICE TRAINING TRUST FUND . . . . .	2,464,117	645,930 14,396 149,305 609,326
1099	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . .		32,841
1100	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND . . . . .		414,714
1101	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND . . . . .		17,193
1102	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . .	547,208	208,537
1103	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM JUVENILE JUSTICE TRAINING TRUST FUND . . . . .	241,169	2,139,189
1104	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . .		329,197
1105	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . .	87,844	652 1,963
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .	17,284,428	4,283,264
	TOTAL POSITIONS . . . . .	226.50	
	TOTAL ALL FUNDS . . . . .		21,567,692

INFORMATION TECHNOLOGY

	APPROVED SALARY RATE	2,807,128	
1106	SALARIES AND BENEFITS POSITIONS	59.50	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	3,460,041	
1107	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	2,045,547	
1108	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	48,866	
1109	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	313,377	
1110	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	14,680	
1111	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	22,295	
1112	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	3,068	
1113	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	336,609	
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND . . . . .	6,244,483	
	TOTAL POSITIONS . . . . .	59.50	
	TOTAL ALL FUNDS . . . . .	6,244,483	

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1114 through 1135, the department shall provide a weekly residential resource utilization report that identifies operating capacity, current placements, vacant placements, number of youth waiting placement and the percent of use for all residential commitment beds. The department may increase or decrease beds or overlay services provided that the change will better serve taxpayers and the youth under its care. Notification and justification of changes will be provided to the Governor's Office of Policy and Budget, the chair of the Senate Budget Committee and the chair of the House Appropriations Committee prior to implementing any change.

From the funds in Specific Appropriations 1114 through 1135, the Department of Juvenile Justice shall make residential bed reductions in non-secure and secure beds that are operated by the department before reducing privately operated residential beds. In addition, the closure of state-operated facilities will include the DeSoto Juvenile Correctional Facility located in DeSoto County. The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to place positions in reserve and realign budget authority as needed.

NON-SECURE RESIDENTIAL COMMITMENT

	APPROVED SALARY RATE	8,180,871	
1114	SALARIES AND BENEFITS	POSITIONS	270.00
	FROM GENERAL REVENUE FUND . . . . .	9,062,478	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	49,569	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	72,917	
	FROM SOCIAL SERVICES BLOCK GRANT		
	TRUST FUND . . . . .	2,916,754	
1115	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	103,278	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		31,862
1116	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	1,312,507	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		320,563
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		26,656
	FROM SOCIAL SERVICES BLOCK GRANT		
	TRUST FUND . . . . .		264,925
1117	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		21,231
1118	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	488,160	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		198,861
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		88,871
1119	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .	44,571	
1120	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	717,447	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		1,476
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		2,172
1121	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	83,025,905	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		45,066
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		372,759
	FROM SOCIAL SERVICES BLOCK GRANT		
	TRUST FUND . . . . .		2,318,436

From the funds in Specific Appropriation 1121, a reduction of \$4,075,334 in recurring general revenue in Non-Secure Residential Commitment may be taken through bed reductions, provider rate reductions, or contracted services reductions.

1122	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	916,648	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		65,503
1123	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WILDERNESS THERAPEUTIC		
	SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	3,892,478	
1124	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	102,850	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		592
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		873
TOTAL:	NON-SECURE RESIDENTIAL COMMITMENT		
	FROM GENERAL REVENUE FUND . . . . .	99,666,322	
	FROM TRUST FUNDS . . . . .		6,799,086
	TOTAL POSITIONS . . . . .	270.00	
	TOTAL ALL FUNDS . . . . .		106,465,408

SECURE RESIDENTIAL COMMITMENT

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

	APPROVED SALARY RATE	22,796,891	
1125	SALARIES AND BENEFITS	POSITIONS	640.00
	FROM GENERAL REVENUE FUND . . . . .		29,673,286
	FROM FEDERAL GRANTS TRUST FUND . . .		114,394
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		464,805
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		2,267,459
1126	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	381,183	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		67,000
1127	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	2,738,760	
	FROM FEDERAL GRANTS TRUST FUND . . .		6,279
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		11,893
1128	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		33,861
1129	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND . . . . .	323,810	
	FROM FEDERAL GRANTS TRUST FUND . . .		160,400
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		194,644
1130	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES- OKEECHOBEE TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND . . . . .	6,385,963	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		2,546,273
1131	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,312,627	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,512
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		4,757
1132	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	11,984,674	
	FROM FEDERAL GRANTS TRUST FUND . . .		4,003
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		274,785
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		30,913,498
1133	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	918,806	
1134	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	222,131	
	FROM FEDERAL GRANTS TRUST FUND . . .		6,980
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		16,830
1135	FIXED CAPITAL OUTLAY		
	JUVENILE FACILITIES - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND . . . . .	1,806,244	
TOTAL: SECURE RESIDENTIAL COMMITMENT			

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

	FROM GENERAL REVENUE FUND . . . . .	55,747,484	
	FROM TRUST FUNDS . . . . .		37,122,461
	TOTAL POSITIONS . . . . .	640.00	
	TOTAL ALL FUNDS . . . . .		92,869,945
PROGRAM: PREVENTION AND VICTIM SERVICES			
DELINQUENCY PREVENTION AND DIVERSION			
	APPROVED SALARY RATE	841,307	
1136	SALARIES AND BENEFITS	POSITIONS	17.00
	FROM GENERAL REVENUE FUND . . . . .		647,231
	FROM FEDERAL GRANTS TRUST FUND . . .		57,476
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		469,094
1137	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	287,192	
	FROM FEDERAL GRANTS TRUST FUND . . .		187,513
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		141,126
1138	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	236,347	
	FROM FEDERAL GRANTS TRUST FUND . . .		69,500
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		282,180
1139	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - INVEST IN CHILDREN FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND . . .		412,903
1140	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . .		12,450
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		12,450
1141	SPECIAL CATEGORIES		
	PACE CENTERS		
	FROM GENERAL REVENUE FUND . . . . .	7,666,517	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		3,290,514
1142	SPECIAL CATEGORIES		
	LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
	FROM GENERAL REVENUE FUND . . . . .	1,827,920	
From the funds in Specific Appropriation 1142, \$650,415 from recurring general revenue funds is provided to the PAR Adolescent Intervention Center (PAIC) Pasco.			
From the funds in Specific Appropriation 1142, \$1,000,000 from recurring general revenue funds is provided to develop a pilot program to provide jobs to at-risk youth. The department shall contract with non-profit or faith-based organizations that have experience in providing services to at-risk youth and community involvement in the counties of Pinellas, Hillsborough and Manatee.			
1143	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	33,720	
1144	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	2,297,989	
	FROM FEDERAL GRANTS TRUST FUND . . .		6,853,933
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		2,570,115
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND . . . . .		2,639

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

From the funds in Specific Appropriation 1144, \$500,000 in recurring general revenue funds and \$1,200,000 in nonrecurring general revenue funds is provided for the Florida Alliance of Boys and Girls Clubs.

Table with 3 columns: Item Number, Description, Amount. Includes items 1145 (RISK MANAGEMENT INSURANCE) and 1146 (SPECIAL CATEGORIES: GRANTS AND AIDS - CHILDREN/FAMILIES IN NEED OF SERVICES).

From the funds in Specific Appropriation 1146, the Department of Juvenile Justice shall not expend more than \$150,000 in recurring general revenue funds for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program.

Additionally, the CINS/FINS provider shall demonstrate that it has considered local, non-traditional, non-residential delinquency prevention service providers including, but not limited to, grassroots organizations, community, and faith-based organizations, to subcontract and deliver non-residential CINS/FINS services to eligible youth as defined in chapter 984 and section 1003.27, F.S., to include areas with high ratios of juvenile arrests per youth 10 to 17 years of age.

Table with 3 columns: Item Number, Description, Amount. Includes item 1147 (SPECIAL CATEGORIES: TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES) and summary rows for DELINQUENCY PREVENTION AND DIVERSION.

Table with 3 columns: Item Number, Description, Amount. Summary rows for JUVENILE JUSTICE, DEPARTMENT OF.

LAW ENFORCEMENT, DEPARTMENT OF

The funds in the Specific Appropriations 1148 through 1252, the Commissioner of the Florida Department of Law Enforcement (FDLE) shall defer to the current collective bargaining agreement between FDLE and special agents when reducing positions in the department for Fiscal Year 2011-2012.

Table with 3 columns: Item Number, Description, Amount. Includes PROGRAM: EXECUTIVE DIRECTION AND SUPPORT and APPROVED SALARY RATE.

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS
SPECIFIC
APPROPRIATION

Table with 3 columns: Item Number, Description, Amount. Includes items 1148 (SALARIES AND BENEFITS POSITIONS), 1149 (OTHER PERSONAL SERVICES), and 1150 (EXPENSES).

Table with 3 columns: Item Number, Description, Amount. Includes item 1151 (AID TO LOCAL GOVERNMENTS: GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM).

Table with 3 columns: Item Number, Description, Amount. Includes item 1152 (AID TO LOCAL GOVERNMENTS: GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM).

Table with 3 columns: Item Number, Description, Amount. Includes item 1153 (AID TO LOCAL GOVERNMENTS: GRANTS AND AIDS - PROJECT SAFE NEIGHBORHOODS).

Table with 3 columns: Item Number, Description, Amount. Includes item 1154 (AID TO LOCAL GOVERNMENTS: BYRNE MEMORIAL LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM).

Table with 3 columns: Item Number, Description, Amount. Includes item 1155 (OPERATING CAPITAL OUTLAY).

Table with 3 columns: Item Number, Description, Amount. Includes item 1156 (SPECIAL CATEGORIES: ACQUISITION OF MOTOR VEHICLES).

Table with 3 columns: Item Number, Description, Amount. Includes item 1157 (SPECIAL CATEGORIES: GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM).

Table with 3 columns: Item Number, Description, Amount. Includes item 1158 (SPECIAL CATEGORIES: CONTRACTED SERVICES).

Table with 3 columns: Item Number, Description, Amount. Includes item 1159 (SPECIAL CATEGORIES: DOMESTIC SECURITY).

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
1160	SPECIAL CATEGORIES		
	OVERTIME		
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		748
1161	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	13,395	
	FROM ADMINISTRATIVE TRUST FUND . . .		26,208
	FROM OPERATING TRUST FUND . . . . .		15,295
1162	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		667
1163	SPECIAL CATEGORIES		
	BYRNE MEMORIAL STATE LAW ENFORCEMENT		
	ASSISTANCE PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .		10,412,678
1164	SPECIAL CATEGORIES		
	GRANTS AND AID - RESIDENTIAL SUBSTANCE		
	ABUSE TREATMENT PROGRAM - LOCAL UNITS OF		
	GOVERNMENT		
	FROM FEDERAL GRANTS TRUST FUND . . .		1,247,724
1165	SPECIAL CATEGORIES		
	GRANTS AND AID - RESIDENTIAL SUBSTANCE		
	ABUSE TREATMENT PROGRAM - STATE AGENCY		
	FROM FEDERAL GRANTS TRUST FUND . . .		3,675,511
1168	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	21,605	
	FROM ADMINISTRATIVE TRUST FUND . . .		2,975
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		2,934
	FROM OPERATING TRUST FUND . . . . .		15,658
TOTAL: PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	2,811,992	
	FROM TRUST FUNDS . . . . .		55,527,359
	TOTAL POSITIONS . . . . .	120.50	
	TOTAL ALL FUNDS . . . . .		58,339,351
PROGRAM: FLORIDA CAPITOL POLICE PROGRAM			
CAPITOL POLICE SERVICES			
	APPROVED SALARY RATE	3,526,886	
1169	SALARIES AND BENEFITS		
	POSITIONS	90.00	
	FROM GENERAL REVENUE FUND . . . . .		2,233
	FROM OPERATING TRUST FUND . . . . .		5,231,845
1170	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND . . . . .		28,778
1171	EXPENSES		
	FROM OPERATING TRUST FUND . . . . .		546,842
1172	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND . . . . .		85,369
1173	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM OPERATING TRUST FUND . . . . .		30,500
1174	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM OPERATING TRUST FUND . . . . .		70,084

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
1175	SPECIAL CATEGORIES		
	CAPITOL COMPLEX SECURITY		
	FROM GENERAL REVENUE FUND . . . . .	7,360	
	FROM OPERATING TRUST FUND . . . . .		20,000
1176	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND . . . . .		111,943
1177	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM OPERATING TRUST FUND . . . . .		68,064
1178	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	358	
	FROM OPERATING TRUST FUND . . . . .		28,499
1179	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF		
	MANAGEMENT SERVICES		
	FROM OPERATING TRUST FUND . . . . .		6,969
TOTAL: CAPITOL POLICE SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	9,951	
	FROM TRUST FUNDS . . . . .		6,228,893
	TOTAL POSITIONS . . . . .	90.00	
	TOTAL ALL FUNDS . . . . .		6,238,844
PROGRAM: INVESTIGATIONS AND FORENSIC SCIENCE			
PROGRAM			
PROVIDE CRIME LAB SERVICES			
	APPROVED SALARY RATE	19,191,211	
1180	SALARIES AND BENEFITS		
	POSITIONS	404.00	
	FROM GENERAL REVENUE FUND . . . . .		27,841,787
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		41,290
	FROM FEDERAL GRANTS TRUST FUND . . .		438,549
	FROM OPERATING TRUST FUND . . . . .		265,851
1181	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	57,211	
	FROM FEDERAL GRANTS TRUST FUND . . .		156,280
1182	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	5,565,310	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,952,624
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		510,531
	FROM OPERATING TRUST FUND . . . . .		391,362
From the funds in Specific Appropriation 1182, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the department is authorized to use additional federal funds and any other available funds contained in Specific Appropriation 1182 for the purpose of processing rape kits, including the backlog of non-suspect rape cases.			
1183	AID TO LOCAL GOVERNMENTS		
	CRIMINAL INVESTIGATIONS		
	FROM FEDERAL GRANTS TRUST FUND . . .		741,091
	FROM OPERATING TRUST FUND . . . . .		2,379,702
1184	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	364,099	
	FROM ADMINISTRATIVE TRUST FUND . . .		5,000
	FROM FEDERAL GRANTS TRUST FUND . . .		1,327,000

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
1185	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .	168,960	
1186	SPECIAL CATEGORIES		
	PERFORMANCE ADJUSTMENTS		
	FROM GENERAL REVENUE FUND . . . . .	351,900	
1187	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	798,628	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,690,200
1188	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . .		137,642
1189	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	136,488	
	FROM CRIMINAL JUSTICE STANDARDS		197
	AND TRAINING TRUST FUND . . . . .		1,863
	FROM FEDERAL GRANTS TRUST FUND . . .		
TOTAL:	PROVIDE CRIME LAB SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	35,284,383	
	FROM TRUST FUNDS . . . . .		11,039,182
	TOTAL POSITIONS . . . . .	404.00	
	TOTAL ALL FUNDS . . . . .		46,323,565

PROVIDE INVESTIGATIVE SERVICES

APPROVED SALARY RATE 32,736,095

1190	SALARIES AND BENEFITS	POSITIONS	558.00	
	FROM GENERAL REVENUE FUND . . . . .		36,157,236	
	FROM CRIMINAL JUSTICE STANDARDS			
	AND TRAINING TRUST FUND . . . . .		1,265,890	
	FROM FEDERAL GRANTS TRUST FUND . . .		656,639	
	FROM GRANTS AND DONATIONS TRUST			69
	FUND . . . . .			9,100,026
	FROM OPERATING TRUST FUND . . . . .			
1191	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	293,593		
	FROM ADMINISTRATIVE TRUST FUND . . .		25,276	
	FROM FEDERAL GRANTS TRUST FUND . . .		194,832	
	FROM FORFEITURE AND INVESTIGATIVE			42,360
	SUPPORT TRUST FUND . . . . .			50
	FROM GRANTS AND DONATIONS TRUST			38,070
	FUND . . . . .			
	FROM OPERATING TRUST FUND . . . . .			
1192	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .	6,425,881		
	FROM ADMINISTRATIVE TRUST FUND . . .		132,670	
	FROM FEDERAL GRANTS TRUST FUND . . .		235,647	
	FROM FORFEITURE AND INVESTIGATIVE			833,472
	SUPPORT TRUST FUND . . . . .			4,500
	FROM GRANTS AND DONATIONS TRUST			2,825,552
	FUND . . . . .			
	FROM OPERATING TRUST FUND . . . . .			

From the funds provided in Specific Appropriation 1192 from the Forfeiture and Investigative Support Trust Fund, up to \$25,000 per case, but not exceeding \$150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	54,144	
	FROM ADMINISTRATIVE TRUST FUND . . .		5,000
	FROM FEDERAL GRANTS TRUST FUND . . .		59,509
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		190,574
1194	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .	90,091	
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		580,000
1195	SPECIAL CATEGORIES		
	FLORIDA SEAPORT SECURITY IMPROVEMENTS		
	FROM GENERAL REVENUE FUND . . . . .	288,597	
1196	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	534,741	
	FROM ADMINISTRATIVE TRUST FUND . . .		5,000
	FROM FEDERAL GRANTS TRUST FUND . . .		147,441
	FROM FORFEITURE AND INVESTIGATIVE		
	SUPPORT TRUST FUND . . . . .		34,624
	FROM OPERATING TRUST FUND . . . . .		121,896
1197	SPECIAL CATEGORIES		
	DOMESTIC SECURITY		
	FROM GENERAL REVENUE FUND . . . . .	1,350,267	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,522,672
1198	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SPECIAL PROJECTS		
	FROM GENERAL REVENUE FUND . . . . .	232,461	
1199	SPECIAL CATEGORIES		
	OVERTIME		
	FROM ADMINISTRATIVE TRUST FUND . . .		3,013
	FROM FEDERAL GRANTS TRUST FUND . . .		314,125
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		4,250
	FROM FEDERAL LAW ENFORCEMENT TRUST		
	FUND . . . . .		1,018,486
1200	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	369,689	
	FROM ADMINISTRATIVE TRUST FUND . . .		460,532
	FROM OPERATING TRUST FUND . . . . .		108,661
1201	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	487,991	
	FROM OPERATING TRUST FUND . . . . .		21,312
1203	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	225,875	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		1,177
	FROM FEDERAL GRANTS TRUST FUND . . .		3,595
	FROM OPERATING TRUST FUND . . . . .		4,795
TOTAL:	PROVIDE INVESTIGATIVE SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	46,510,566	
	FROM TRUST FUNDS . . . . .		19,961,715
	TOTAL POSITIONS . . . . .	558.00	
	TOTAL ALL FUNDS . . . . .		66,472,281

MUTUAL AID AND PREVENTION SERVICES

1193 OPERATING CAPITAL OUTLAY APPROVED SALARY RATE 1,107,326

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC APPROPRIATION			
1204	SALARIES AND BENEFITS	POSITIONS	18.00
	FROM GENERAL REVENUE FUND . . . . .		1,499,606
	FROM OPERATING TRUST FUND . . . . .		32,405
1205	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		129,052
1206	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		9,441
1207	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		2,831
1208	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .		6,769
	FROM OPERATING TRUST FUND . . . . .		136
TOTAL: MUTUAL AID AND PREVENTION SERVICES			
	FROM GENERAL REVENUE FUND . . . . .		1,647,699
	FROM TRUST FUNDS . . . . .		32,541
	TOTAL POSITIONS . . . . .		18.00
	TOTAL ALL FUNDS . . . . .		1,680,240

PROGRAM: CRIMINAL JUSTICE INFORMATION PROGRAM

PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY

APPROVED SALARY RATE 6,252,157

1217	SALARIES AND BENEFITS	POSITIONS	119.00
	FROM GENERAL REVENUE FUND . . . . .		254,147
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND . . . . .		143,528
	FROM FEDERAL GRANTS TRUST FUND . . . . .		64,364
	FROM OPERATING TRUST FUND . . . . .		7,732,628
1218	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		5,838
	FROM FEDERAL GRANTS TRUST FUND . . . . .		176,735
	FROM OPERATING TRUST FUND . . . . .		183,500
1219	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		32,750
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,202
	FROM FEDERAL GRANTS TRUST FUND . . . . .		370,423
	FROM OPERATING TRUST FUND . . . . .		7,502,750
1220	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		5,000
	FROM FEDERAL GRANTS TRUST FUND . . . . .		489,099
	FROM OPERATING TRUST FUND . . . . .		1,666,018
1221	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		599
	FROM ADMINISTRATIVE TRUST FUND . . . . .		113,100
	FROM FEDERAL GRANTS TRUST FUND . . . . .		1,965,523
	FROM OPERATING TRUST FUND . . . . .		5,475,504
1222	SPECIAL CATEGORIES		
	OVERTIME		
	FROM OPERATING TRUST FUND . . . . .		46,200
1223	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,524
	FROM OPERATING TRUST FUND . . . . .		19,310

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC APPROPRIATION			
1224	SPECIAL CATEGORIES		
	DEFERRED-PAYMENT COMMODITY CONTRACTS		
	FROM OPERATING TRUST FUND . . . . .		942,110
1225	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .		6,841
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND . . . . .		1,559
	FROM FEDERAL GRANTS TRUST FUND . . . . .		351
	FROM OPERATING TRUST FUND . . . . .		34,381
1226	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM OPERATING TRUST FUND . . . . .		26,740
TOTAL: PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY			
	FROM GENERAL REVENUE FUND . . . . .		294,337
	FROM TRUST FUNDS . . . . .		26,968,387
	TOTAL POSITIONS . . . . .		119.00
	TOTAL ALL FUNDS . . . . .		27,262,724

PROVIDE PREVENTION AND CRIME INFORMATION SERVICES

APPROVED SALARY RATE 9,991,935

1227	SALARIES AND BENEFITS	POSITIONS	277.00
	FROM GENERAL REVENUE FUND . . . . .		513,637
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND . . . . .		214,165
	FROM FEDERAL GRANTS TRUST FUND . . . . .		476,317
	FROM OPERATING TRUST FUND . . . . .		12,398,312
1228	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		10,000
	FROM ADMINISTRATIVE TRUST FUND . . . . .		5,000
	FROM FEDERAL GRANTS TRUST FUND . . . . .		616,733
	FROM OPERATING TRUST FUND . . . . .		436,394
1229	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		172,721
	FROM ADMINISTRATIVE TRUST FUND . . . . .		85,781
	FROM FEDERAL GRANTS TRUST FUND . . . . .		358,539
	FROM OPERATING TRUST FUND . . . . .		2,034,495
1230	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .		2,600
	FROM OPERATING TRUST FUND . . . . .		309,792
1231	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .		402
	FROM OPERATING TRUST FUND . . . . .		93,168
1232	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		202,478
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,000
	FROM FEDERAL GRANTS TRUST FUND . . . . .		145,340
	FROM OPERATING TRUST FUND . . . . .		1,322,360
1233	SPECIAL CATEGORIES		
	OVERTIME		
	FROM OPERATING TRUST FUND . . . . .		218,946
1234	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		33,321
	FROM OPERATING TRUST FUND . . . . .		42,869

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
1235	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM OPERATING TRUST FUND . . . . .	5,160	
1236	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	5,868	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .	1,420	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	3,235	
	FROM OPERATING TRUST FUND . . . . .	90,801	
TOTAL:	PROVIDE PREVENTION AND CRIME INFORMATION SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	907,706	
	FROM TRUST FUNDS . . . . .		18,894,148
	TOTAL POSITIONS . . . . .	277.00	
	TOTAL ALL FUNDS . . . . .		19,801,854
PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM			
LAW ENFORCEMENT STANDARDS COMPLIANCE			
	APPROVED SALARY RATE	2,420,997	
1237	SALARIES AND BENEFITS POSITIONS	48.00	
	FROM GENERAL REVENUE FUND . . . . .	40,248	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		2,956,487
1238	OTHER PERSONAL SERVICES		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		205,380
1239	EXPENSES		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		432,265
1240	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .	29,772	
	FROM OPERATING TRUST FUND . . . . .	14,491	
1241	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .	175,741	
	FROM OPERATING TRUST FUND . . . . .	100,000	
1242	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .	8,183	
1243	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SPECIAL EDUCATION AND		
	TECHNICAL TRAINING		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .	6,001,252	
1244	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	203	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .	18,653	
TOTAL:	LAW ENFORCEMENT STANDARDS COMPLIANCE		
	FROM GENERAL REVENUE FUND . . . . .	40,451	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM TRUST FUNDS . . . . .		9,942,224
	TOTAL POSITIONS . . . . .	48.00	
	TOTAL ALL FUNDS . . . . .		9,982,675
LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES			
	APPROVED SALARY RATE	2,470,445	
1245	SALARIES AND BENEFITS POSITIONS	47.50	
	FROM GENERAL REVENUE FUND . . . . .		6,201
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		3,085,542
	FROM OPERATING TRUST FUND . . . . .		208,910
1246	OTHER PERSONAL SERVICES		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		660,798
	FROM OPERATING TRUST FUND . . . . .		3,000
1247	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	18,174	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		1,800,393
	FROM OPERATING TRUST FUND . . . . .		61,178
1248	OPERATING CAPITAL OUTLAY		
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		203,819
1249	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,000	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		218,202
	FROM OPERATING TRUST FUND . . . . .		36,579
1250	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		3,168
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		8,951
1251	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	4,290	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		5,070
1252	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	1,839	
	FROM CRIMINAL JUSTICE STANDARDS		
	AND TRAINING TRUST FUND . . . . .		16,644
	FROM OPERATING TRUST FUND . . . . .		1,152
TOTAL:	LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	31,504	
	FROM TRUST FUNDS . . . . .		6,313,406
	TOTAL POSITIONS . . . . .	47.50	
	TOTAL ALL FUNDS . . . . .		6,344,910
TOTAL:	LAW ENFORCEMENT, DEPARTMENT OF		
	FROM GENERAL REVENUE FUND . . . . .	87,538,589	
	FROM TRUST FUNDS . . . . .		154,907,855
	TOTAL POSITIONS . . . . .	1,682.00	
	TOTAL ALL FUNDS . . . . .		242,446,444
	TOTAL APPROVED SALARY RATE . . . . .	83,868,075	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION  
LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

PROGRAM: OFFICE OF ATTORNEY GENERAL

CIVIL ENFORCEMENT

APPROVED SALARY RATE 25,040,380

1253	SALARIES AND BENEFITS	POSITIONS	564.00
	FROM GENERAL REVENUE FUND . . . . .		3,459,059
	FROM CRIMES COMPENSATION TRUST FUND . . . . .		2,758
	FROM FEDERAL GRANTS TRUST FUND . . . . .		11,780,844
	FROM LEGAL SERVICES TRUST FUND . . . . .		11,430,037
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		7,239,853
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . . . . .		1,485,041
	FROM OPERATING TRUST FUND . . . . .		933,701
1254	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		89,404
	FROM FEDERAL GRANTS TRUST FUND . . . . .		125,709
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		100,000
	FROM LEGAL SERVICES TRUST FUND . . . . .		240,834
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . . . . .		85,512
1255	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		355,636
	FROM FEDERAL GRANTS TRUST FUND . . . . .		1,674,641
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		250,000
	FROM LEGAL SERVICES TRUST FUND . . . . .		1,672,019
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		5,539
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . . . . .		427,190
	FROM OPERATING TRUST FUND . . . . .		7,830
1256	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .		110,951
	FROM FEDERAL GRANTS TRUST FUND . . . . .		303,530
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		150,000
	FROM LEGAL SERVICES TRUST FUND . . . . .		520,700
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		51,938
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . . . . .		44,114
1257	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .		53,927
	FROM FEDERAL GRANTS TRUST FUND . . . . .		203,551
1258	SPECIAL CATEGORIES		
	MEDICAID FRAUD INFORMANT REWARDS		
	FROM OPERATING TRUST FUND . . . . .		2,000,000
1259	SPECIAL CATEGORIES		
	ANTITRUST INVESTIGATIONS		
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		1,478,868
1260	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		47,597
	FROM FEDERAL GRANTS TRUST FUND . . . . .		144,731
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,500,000
	FROM LEGAL SERVICES TRUST FUND . . . . .		719,580
	FROM MOTOR VEHICLE WARRANTY TRUST		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

	FUND . . . . .		74,281
1261	SPECIAL CATEGORIES		
	ECONOMIC CRIME LITIGATION		
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		5,152,068
1262	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		53,441
	FROM FEDERAL GRANTS TRUST FUND . . . . .		113,871
	FROM LEGAL SERVICES TRUST FUND . . . . .		159,954
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		100,712
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . . . . .		8,568
1263	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .		62,376
	FROM FEDERAL GRANTS TRUST FUND . . . . .		97,661
1264	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .		32,376
	FROM FEDERAL GRANTS TRUST FUND . . . . .		69,640
	FROM LEGAL SERVICES TRUST FUND . . . . .		63,638
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		32,182
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . . . . .		8,708
1265	DATA PROCESSING SERVICES		
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND . . . . .		7,448
1266	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		12,483
	FROM FEDERAL GRANTS TRUST FUND . . . . .		35,000
	FROM LEGAL SERVICES TRUST FUND . . . . .		192,081
	TOTAL: CIVIL ENFORCEMENT		
	FROM GENERAL REVENUE FUND . . . . .		4,277,250
	FROM TRUST FUNDS . . . . .		50,694,332
	TOTAL POSITIONS . . . . .		564.00
	TOTAL ALL FUNDS . . . . .		54,971,582

CONSTITUTIONAL LEGAL SERVICES

APPROVED SALARY RATE 1,508,418

1267	SALARIES AND BENEFITS	POSITIONS	22.50
	FROM GENERAL REVENUE FUND . . . . .		1,964,727
	FROM CRIMES COMPENSATION TRUST FUND . . . . .		402
	FROM OPERATING TRUST FUND . . . . .		97,449
1268	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		21,754
1269	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		179,558
1270	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .		24,162
1271	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	5,920	
1272	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	15,665	
1273	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	8,291	
	FROM OPERATING TRUST FUND . . . . .		421
TOTAL: CONSTITUTIONAL LEGAL SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	2,220,077	
	FROM TRUST FUNDS . . . . .		98,272
	TOTAL POSITIONS . . . . .	22.50	
	TOTAL ALL FUNDS . . . . .		2,318,349

CRIMINAL AND CIVIL LITIGATION DEFENSE			
	APPROVED SALARY RATE	18,844,344	
1274	SALARIES AND BENEFITS POSITIONS	351.50	
	FROM GENERAL REVENUE FUND . . . . .	11,103,871	
	FROM CRIMES COMPENSATION TRUST		
	FUND . . . . .		3,000
	FROM LEGAL SERVICES TRUST FUND . . . . .		11,320,805
	FROM OPERATING TRUST FUND . . . . .		1,850,098
1275	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	46,057	
	FROM LEGAL SERVICES TRUST FUND . . . . .		806,161
1276	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	1,356,374	
	FROM LEGAL SERVICES TRUST FUND . . . . .		1,899,205
1277	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	178,632	
	FROM LEGAL SERVICES TRUST FUND . . . . .		362,691
1278	LUMP SUM		
	ATTORNEY GENERAL RESERVE POSITIONS FOR		
	AGENCY CONTRACTS		
	POSITIONS	50.00	

The positions in Specific Appropriation 1278 shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.

1279	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	104,367	
	FROM LEGAL SERVICES TRUST FUND . . . . .		1,273,819
1280	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM LEGAL SERVICES TRUST FUND . . . . .		46,500
1281	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	111,260	
	FROM LEGAL SERVICES TRUST FUND . . . . .		91,879
1282	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	69,067	
	FROM LEGAL SERVICES TRUST FUND . . . . .		61,912
1283	DATA PROCESSING SERVICES		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	OTHER DATA PROCESSING SERVICES		
	FROM LEGAL SERVICES TRUST FUND . . . . .		30,972
TOTAL: CRIMINAL AND CIVIL LITIGATION DEFENSE			
	FROM GENERAL REVENUE FUND . . . . .	12,969,628	
	FROM TRUST FUNDS . . . . .		17,747,042
	TOTAL POSITIONS . . . . .	401.50	
	TOTAL ALL FUNDS . . . . .		30,716,670

VICTIM SERVICES			
	APPROVED SALARY RATE	4,162,013	
1284	SALARIES AND BENEFITS POSITIONS	99.00	
	FROM CRIMES COMPENSATION TRUST		
	FUND . . . . .		4,417,339
	FROM CRIME STOPPERS TRUST FUND . . . . .		90,619
	FROM FEDERAL GRANTS TRUST FUND . . . . .		906,980
	FROM FLORIDA CRIME PREVENTION		
	TRAINING INSTITUTE REVOLVING TRUST		
	FUND . . . . .		326,761
1285	OTHER PERSONAL SERVICES		
	FROM CRIMES COMPENSATION TRUST		
	FUND . . . . .		55,060
	FROM CRIME STOPPERS TRUST FUND . . . . .		5,100
	FROM FLORIDA CRIME PREVENTION		
	TRAINING INSTITUTE REVOLVING TRUST		
	FUND . . . . .		155,796
1286	EXPENSES		
	FROM CRIMES COMPENSATION TRUST		
	FUND . . . . .		781,854
	FROM CRIME STOPPERS TRUST FUND . . . . .		63,396
	FROM FEDERAL GRANTS TRUST FUND . . . . .		108,689
	FROM FLORIDA CRIME PREVENTION		
	TRAINING INSTITUTE REVOLVING TRUST		
	FUND . . . . .		99,564
1287	OPERATING CAPITAL OUTLAY		
	FROM CRIMES COMPENSATION TRUST		
	FUND . . . . .		123,407
	FROM CRIME STOPPERS TRUST FUND . . . . .		2,380
	FROM FEDERAL GRANTS TRUST FUND . . . . .		2,286
	FROM FLORIDA CRIME PREVENTION		
	TRAINING INSTITUTE REVOLVING TRUST		
	FUND . . . . .		7,695

1288	SPECIAL CATEGORIES		
	AWARDS TO CLAIMANTS		
	FROM CRIMES COMPENSATION TRUST		
	FUND . . . . .		24,842,082
	FROM FEDERAL GRANTS TRUST FUND . . . . .		13,192,000

1288A	SPECIAL CATEGORIES		
	VICTIM SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	250,000	

From the funds in Specific Appropriation 1288A, \$250,000 in recurring general revenue funds is provided to the Florida Council Against Sexual Violence. At least 95 percent of the funds provided shall be distributed to certified rape crisis centers to provide services statewide for victims of sexual assault.

1289	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	481,192	
	FROM CRIMES COMPENSATION TRUST		
	FUND . . . . .		45,243
	FROM FEDERAL GRANTS TRUST FUND . . . . .		30,000
	FROM FLORIDA CRIME PREVENTION		
	TRAINING INSTITUTE REVOLVING TRUST		
	FUND . . . . .		108,408

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

From the funds in Specific Appropriation 1289, \$100,000 from recurring general revenue funds is provided to the Family Justice Center in Hillsborough County for assistance to victims of domestic violence.

1290	SPECIAL CATEGORIES GRANTS AND AIDS - MINORITY COMMUNITIES CRIME PREVENTION PROGRAMS FROM GENERAL REVENUE FUND . . . . .	4,389,055	
1291	SPECIAL CATEGORIES GRANTS AND AIDS - CRIME STOPPERS FROM CRIME STOPPERS TRUST FUND . . . . .	4,500,000	
1292	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CRIMES COMPENSATION TRUST FUND . . . . . FROM CRIME STOPPERS TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND . . . . .	52,613 1,183 2,691 1,353	
1293	SPECIAL CATEGORIES GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES FROM FEDERAL GRANTS TRUST FUND . . . . .	25,000,000	
1294	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM CRIMES COMPENSATION TRUST FUND . . . . . FROM CRIME STOPPERS TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND . . . . .	29,520 262 3,075 2,001	
1294A	SPECIAL CATEGORIES CIVIL LEGAL ASSISTANCE FROM GENERAL REVENUE FUND . . . . .	1,000,000	
TOTAL:	VICTIM SERVICES FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .  TOTAL POSITIONS . . . . . TOTAL ALL FUNDS . . . . .	6,120,247 74,957,357  99.00 81,077,604	
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	6,434,620	
1295	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . . FROM CRIMES COMPENSATION TRUST FUND . . . . . FROM LEGAL SERVICES TRUST FUND . . . . . FROM OPERATING TRUST FUND . . . . .	133.00 5,798,448 3,219,235 1,999 499 9,718	
1296	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . .	50,000 140,826	
1297	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . .	292,911 946,269	
1298	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . .	62,461 472,801	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

1299	SPECIAL CATEGORIES ATTORNEY GENERAL'S LAW LIBRARY FROM GENERAL REVENUE FUND . . . . .	282,676	
1300	SPECIAL CATEGORIES COMMISSION ON THE STATUS OF WOMEN FROM GENERAL REVENUE FUND . . . . .	105,827	
1301	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . .	175,531 55,268	
From the funds in Specific Appropriation 1301, \$50,000 in recurring general revenue funds is provided for the Cuban American Bar Association Pro Bono Project.			
1302	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . .	62,801 32,513	
1303	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . .	36,998 13,699	
1304	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND . . . . . FROM ADMINISTRATIVE TRUST FUND . . . . .	135,441 157,876	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .  TOTAL POSITIONS . . . . . TOTAL ALL FUNDS . . . . .	7,003,094 5,050,703  133.00 12,053,797	
PROGRAM: OFFICE OF STATEWIDE PROSECUTION			
PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME			
	APPROVED SALARY RATE	3,902,138	
1305	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM CRIMES COMPENSATION TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATING TRUST FUND . . . . .	63.50 4,308,883 1,272 258,251 363,605	
1306	SPECIAL CATEGORIES STATEWIDE PROSECUTION FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM OPERATING TRUST FUND . . . . .	824,724 39,602 367,262	
1307	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . FROM OPERATING TRUST FUND . . . . .	41,980 902	
1308	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM OPERATING TRUST FUND . . . . .	23,506 2,076	
1308A	SPECIAL CATEGORIES STATE OPERATIONS - AMERICAN RECOVERY AND		

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
	REINVESTMENT ACT OF 2009		
	FROM FEDERAL GRANTS TRUST FUND . . .		1,500
1308B	SPECIAL CATEGORIES		
	SALARIES AND BENEFITS - AMERICAN RECOVERY		
	AND REINVESTMENT ACT OF 2009		
	FROM FEDERAL GRANTS TRUST FUND . . .		39,973
TOTAL:	PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME		
	FROM GENERAL REVENUE FUND . . . . .	5,199,093	
	FROM TRUST FUNDS . . . . .		1,074,443
	TOTAL POSITIONS . . . . .	63.50	
	TOTAL ALL FUNDS . . . . .		6,273,536
PROGRAM: FLORIDA ELECTIONS COMMISSION			
CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT			
	APPROVED SALARY RATE	702,039	
1309	SALARIES AND BENEFITS	POSITIONS	14.00
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		970,026
1310	OTHER PERSONAL SERVICES		
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		76,354
1311	EXPENSES		
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		232,569
1312	OPERATING CAPITAL OUTLAY		
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		10,000
1313	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		8,779
1314	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		13,348
1315	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		8,867
1316	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM ELECTIONS COMMISSION TRUST		
	FUND . . . . .		5,663
TOTAL:	CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT		
	FROM TRUST FUNDS . . . . .		1,325,606
	TOTAL POSITIONS . . . . .	14.00	
	TOTAL ALL FUNDS . . . . .		1,325,606
TOTAL:	LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL		
	FROM GENERAL REVENUE FUND . . . . .	37,789,389	
	FROM TRUST FUNDS . . . . .		150,947,755
	TOTAL POSITIONS . . . . .	1,297.50	
	TOTAL ALL FUNDS . . . . .		188,737,144
	TOTAL APPROVED SALARY RATE . . . .	60,593,952	

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS			
SPECIFIC			
APPROPRIATION			
PAROLE COMMISSION			
PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS			
	APPROVED SALARY RATE		5,366,373
1317	SALARIES AND BENEFITS	POSITIONS	121.00
	FROM GENERAL REVENUE FUND . . . . .		6,940,321
	FROM FEDERAL GRANTS TRUST FUND . . .		51,237
1318	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		77,514
1319	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .		726,925
From the funds in Specific Appropriation 1319, the Parole Commission shall conduct a study and provide the following to the Governor's Office of Policy and Budget, the President of the Senate and the Speaker of the House of Representatives by October 1, 2011:			
1. An update on the impact of the March 9, 2011, Clemency Board rules and policy changes to the clemency process as administered by the Parole Commission including, but not limited to, current performance goals and measures, an explanation of the new rules and types of cases, a valid determination of the number of pending clemency cases existing on March 9, 2011 and July 1, 2011, along with an explanation of the methodology used to determine the number of cases and their status and disposition. Data must include total cases received for each of the past 5 years, the total number of cases processed for each of the past 5 years, and the total number of cases received or pending but not processed for each of the past 5 years;			
2. An updated continuation plan reflecting the March 9, 2011, clemency rules changes using readily available data from existing automated systems;			
3. Identification of all existing resources, workload, job descriptions, and internal business procedures for clemency activities; and			
4. Proposed criteria, developed by case type to use in defining and classifying case backlogs which shall be based upon a reasonable length of time for the normal processing of cases. Case type refers to cases with a hearing and cases without a hearing.			
1320	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .		16,771
1321	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		172,950
1322	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .		49,653
1323	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		194,450
TOTAL:	PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS		
	FROM GENERAL REVENUE FUND . . . . .		8,178,584
	FROM TRUST FUNDS . . . . .		51,237
	TOTAL POSITIONS . . . . .	121.00	
	TOTAL ALL FUNDS . . . . .		8,229,821
TOTAL:	PAROLE COMMISSION		
	FROM GENERAL REVENUE FUND . . . . .		8,178,584
	FROM TRUST FUNDS . . . . .		51,237

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS  
SPECIFIC  
APPROPRIATION

TOTAL POSITIONS . . . . .	121.00	
TOTAL ALL FUNDS . . . . .		8,229,821
TOTAL APPROVED SALARY RATE . . . . .	5,366,373	
TOTAL OF SECTION 4		
FROM GENERAL REVENUE FUND . . . . .	3,344,429,340	
FROM TRUST FUNDS . . . . .		1,134,020,860
TOTAL POSITIONS . . . . .	44,955.25	
TOTAL ALL FUNDS . . . . .		4,478,450,200

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,  
AND COMMISSIONER OF AGRICULTURE

The department shall submit a plan to the Governor's Office of Policy and Budget, the chair of the Senate Budget Committee, and the chair of the House Appropriations Committee by August 31 that allocates Specific Appropriations 1446, 1459, and 1471 to the relevant Salaries and Benefits, Other Personal Services, Expense, Operating Capital Outlay, and Contracted Services appropriation categories.

PROGRAM: OFFICE OF THE COMMISSIONER AND  
ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

APPROVED SALARY RATE	2,177,310	
1324 SALARIES AND BENEFITS POSITIONS	38.00	
FROM GENERAL REVENUE FUND . . . . .	2,460,955	
FROM CITRUS INSPECTION TRUST FUND . . . . .		58,541
FROM GENERAL INSPECTION TRUST FUND . . . . .		319,332
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .		258,894
1325 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND . . . . .	15,000	
1326 EXPENSES		
FROM GENERAL REVENUE FUND . . . . .	480,998	
FROM FEDERAL GRANTS TRUST FUND . . . . .		60,000
FROM GENERAL INSPECTION TRUST FUND . . . . .		27,852
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .		50,820
1327 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND . . . . .	8,028	
FROM FEDERAL GRANTS TRUST FUND . . . . .		390,000
1328 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	99,773	
1329 SPECIAL CATEGORIES		
SALARY INCENTIVE PAYMENTS		
FROM GENERAL REVENUE FUND . . . . .	32,932	
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND . . . . .		4,607
FROM GENERAL INSPECTION TRUST FUND . . . . .		881
1330 SPECIAL CATEGORIES		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . .	11,705	
FROM GENERAL INSPECTION TRUST FUND . . . . .		1,487
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .		637
TOTAL: AGRICULTURAL LAW ENFORCEMENT		
FROM GENERAL REVENUE FUND . . . . .	3,109,391	
FROM TRUST FUNDS . . . . .		1,173,051
TOTAL POSITIONS . . . . .	38.00	
TOTAL ALL FUNDS . . . . .		4,282,442

AGRICULTURAL WATER POLICY COORDINATION

APPROVED SALARY RATE	1,890,413	
1331 SALARIES AND BENEFITS POSITIONS	35.00	
FROM GENERAL INSPECTION TRUST FUND . . . . .		2,381,396
1332 EXPENSES		
FROM GENERAL INSPECTION TRUST FUND . . . . .		398,865
1334 SPECIAL CATEGORIES		
NITRATE RESEARCH AND REMEDIATION		
FROM GENERAL INSPECTION TRUST FUND . . . . .		930,000
1335 SPECIAL CATEGORIES		
BEST MANAGEMENT PRACTICES - COST SHARE		
FROM GENERAL REVENUE FUND . . . . .	11,000,000	
FROM GENERAL INSPECTION TRUST FUND . . . . .		5,951,000

Of the funds in Specific Appropriation 1335, \$50,000 in nonrecurring funds from the General Inspection Trust Fund is provided for the Association of Florida Conservation Districts' contract for support services to all Florida's Soil and Water Conservation Districts.

Of the funds in Specific Appropriation 1335, \$4,000,000 in nonrecurring general revenue is provided for the Florida Water Quality Compliance and Improvement Best Management Practices project to adapt real-time radio frequency soil-sensor based systems from a limited research setting to deployment in agricultural fields to assess their effectiveness in irrigation decision-making, reduction in water use, and minimizing nutrient loss of nitrogen and phosphorous due to leaching and runoff. This project will include installing remote sensor systems in different field locations, calibrating the sensors to the fields, evaluating soil samples along a depth profile to determine moisture, nitrogen, and phosphorous content, and calculating daily water and nutrient uptake from different soil regions. The field data will be a concentration model for target crops that can be extended to the watershed level. Use of this model will augment weather, hydrologic, and water quality information for the development of improved best management practices for nutrient management and optimum irrigation scheduling for reduction of nutrient runoff and leaching.

From the funds in Specific Appropriation 1335, \$3,000,000 in nonrecurring general revenue is provided for the operation and maintenance of existing hybrid wetland/chemical treatment projects within the Northern Everglades pursuant to section 373.4595(3)(b), Florida Statutes.

From the funds in Specific Appropriation 1335, \$4,000,000 in recurring general revenue funds is provided for the Precision Agriculture Daily Logistics Online Calendar (PADLOC).

1336 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL INSPECTION TRUST FUND . . . . .		11,963

TOTAL: AGRICULTURAL WATER POLICY COORDINATION

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	11,000,000	
	FROM TRUST FUNDS . . . . .		9,673,224
	TOTAL POSITIONS . . . . .	35.00	
	TOTAL ALL FUNDS . . . . .		20,673,224
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	9,100,681	
1337	SALARIES AND BENEFITS POSITIONS	172.75	
	FROM GENERAL REVENUE FUND . . . . .	6,140,177	
	FROM ADMINISTRATIVE TRUST FUND . . .		5,541,245
	FROM FEDERAL GRANTS TRUST FUND . . .		3,529
	FROM GENERAL INSPECTION TRUST FUND .		585,120
	FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .		648
1338	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	70,524	
	FROM ADMINISTRATIVE TRUST FUND . . .		10,352
1339	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	342,047	
	FROM ADMINISTRATIVE TRUST FUND . . .		1,433,666
	FROM GENERAL INSPECTION TRUST FUND .		158,223
	FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .		81,190
1340	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	3,614	
1341	SPECIAL CATEGORIES		
	FEDERAL VALUE OF PRODUCTION SPECIALTY CROP GRANT		
	FROM FEDERAL GRANTS TRUST FUND . . .		6,000,000
1342	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND . . . . .	10,124	
	FROM ADMINISTRATIVE TRUST FUND . . .		41,821
1343	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,000	
	FROM ADMINISTRATIVE TRUST FUND . . .		618,000
1344	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	35,556	
	FROM ADMINISTRATIVE TRUST FUND . . .		66,871
1345	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND . . . . .	4,000	
1346	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	40,213	
	FROM ADMINISTRATIVE TRUST FUND . . .		22,084
	FROM FEDERAL GRANTS TRUST FUND . . .		19
	FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .		20
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	6,647,255	
	FROM TRUST FUNDS . . . . .		14,562,788
	TOTAL POSITIONS . . . . .	172.75	
	TOTAL ALL FUNDS . . . . .		21,210,043

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
DIVISION OF LICENSING			
	APPROVED SALARY RATE		6,120,732
1347	SALARIES AND BENEFITS POSITIONS	170.00	
	FROM DIVISION OF LICENSING TRUST FUND . . . . .		8,849,644
1348	OTHER PERSONAL SERVICES		
	FROM DIVISION OF LICENSING TRUST FUND . . . . .		1,321,832
1349	EXPENSES		
	FROM DIVISION OF LICENSING TRUST FUND . . . . .		3,355,103
1350	OPERATING CAPITAL OUTLAY		
	FROM DIVISION OF LICENSING TRUST FUND . . . . .		197,427
1351	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM DIVISION OF LICENSING TRUST FUND . . . . .		4,844,519
1352	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM DIVISION OF LICENSING TRUST FUND . . . . .		79,704
1353	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM DIVISION OF LICENSING TRUST FUND . . . . .		57,030
TOTAL: DIVISION OF LICENSING			
	FROM TRUST FUNDS . . . . .		18,705,259
	TOTAL POSITIONS . . . . .	170.00	
	TOTAL ALL FUNDS . . . . .		18,705,259
PROGRAM: FOREST AND RESOURCE PROTECTION			
LAND MANAGEMENT			
	APPROVED SALARY RATE		16,364,223
1354	SALARIES AND BENEFITS POSITIONS	463.00	
	FROM GENERAL REVENUE FUND . . . . .	6,597,079	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,095,282
	FROM INCIDENTAL TRUST FUND . . . . .		3,914,318
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .		10,814,552
1355	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .		643,654
	FROM INCIDENTAL TRUST FUND . . . . .		375,769
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .		358,576
1356	EXPENSES		
	FROM FEDERAL GRANTS TRUST FUND . . .		1,397,560
	FROM INCIDENTAL TRUST FUND . . . . .		2,683,957
	FROM RELOCATION AND CONSTRUCTION TRUST FUND . . . . .		10,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .		2,961,504
1357	AID TO LOCAL GOVERNMENTS		
	AMERICA THE BEAUTIFUL PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .		1,747,538

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
1358	AID TO LOCAL GOVERNMENTS		
	STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND . . . . .	595,000	
1359	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	3,456	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		159,150
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .		118,458
1360	SPECIAL CATEGORIES		
	PRIVATE LAND OWNER COST SHARE ASSISTANCE		
	PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	600,000	
1361	SPECIAL CATEGORIES		
	OFF-HIGHWAY VEHICLE RECREATION PROGRAM		
	FROM INCIDENTAL TRUST FUND . . . . .	220,000	
1362	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	806,825	
	FROM INCIDENTAL TRUST FUND . . . . .	313,351	
	FROM RELOCATION AND CONSTRUCTION		
	TRUST FUND . . . . .	40,000	
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .	633,875	
1363	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	170,369	
	FROM INCIDENTAL TRUST FUND . . . . .	47,864	
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .	253,983	
1364	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	77,270	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		7,572
	FROM INCIDENTAL TRUST FUND . . . . .		13,144
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .		78,613
TOTAL:	LAND MANAGEMENT		
	FROM GENERAL REVENUE FUND . . . . .	6,848,174	
	FROM TRUST FUNDS . . . . .		29,890,545
	TOTAL POSITIONS . . . . .	463.00	
	TOTAL ALL FUNDS . . . . .		36,738,719
WILDFIRE PREVENTION AND MANAGEMENT			
	APPROVED SALARY RATE	25,191,006	
1365	SALARIES AND BENEFITS	POSITIONS	727.50
	FROM GENERAL REVENUE FUND . . . . .	34,336,305	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		1,323,192
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .	973,248	
	FROM INCIDENTAL TRUST FUND . . . . .	2,290,150	
1366	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	356,742	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		277,349
	FROM INCIDENTAL TRUST FUND . . . . .		25,000
1367	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	3,270,438	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		1,591,567
	FROM INCIDENTAL TRUST FUND . . . . .		2,280,167
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .		1,006,570

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
1368	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - VOLUNTEER FIRE		
	ASSISTANCE		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		275,763
1369	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - RURAL COMMUNITY FIRE		
	PROTECTION		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		72,589
1370	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	10,731	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		558,625
1371	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		100,000
1372	SPECIAL CATEGORIES		
	FORESTRY WILDFIRE PROTECTION/SUPPRESSION		
	EQUIPMENT		
	FROM GENERAL REVENUE FUND . . . . .	2,000,000	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		400,000
	FROM INCIDENTAL TRUST FUND . . . . .		156,868
1373	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	133,794	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		2,099,078
	FROM INCIDENTAL TRUST FUND . . . . .		123,756
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .		34,468
1374	SPECIAL CATEGORIES		
	ON-CALL FEES		
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		333,296
	FROM INCIDENTAL TRUST FUND . . . . .		10,000
1375	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	1,380,177	
	FROM INCIDENTAL TRUST FUND . . . . .		329,926
1376	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	235,174	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		7,856
	FROM INCIDENTAL TRUST FUND . . . . .		12,615
1376A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AMERICAN RECOVERY AND		
	REINVESTMENT ACT OF 2009		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		3,200,000
TOTAL:	WILDFIRE PREVENTION AND MANAGEMENT		
	FROM GENERAL REVENUE FUND . . . . .	41,723,361	
	FROM TRUST FUNDS . . . . .		17,482,083
	TOTAL POSITIONS . . . . .	727.50	
	TOTAL ALL FUNDS . . . . .		59,205,444
PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER			
INFORMATION TECHNOLOGY			
	APPROVED SALARY RATE	2,192,102	
1377	SALARIES AND BENEFITS	POSITIONS	42.00
	FROM GENERAL REVENUE FUND . . . . .	1,133,252	
	FROM GENERAL INSPECTION TRUST FUND . . . . .		1,766,757

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

1378	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	47,348	
1379	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	166,801	
	FROM DIVISION OF LICENSING TRUST FUND . . . . .	116,125	
	FROM GENERAL INSPECTION TRUST FUND .	2,166,225	
1380	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND .	125,000	
1381	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	265,342	
	FROM GENERAL INSPECTION TRUST FUND .	375,295	
1382	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	6,333	
	FROM GENERAL INSPECTION TRUST FUND .	8,800	
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND . . . . .	1,619,076	
	FROM TRUST FUNDS . . . . .	4,558,202	
	TOTAL POSITIONS . . . . .	42.00	
	TOTAL ALL FUNDS . . . . .	6,177,278	

PROGRAM: FOOD SAFETY AND QUALITY

DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT

	APPROVED SALARY RATE	829,550	
1383	SALARIES AND BENEFITS		
	POSITIONS	22.00	
	FROM GENERAL REVENUE FUND . . . . .	1,116,287	
	FROM GENERAL INSPECTION TRUST FUND .	108,836	
1384	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	212,347	
	FROM GENERAL INSPECTION TRUST FUND .	20,520	
1385	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	10,500	
1386	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	24,960	
1387	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	29,444	
1388	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	8,118	
TOTAL:	DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT		
	FROM GENERAL REVENUE FUND . . . . .	1,401,656	
	FROM TRUST FUNDS . . . . .	129,356	
	TOTAL POSITIONS . . . . .	22.00	
	TOTAL ALL FUNDS . . . . .	1,531,012	

FOOD SAFETY INSPECTION AND ENFORCEMENT

	APPROVED SALARY RATE	11,420,727	
1389	SALARIES AND BENEFITS		
	POSITIONS	292.00	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

	FROM FEDERAL GRANTS TRUST FUND . . .	1,785,137	
	FROM GENERAL INSPECTION TRUST FUND .	14,574,552	
1390	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .	223,441	
	FROM GENERAL INSPECTION TRUST FUND .	263,000	
1391	EXPENSES		
	FROM FEDERAL GRANTS TRUST FUND . . .	732,195	
	FROM GENERAL INSPECTION TRUST FUND .	1,821,507	
1392	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . .	250,747	
	FROM GENERAL INSPECTION TRUST FUND .	47,333	
1393	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .	370,707	
	FROM GENERAL INSPECTION TRUST FUND .	360,000	
1394	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FEDERAL GRANTS TRUST FUND . . .	4,830	
	FROM GENERAL INSPECTION TRUST FUND .	180,706	
1395	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM FEDERAL GRANTS TRUST FUND . . .	4,157	
	FROM GENERAL INSPECTION TRUST FUND .	91,554	
1395A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DEEPWATER HORIZON - STATE OPERATIONS		
	FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .	4,842,667	
TOTAL:	FOOD SAFETY INSPECTION AND ENFORCEMENT		
	FROM TRUST FUNDS . . . . .	25,552,533	
	TOTAL POSITIONS . . . . .	292.00	
	TOTAL ALL FUNDS . . . . .	25,552,533	

PROGRAM: CONSUMER PROTECTION

AGRICULTURAL ENVIRONMENTAL SERVICES

	APPROVED SALARY RATE	8,116,558	
1396	SALARIES AND BENEFITS		
	POSITIONS	199.00	
	FROM GENERAL REVENUE FUND . . . . .	559,475	
	FROM FEDERAL GRANTS TRUST FUND . . .	618,654	
	FROM GENERAL INSPECTION TRUST FUND .	7,280,490	
	FROM PEST CONTROL TRUST FUND . . . .	2,926,738	
1397	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	100	
	FROM FEDERAL GRANTS TRUST FUND . . .	145,000	
	FROM GENERAL INSPECTION TRUST FUND .	33,000	
	FROM PEST CONTROL TRUST FUND . . . .	41,530	
1398	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	14,451	
	FROM FEDERAL GRANTS TRUST FUND . . .	338,295	
	FROM GENERAL INSPECTION TRUST FUND .	1,089,939	
	FROM PEST CONTROL TRUST FUND . . . .	375,731	
1399	AID TO LOCAL GOVERNMENTS		
	MOSQUITO CONTROL PROGRAM		
	FROM GENERAL INSPECTION TRUST FUND .	1,293,368	

Of the funds provided in Specific Appropriation 1399, \$250,000 from the General Inspection Trust Fund shall be used for research into

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
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practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the Institute of Food and Agricultural Sciences (IFAS)/Florida Medical Entomology Laboratory.

1400	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	1,513	
	FROM FEDERAL GRANTS TRUST FUND . . .		102,500
1401	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	107,372	
	FROM FEDERAL GRANTS TRUST FUND . . .		396,278
	FROM GENERAL INSPECTION TRUST FUND .		125,124
	FROM PEST CONTROL TRUST FUND . . . .		106,425
1402	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	85,564	
	FROM GENERAL INSPECTION TRUST FUND .		42,786
1403	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	20,146	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,870
	FROM GENERAL INSPECTION TRUST FUND .		33,741
	FROM PEST CONTROL TRUST FUND . . . .		16,648
TOTAL:	AGRICULTURAL ENVIRONMENTAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	788,621	
	FROM TRUST FUNDS . . . . .		14,968,117
	TOTAL POSITIONS . . . . .	199.00	
	TOTAL ALL FUNDS . . . . .		15,756,738

CONSUMER PROTECTION

	APPROVED SALARY RATE	4,479,414	
1404	SALARIES AND BENEFITS POSITIONS	121.00	
	FROM GENERAL INSPECTION TRUST FUND .		6,022,526
1405	OTHER PERSONAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND .		68,713
1406	EXPENSES		
	FROM GENERAL INSPECTION TRUST FUND .		1,055,568
1407	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL INSPECTION TRUST FUND .		268,533
1408	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL INSPECTION TRUST FUND .		43,453
1409	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL INSPECTION TRUST FUND .		41,959
TOTAL:	CONSUMER PROTECTION		
	FROM TRUST FUNDS . . . . .		7,500,752
	TOTAL POSITIONS . . . . .	121.00	
	TOTAL ALL FUNDS . . . . .		7,500,752

STANDARDS AND PETROLEUM QUALITY INSPECTION

	APPROVED SALARY RATE	6,394,680	
1410	SALARIES AND BENEFITS POSITIONS	181.00	

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	FROM GENERAL INSPECTION TRUST FUND .		9,093,797
1411	OTHER PERSONAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND .		59,572
1412	EXPENSES		
	FROM GENERAL INSPECTION TRUST FUND .		1,829,714
1413	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND .		437
1414	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	500,000	
	FROM GENERAL INSPECTION TRUST FUND .		590,000
	From the funds in Specific Appropriation 1414, \$500,000 in nonrecurring general revenue shall be transferred to the Technology Research and Development Authority for implementation of a clean technology entrepreneurship initiative.		
1415	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL INSPECTION TRUST FUND .		195,907
1416	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL INSPECTION TRUST FUND .		61,192
TOTAL:	STANDARDS AND PETROLEUM QUALITY INSPECTION		
	FROM GENERAL REVENUE FUND . . . . .	500,000	
	FROM TRUST FUNDS . . . . .		11,830,619
	TOTAL POSITIONS . . . . .	181.00	
	TOTAL ALL FUNDS . . . . .		12,330,619

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

	APPROVED SALARY RATE	5,121,361	
1417	SALARIES AND BENEFITS POSITIONS	147.00	
	FROM CITRUS INSPECTION TRUST FUND .		5,214,259
	FROM GENERAL INSPECTION TRUST FUND .		2,427,024
1418	OTHER PERSONAL SERVICES		
	FROM CITRUS INSPECTION TRUST FUND .		678,425
	FROM GENERAL INSPECTION TRUST FUND .		500,000
1419	EXPENSES		
	FROM CITRUS INSPECTION TRUST FUND .		1,124,640
	FROM GENERAL INSPECTION TRUST FUND .		521,812
1420	OPERATING CAPITAL OUTLAY		
	FROM CITRUS INSPECTION TRUST FUND .		33,710
1421	SPECIAL CATEGORIES		
	AUTOMATED TESTING EQUIPMENT		
	FROM CITRUS INSPECTION TRUST FUND .		216,041
1422	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM CITRUS INSPECTION TRUST FUND .		98,428
	FROM GENERAL INSPECTION TRUST FUND .		39,462
1423	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CITRUS INSPECTION TRUST FUND .		282,020
	FROM GENERAL INSPECTION TRUST FUND .		78,824
1424	SPECIAL CATEGORIES		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

Table with 3 columns: Description, Amount, and Position. Includes rows for 'TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES' and 'TOTAL: FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT'.

AGRICULTURAL PRODUCTS MARKETING

Table with 3 columns: Description, Amount, and Position. Includes rows for 'APPROVED SALARY RATE', 'SALARIES AND BENEFITS', 'EXPENSES', and 'OPERATING CAPITAL OUTLAY'.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

Table with 3 columns: Description, Amount, and Position. Includes rows for 'SUPPORT FOR FOOD BANK' and 'Funds in Specific Appropriation 1431A are provided for the Florida Association of Food Banks.'

Table with 3 columns: Description, Amount, and Position. Includes rows for 'SPECIAL CATEGORIES FLORIDA HORSE PARK', 'SPECIAL CATEGORIES CONTRACTED SERVICES', and 'SPECIAL CATEGORIES GRANTS AND AIDS - MARKETING ORDERS'.

Funds in Specific Appropriation 1433A shall be transferred to the Citrus Research and Development Foundation, Inc., to conduct or cause to be conducted research projects on citrus disease.

Table with 3 columns: Description, Amount, and Position. Includes rows for 'SPECIAL CATEGORIES FARM SHARE PROGRAM', 'SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS', and 'SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE'.

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FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND . . . . .	16,470	
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND . . . . .	5,574	
FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND . . .	280	
1437A SPECIAL CATEGORIES		
GRANTS AND AIDS - DEEPWATER HORIZON - STATE OPERATIONS		
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .	5,000,000	
1437B FIXED CAPITAL OUTLAY		
CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE		
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND . . . . .	85,000	
1437C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY TURNER AGRI-CIVIC CENTER		
FROM GENERAL REVENUE FUND . . . . .	100,000	
TOTAL: AGRICULTURAL PRODUCTS MARKETING		
FROM GENERAL REVENUE FUND . . . . .	7,379,285	
FROM TRUST FUNDS . . . . .	34,514,694	
TOTAL POSITIONS . . . . .	178.00	
TOTAL ALL FUNDS . . . . .	41,893,979	

AQUACULTURE

APPROVED SALARY RATE	2,008,466	
1438 SALARIES AND BENEFITS POSITIONS	49.50	
FROM GENERAL REVENUE FUND . . . . .	1,779,423	
FROM GENERAL INSPECTION TRUST FUND .	1,061,324	
1439 OTHER PERSONAL SERVICES		
FROM FEDERAL GRANTS TRUST FUND . . .	116,700	
FROM GENERAL INSPECTION TRUST FUND .	30,532	
1440 EXPENSES		
FROM GENERAL REVENUE FUND . . . . .	500,173	
FROM FEDERAL GRANTS TRUST FUND . . .	109,000	
FROM GENERAL INSPECTION TRUST FUND .	285,966	
1441 OPERATING CAPITAL OUTLAY		
FROM FEDERAL GRANTS TRUST FUND . . .	50,000	
FROM GENERAL INSPECTION TRUST FUND .	12,600	
1442 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM GENERAL INSPECTION TRUST FUND .	85,000	
1443 SPECIAL CATEGORIES		
OYSTER PLANTING		
FROM FEDERAL GRANTS TRUST FUND . . .	917,175	
1444 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND . . . . .	15,319	
FROM GENERAL INSPECTION TRUST FUND .	2,250	
1445 SPECIAL CATEGORIES		
AQUACULTURE DEVELOPMENT		
FROM GENERAL REVENUE FUND . . . . .	55,780	
FROM GENERAL INSPECTION TRUST FUND .	621,260	

From the funds in Specific Appropriation 1445, \$25,000 in nonrecurring funds from the General Inspection Trust Fund is provided for the Florida Aquaculture Association.

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1446 SPECIAL CATEGORIES			
AQUACULTURE PROGRAM GRANTS			
FROM FEDERAL GRANTS TRUST FUND . . .			350,000
1447 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .		13,780	
FROM GENERAL INSPECTION TRUST FUND .			3,838
TOTAL: AQUACULTURE			
FROM GENERAL REVENUE FUND . . . . .		2,364,475	
FROM TRUST FUNDS . . . . .			3,645,645
TOTAL POSITIONS . . . . .	49.50		
TOTAL ALL FUNDS . . . . .			6,010,120
AGRICULTURAL INTERDICTION STATIONS			
APPROVED SALARY RATE	9,329,566		
1448 SALARIES AND BENEFITS POSITIONS	228.00		
FROM GENERAL REVENUE FUND . . . . .	12,480,276		
FROM GENERAL INSPECTION TRUST FUND .			129,869
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .			573,022
1449 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	709,929		
FROM CITRUS INSPECTION TRUST FUND .			36,715
FROM GENERAL INSPECTION TRUST FUND .			49,022
1450 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .		5,747	
1451 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .		123,380	
1452 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .		147,529	
1453 SPECIAL CATEGORIES			
SALARY INCENTIVE PAYMENTS			
FROM GENERAL REVENUE FUND . . . . .		78,015	
FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND . . . . .			18,428
1454 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .		77,151	
FROM GENERAL INSPECTION TRUST FUND .			466
TOTAL: AGRICULTURAL INTERDICTION STATIONS			
FROM GENERAL REVENUE FUND . . . . .		13,622,027	
FROM TRUST FUNDS . . . . .			807,522
TOTAL POSITIONS . . . . .	228.00		
TOTAL ALL FUNDS . . . . .			14,429,549
ANIMAL PEST AND DISEASE CONTROL			
APPROVED SALARY RATE	5,323,447		
1455 SALARIES AND BENEFITS POSITIONS	126.50		
FROM GENERAL REVENUE FUND . . . . .	5,836,226		
FROM FEDERAL GRANTS TRUST FUND . . .			396,794
FROM GENERAL INSPECTION TRUST FUND .			509,703
FROM AGRICULTURAL EMERGENCY ERADICATION TRUST FUND . . . . .			433,074

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1456	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	11,866	
	FROM FEDERAL GRANTS TRUST FUND . . .		395,703
	FROM GENERAL INSPECTION TRUST FUND .		61,642
1457	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	365,981	
	FROM FEDERAL GRANTS TRUST FUND . . .		967,670
	FROM GENERAL INSPECTION TRUST FUND .		372,565
1458	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	50,949	
1459	SPECIAL CATEGORIES		
	ANIMAL PEST AND DISEASE CONTROL		
	FROM FEDERAL GRANTS TRUST FUND . . .		969,309
1460	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL INSPECTION TRUST FUND .		300,373
1461	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	115,048	
	FROM GENERAL INSPECTION TRUST FUND .		83,701
1462	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	44,446	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,358
	FROM GENERAL INSPECTION TRUST FUND .		3,030
TOTAL: ANIMAL PEST AND DISEASE CONTROL			
	FROM GENERAL REVENUE FUND . . . . .	6,424,516	
	FROM TRUST FUNDS . . . . .		4,495,922
	TOTAL POSITIONS . . . . .	126.50	
	TOTAL ALL FUNDS . . . . .		10,920,438
PLANT PEST AND DISEASE CONTROL			
	APPROVED SALARY RATE	12,578,866	
1463	SALARIES AND BENEFITS	POSITIONS	346.00
	FROM GENERAL REVENUE FUND . . . . .		8,202,890
	FROM CITRUS INSPECTION TRUST FUND .		861,175
	FROM FEDERAL GRANTS TRUST FUND . . .		3,323,259
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		2,833,257
	FROM PLANT INDUSTRY TRUST FUND . . .		2,671,108
1464	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	21,170	
	FROM CITRUS INSPECTION TRUST FUND .		1,000
	FROM FEDERAL GRANTS TRUST FUND . . .		419,808
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		19,817
	FROM PLANT INDUSTRY TRUST FUND . . .		533,560
1465	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	893,333	
	FROM CITRUS INSPECTION TRUST FUND .		79,832
	FROM FEDERAL GRANTS TRUST FUND . . .		437,167
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		23,748
	FROM PLANT INDUSTRY TRUST FUND . . .		724,622
1466	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . .		66,195
	FROM PLANT INDUSTRY TRUST FUND . . .		5,006
1467	SPECIAL CATEGORIES		

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	AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)		
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		1,002,374
1468	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BOLL WEEVIL ERADICATION		
	FROM PLANT INDUSTRY TRUST FUND . . .		150,000
1469	SPECIAL CATEGORIES		
	APIARIAN INDEMNITIES		
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		36,000
1470	SPECIAL CATEGORIES		
	ENDANGERED PLANT SPECIES		
	FROM PLANT INDUSTRY TRUST FUND . . .		240,000
1470A	SPECIAL CATEGORIES		
	CITRUS HEALTH RESPONSE PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .		5,606,038
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		1,522,159
1471	SPECIAL CATEGORIES		
	PLANT PEST AND DISEASE CONTROL		
	FROM FEDERAL GRANTS TRUST FUND . . .		3,000,000
1472	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	104,481	
	FROM CITRUS INSPECTION TRUST FUND .		7,144
	FROM FEDERAL GRANTS TRUST FUND . . .		12,538
	FROM AGRICULTURAL EMERGENCY		
	ERADICATION TRUST FUND . . . . .		105,000
	FROM PLANT INDUSTRY TRUST FUND . . .		118,049
1473	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	674,803	
	FROM FEDERAL GRANTS TRUST FUND . . .		200,520
1474	SPECIAL CATEGORIES		
	TRANSFER TO UNIVERSITY OF FLORIDA/		
	INSTITUTE OF FOOD AND AGRICULTURAL		
	SCIENCES FOR INVASIVE EXOTICS QUARANTINE		
	FACILITY		
	FROM PLANT INDUSTRY TRUST FUND . . .		720,000
1475	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	151,027	
	FROM CITRUS INSPECTION TRUST FUND .		10,271
	FROM FEDERAL GRANTS TRUST FUND . . .		40,269
	FROM PLANT INDUSTRY TRUST FUND . . .		34,740
TOTAL: PLANT PEST AND DISEASE CONTROL			
	FROM GENERAL REVENUE FUND . . . . .	10,047,704	
	FROM TRUST FUNDS . . . . .		24,804,656
	TOTAL POSITIONS . . . . .	346.00	
	TOTAL ALL FUNDS . . . . .		34,852,360
TOTAL: AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,			
	AND COMMISSIONER OF AGRICULTURE		
	FROM GENERAL REVENUE FUND . . . . .	113,475,541	
	FROM TRUST FUNDS . . . . .		235,604,024
	TOTAL POSITIONS . . . . .	3,538.25	
	TOTAL ALL FUNDS . . . . .		349,079,565
	TOTAL APPROVED SALARY RATE . . . . .	135,145,614	
COMMUNITY AFFAIRS, DEPARTMENT OF			

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 PROGRAM: OFFICE OF THE SECRETARY

LAND ADMINISTRATION

	APPROVED SALARY RATE	728,520	
1476	SALARIES AND BENEFITS	POSITIONS	16.00
	FROM FLORIDA COMMUNITIES TRUST		
	FUND . . . . .		1,019,110
1477	OTHER PERSONAL SERVICES		
	FROM FLORIDA COMMUNITIES TRUST		
	FUND . . . . .		36,580
1478	EXPENSES		
	FROM FLORIDA COMMUNITIES TRUST		
	FUND . . . . .		181,379
1479	OPERATING CAPITAL OUTLAY		
	FROM FLORIDA COMMUNITIES TRUST		
	FUND . . . . .		1,920
1480	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FLORIDA COMMUNITIES TRUST		
	FUND . . . . .		1,389
1481	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM FLORIDA COMMUNITIES TRUST		
	FUND . . . . .		5,936
TOTAL:	LAND ADMINISTRATION		
	FROM TRUST FUNDS . . . . .		1,246,314
	TOTAL POSITIONS . . . . .	16.00	
	TOTAL ALL FUNDS . . . . .		1,246,314

EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE	2,150,740	
1482	SALARIES AND BENEFITS	POSITIONS	77.00
	FROM GENERAL REVENUE FUND . . . . .		447,549
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,612,367
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		37,939
1483	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		253,692
1484	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	56,457	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		719,047
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		4,414
1485	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		49,159
1486	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM GENERAL REVENUE FUND . . . . .	423,241	
1487	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		24,720
1488	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	36,515	

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	FROM ADMINISTRATIVE TRUST FUND . . . . .		50,775
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		51
1489	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	9,594	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		10,850
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		223
1490	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		1,612
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	973,356	
	FROM TRUST FUNDS . . . . .		3,764,849
	TOTAL POSITIONS . . . . .	77.00	
	TOTAL ALL FUNDS . . . . .		4,738,205

PROGRAM: COMMUNITY PLANNING

COMMUNITY PLANNING

	APPROVED SALARY RATE	2,184,789	
1491	SALARIES AND BENEFITS	POSITIONS	61.00
	FROM GENERAL REVENUE FUND . . . . .		2,699,343
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		299,404
1492	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	17,903	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		271,388
1493	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	229,539	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		47,500
1494	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	1,500	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		500
1494A	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	393,182	
1495	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL PLANNING		
	COUNCILS		
	FROM GENERAL REVENUE FUND . . . . .	2,500,000	

Funds in Specific Appropriation 1495 are provided to the Regional Planning Councils, 70 percent of which must be divided equally among the councils and 30 percent of which must be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

1496	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	7,774	
1496A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COASTAL MANAGEMENT		
	REQUIREMENTS		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

FROM GRANTS AND DONATIONS TRUST FUND . . . . .	37,500
1497 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . .	20,587
1498 SPECIAL CATEGORIES	
GRANTS AND AIDS - TECHNICAL AND PLANNING ASSISTANCE FROM GRANTS AND DONATIONS TRUST FUND . . . . .	1,079,994
TOTAL: COMMUNITY PLANNING	
FROM GENERAL REVENUE FUND . . . . .	5,869,828
FROM TRUST FUNDS . . . . .	1,736,286
TOTAL POSITIONS . . . . .	61.00
TOTAL ALL FUNDS . . . . .	7,606,114

PROGRAM: EMERGENCY MANAGEMENT

EMERGENCY MANAGEMENT

The Division of Emergency Management shall submit quarterly status reports on the outstanding obligations for each open federally declared disaster event to the Executive Office of the Governor, and to the chairs of the Senate Committee on Budget and the House Appropriations Committee.

APPROVED SALARY RATE 5,687,154

1499 SALARIES AND BENEFITS POSITIONS 136.00	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . .	2,026,734
FROM FEDERAL GRANTS TRUST FUND . . . . .	3,008,890
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	525,891
FROM OPERATING TRUST FUND . . . . .	729,013
FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	1,427,756
1500 OTHER PERSONAL SERVICES	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . .	425,518
FROM FEDERAL GRANTS TRUST FUND . . . . .	596,124
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	3,578
FROM OPERATING TRUST FUND . . . . .	9,453
FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	10,917
1501 EXPENSES	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . .	816,399
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,420,030
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	268,928
FROM OPERATING TRUST FUND . . . . .	259,230
FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	665,673
1502 AID TO LOCAL GOVERNMENTS	
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION FROM FEDERAL GRANTS TRUST FUND . . . . .	2,389,944
1503 OPERATING CAPITAL OUTLAY	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . .	46,925
FROM FEDERAL GRANTS TRUST FUND . . . . .	48,415

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

FROM GRANTS AND DONATIONS TRUST FUND . . . . .	4,500
FROM OPERATING TRUST FUND . . . . .	14,650

1503A LUMP SUM

EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM FEDERAL GRANTS TRUST FUND . . . . .	6,338,361
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Funds in Specific Appropriation 1503A are provided for the Emergency Management Performance Grants funded by the United States Department of Homeland Security. The Division of Emergency Management shall submit the Emergency Management Performance Grant Work Plan to the Executive Office of the Governor, and to the chairs of the Senate Committee on Budget and the House Appropriations Committee for review prior to submission to the Federal Emergency Management Agency (FEMA). Upon approval of the work plan by FEMA, the Division of Emergency Management may submit a budget amendment for the release of the lump sum appropriation pursuant to chapter 216, Florida Statutes.

From the funds provided in Specific Appropriation 1503A, \$250,000 shall be used for a statewide public education program campaign on television and radio to promote hurricane preparedness. Such funds shall be provided to a not-for-profit corporation, and must be matched on a 3 to 1 basis.

1503B SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES FROM FEDERAL GRANTS TRUST FUND . . . . .	67,000
1504 SPECIAL CATEGORIES	
GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . .	49,500
1505 SPECIAL CATEGORIES	
CONTRACTED SERVICES FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . .	36,251
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,456,638
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	10,881
FROM OPERATING TRUST FUND . . . . .	11,134
FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	32,174
1505A SPECIAL CATEGORIES	
PUBLIC ASSISTANCE FOR 2004 HURRICANES - STATE OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND . . . . .	590,712
FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	5,316,407
1505B SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2004 HURRICANES - STATE OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND . . . . .	883,652
FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	2,650,956
1505C SPECIAL CATEGORIES	
PUBLIC ASSISTANCE FOR 2004 HURRICANES - PASS THROUGH FROM GRANTS AND DONATIONS TRUST FUND . . . . .	2,795,780
FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	40,845,036
1505D SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2004 HURRICANES - PASS THROUGH FROM U.S. CONTRIBUTIONS TRUST FUND . . . . .	13,019,600
1505E SPECIAL CATEGORIES	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
PUBLIC ASSISTANCE - PASS THROUGH	
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	65,588
FROM U.S. CONTRIBUTIONS TRUST FUND .	388,808
1505F SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2005 HURRICANES -	
STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	435,527
FROM U.S. CONTRIBUTIONS TRUST FUND .	1,306,581
1505G SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2005 HURRICANES -	
PASS THROUGH	
FROM U.S. CONTRIBUTIONS TRUST FUND .	16,687,187
1505H SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2006-07 HAZARDOUS	
WEATHER - STATE OPERATIONS	
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	52,299
FROM U.S. CONTRIBUTIONS TRUST FUND .	156,897
1505I SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2006-07 HAZARDOUS	
WEATHER MAJOR DISASTERS - PASS THROUGH	
FROM U.S. CONTRIBUTIONS TRUST FUND .	593,327
1505J SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2008-09 HURRICANES	
AND STORMS - STATE OPERATIONS	
FROM U.S. CONTRIBUTIONS TRUST FUND .	298,782
1505K SPECIAL CATEGORIES	
HAZARD MITIGATION FOR 2008-09 HURRICANES	
AND STORMS - PASS THROUGH	
FROM U.S. CONTRIBUTIONS TRUST FUND .	2,496,140
1506 SPECIAL CATEGORIES	
GRANTS AND AIDS - EMERGENCY MANAGEMENT	
PROGRAMS	
FROM EMERGENCY MANAGEMENT	
PREPAREDNESS AND ASSISTANCE TRUST	
FUND . . . . .	7,089,061
1507 SPECIAL CATEGORIES	
GRANTS AND AIDS - STATE DOMESTIC	
PREPAREDNESS PROGRAM	
FROM FEDERAL GRANTS TRUST FUND . . .	7,963,276
1507A SPECIAL CATEGORIES	
GRANTS AND AID - REPETITIVE FLOOD CLAIMS	
PROGRAM	
FROM FEDERAL GRANTS TRUST FUND . . .	1,800,000
1507B SPECIAL CATEGORIES	
GRANTS AND AIDS - SEVERE REPETITIVE LOSS	
PILOT PROGRAM	
FROM FEDERAL GRANTS TRUST FUND . . .	4,500,000
1508 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM EMERGENCY MANAGEMENT	
PREPAREDNESS AND ASSISTANCE TRUST	
FUND . . . . .	29,372
FROM FEDERAL GRANTS TRUST FUND . . .	41,726
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	14,865
FROM OPERATING TRUST FUND . . . . .	8,244
FROM U.S. CONTRIBUTIONS TRUST FUND .	79,816
1509 SPECIAL CATEGORIES	
COMMISSION ON COMMUNITY SERVICE	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
FROM EMERGENCY MANAGEMENT	
PREPAREDNESS AND ASSISTANCE TRUST	
FUND . . . . .	300,000
1510 SPECIAL CATEGORIES	
STATEWIDE HURRICANE PREPAREDNESS AND	
PLANNING	
FROM EMERGENCY MANAGEMENT	
PREPAREDNESS AND ASSISTANCE TRUST	
FUND . . . . .	1,771,818
FROM FEDERAL GRANTS TRUST FUND . . .	421,927
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	83,952
1510A SPECIAL CATEGORIES	
GRANTS AND AIDS - PREDISASTER MITIGATION	
FROM FEDERAL GRANTS TRUST FUND . . .	3,500,000
Funds in Specific Appropriation 1510A are provided for the pre-disaster mitigation program. The 25 percent match requirement for the federal funds shall be provided by local governments.	
1511 SPECIAL CATEGORIES	
GRANTS AND AIDS - HURRICANE LOSS	
MITIGATION	
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	6,892,389
Funds in Specific Appropriation 1499 in the amount of \$61,882; Specific Appropriation 1500 in the amount of \$233; Specific Appropriation 1501 in the amount of \$26,025; Specific Appropriation 1503 in the amount of \$1,000; Specific Appropriation 1505 in the amount of \$760; Specific Appropriation 1508 in the amount of \$525; Specific Appropriation 1512 in the amount of \$356; Specific Appropriation 1515 in the amount of \$527; Specific Appropriation 1511 in the amount of \$6,891,639, and indirect costs of \$17,053 funded from the Grants and Donations Trust Fund, reflect the transfer of \$7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7), Florida Statutes. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in section 215.559(2)(a), Florida Statutes; and after the provisions of section 215.559(3)(a) and (4), Florida Statutes, \$925,000 shall fund the Building Code Compliance and Mitigation Program pursuant to section 553.841, Florida Statutes. The moneys allocated in section 215.559(3)(a), Florida Statutes, shall be distributed directly to Tallahassee Community College for the uses set forth in section 215.559(3)(a), Florida Statutes.	
1511A SPECIAL CATEGORIES	
FLOOD MITIGATION ASSISTANCE PROGRAM	
FROM FEDERAL GRANTS TRUST FUND . . .	4,000,000
1512 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT	
SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM EMERGENCY MANAGEMENT	
PREPAREDNESS AND ASSISTANCE TRUST	
FUND . . . . .	12,148
FROM FEDERAL GRANTS TRUST FUND . . .	17,782
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	4,603
FROM OPERATING TRUST FUND . . . . .	4,323
FROM U.S. CONTRIBUTIONS TRUST FUND .	21,201
1512A SPECIAL CATEGORIES	
NON-FEDERAL REIMBURSEABLE DISASTER	
ACTIVITIES	
FROM GRANTS AND DONATIONS TRUST	
FUND . . . . .	280,000
1513 SPECIAL CATEGORIES	
FLORIDA HAZARDOUS MATERIALS PLANNING	
PROGRAM	
FROM OPERATING TRUST FUND . . . . .	966,597

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
1514	SPECIAL CATEGORIES HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT FROM FEDERAL GRANTS TRUST FUND . . . 686,996
1514A	SPECIAL CATEGORIES HAZARD MITIGATION FOR 2008-09 SEVERE WEATHER AND FLOODING - STATE OPERATIONS FROM U.S. CONTRIBUTIONS TRUST FUND . 223,795
1514B	SPECIAL CATEGORIES HAZARD MITIGATION FOR 2008-09 SEVERE WEATHER AND FLOODING - PASS THROUGH FROM U.S. CONTRIBUTIONS TRUST FUND . 1,800,000
1514C	SPECIAL CATEGORIES GRANTS AND AIDS - 2005 HURRICANES - STATE OPERATIONS FROM U.S. CONTRIBUTIONS TRUST FUND . 5,293,816
1514D	SPECIAL CATEGORIES GRANTS AND AIDS - 2005 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS FROM GRANTS AND DONATIONS TRUST FUND . . . . . 134,128 FROM U.S. CONTRIBUTIONS TRUST FUND . 65,876,682
1514E	SPECIAL CATEGORIES GRANTS AND AIDS - 2008-09 SEVERE WEATHER AND FLOODING - STATE OPERATIONS FROM U.S. CONTRIBUTIONS TRUST FUND . 95,073
1514F	SPECIAL CATEGORIES GRANTS AND AIDS - 2008-09 SEVERE WEATHER AND FLOODING - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS FROM GRANTS AND DONATIONS TRUST FUND . . . . . 1,869,518 FROM U.S. CONTRIBUTIONS TRUST FUND . 10,354,184
1514G	SPECIAL CATEGORIES GRANTS AND AIDS - MAJOR DISASTER 2006-07 - HAZARDOUS WEATHER - STATE OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND . . . . . 9,153 FROM U.S. CONTRIBUTIONS TRUST FUND . 27,458
1514H	SPECIAL CATEGORIES GRANTS AND AIDS - MAJOR DISASTER 2006-07 - HAZARDOUS WEATHER - PASS THROUGH FROM GRANTS AND DONATIONS TRUST FUND . . . . . 460,553 FROM U.S. CONTRIBUTIONS TRUST FUND . 2,567,746
1514I	SPECIAL CATEGORIES GRANTS AND AIDS - 2008-09 HURRICANES - STATE OPERATIONS FROM U.S. CONTRIBUTIONS TRUST FUND . 253,404
1514J	SPECIAL CATEGORIES GRANTS AND AIDS - 2008-09 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS FROM GRANTS AND DONATIONS TRUST FUND . . . . . 5,339,537 FROM U.S. CONTRIBUTIONS TRUST FUND . 29,348,027
1514K	SPECIAL CATEGORIES STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . . 87,481

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
1514L	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . . 208,695
1515	DATA PROCESSING SERVICES SOUTHWOOD SHARED RESOURCE CENTER FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND . . . . . 15,627 FROM FEDERAL GRANTS TRUST FUND . . . 22,340 FROM GRANTS AND DONATIONS TRUST FUND . . . . . 8,690 FROM OPERATING TRUST FUND . . . . . 4,495 FROM U.S. CONTRIBUTIONS TRUST FUND . 51,715
1515A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY EMERGENCY MANAGEMENT CRITICAL FACILITY NEEDS FROM GENERAL REVENUE FUND . . . . . 5,000,000 FROM GRANTS AND DONATIONS TRUST FUND . . . . . 3,000,000
Funds in Specific Appropriation 1515A from the Grants and Donations Trust Fund reflect the transfer of \$3,000,000 of mitigation funds from the Hurricane Catastrophe Fund pursuant to section 215.555(7)(c), Florida Statutes.	
From the funds in Specific Appropriation 1515A, \$5,000,000 from the General Revenue Fund shall be provided to Glades County to assist in the construction of an emergency operations center.	
TOTAL: EMERGENCY MANAGEMENT	
FROM GENERAL REVENUE FUND . . . . .	5,000,000
FROM TRUST FUNDS . . . . .	278,825,999
TOTAL POSITIONS . . . . .	136.00
TOTAL ALL FUNDS . . . . .	283,825,999
PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT	
AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT	
APPROVED SALARY RATE	1,563,998
1516	SALARIES AND BENEFITS POSITIONS 35.00 FROM GENERAL REVENUE FUND . . . . . 523,925 FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . . . 1,284,649 FROM FEDERAL GRANTS TRUST FUND . . . 167,538 FROM OPERATING TRUST FUND . . . . . 155,110
1517	OTHER PERSONAL SERVICES FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . . . 443,206
1518	EXPENSES FROM GENERAL REVENUE FUND . . . . . 74,112 FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . . . 429,528 FROM OPERATING TRUST FUND . . . . . 26,220
1519	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . 960 FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

PROGRAM FUND . . . . . 2,000

1519A SPECIAL CATEGORIES GRANTS AND AIDS TO COMMUNITY SERVICES FROM GENERAL REVENUE FUND . . . . . 4,750,000

Funds in Specific Appropriation 1519A shall be allocated as follows:

We Help Community Development Corporation - Miami..... 100,000 Pine Hills Neighborhood Redevelopment Project - Orange County..... 3,400,000 Renaissance of the Parramore Neighborhood in Downtown Orlando..... 900,000 Marydia Neighborhood Community Center - Osceola County..... 350,000

1520 SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . 480 FROM OPERATING TRUST FUND . . . . . 480

1521 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . 2,527

1522 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . 4,416 FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . . . 5,954 FROM FEDERAL GRANTS TRUST FUND . . . . . 954 FROM OPERATING TRUST FUND . . . . . 882

1522A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . . . 34,000,000

1522B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AIDS - NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . . . 8,511,111

1522C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY HOUSING AND URBAN DEVELOPMENT DISASTER GRANTS FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . . . . . 26,894,183

TOTAL: AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT FROM GENERAL REVENUE FUND . . . . . 5,356,420 FROM TRUST FUNDS . . . . . 71,921,815 TOTAL POSITIONS . . . . . 35.00 TOTAL ALL FUNDS . . . . . 77,278,235

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION APPROVED SALARY RATE 691,482

1523 SALARIES AND BENEFITS POSITIONS 15.00 FROM OPERATING TRUST FUND . . . . . 971,758

1524 OTHER PERSONAL SERVICES

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

FROM GRANTS AND DONATIONS TRUST FUND . . . . . 530,100 FROM OPERATING TRUST FUND . . . . . 1,583,413

1525 EXPENSES FROM OPERATING TRUST FUND . . . . . 324,192

1526 OPERATING CAPITAL OUTLAY FROM OPERATING TRUST FUND . . . . . 1,920

1527 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FROM OPERATING TRUST FUND . . . . . 282,637

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1527, this transfer shall be reduced to reflect the amount actually collected.

1528 SPECIAL CATEGORIES CONTRACTED SERVICES FROM OPERATING TRUST FUND . . . . . 11,678

1529 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM OPERATING TRUST FUND . . . . . 24,980

1530 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM OPERATING TRUST FUND . . . . . 6,122

TOTAL: BUILDING CODE COMPLIANCE AND HAZARD MITIGATION FROM TRUST FUNDS . . . . . 3,736,800

TOTAL POSITIONS . . . . . 15.00 TOTAL ALL FUNDS . . . . . 3,736,800

PUBLIC SERVICE AND ENERGY INITIATIVES APPROVED SALARY RATE 754,572

1531 SALARIES AND BENEFITS POSITIONS 18.00 FROM FEDERAL GRANTS TRUST FUND . . . . . 1,161,571

1532 OTHER PERSONAL SERVICES FROM FEDERAL GRANTS TRUST FUND . . . . . 384,658

1533 EXPENSES FROM FEDERAL GRANTS TRUST FUND . . . . . 333,193

1534 OPERATING CAPITAL OUTLAY FROM FEDERAL GRANTS TRUST FUND . . . . . 2,550

1535 SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS FROM FEDERAL GRANTS TRUST FUND . . . . . 17,876,599

1536 SPECIAL CATEGORIES GRANTS AND AIDS - HOME ENERGY ASSISTANCE FROM FEDERAL GRANTS TRUST FUND . . . . . 111,164,000

1537 SPECIAL CATEGORIES CONTRACTED SERVICES FROM FEDERAL GRANTS TRUST FUND . . . . . 500

1538 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM FEDERAL GRANTS TRUST FUND . . . . . 1,484

1539 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

Table with columns for item number, description, and amount. Includes items like SERVICES - HUMAN RESOURCES SERVICES, GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES, and various trust fund allocations.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

Table with columns for item number, description, and amount. Includes APPROVED SALARY RATE, SALARIES AND BENEFITS, OTHER PERSONAL SERVICES, EXPENSES, and OPERATING CAPITAL OUTLAY.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

Table with columns for item number, description, and amount. Includes FROM ADMINISTRATIVE TRUST FUND, SPECIAL CATEGORIES, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM, and various trust fund allocations.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
1558	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .	242,622	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	126,147	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	22,208	
1559	EXPENSES		
	FROM FEDERAL GRANTS TRUST FUND . . .	57,264	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	60,905	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	300,442	
1560	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . .	1,500	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	21,000	
	FROM MINERALS TRUST FUND . . . . .	48,868	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	19,838	
1561	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .	71,799	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	78,077	
	FROM MINERALS TRUST FUND . . . . .	5,700	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	80,000	
1562	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM MINERALS TRUST FUND . . . . .	3,038	
1563	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INTERNAL IMPROVEMENT TRUST		
	FUND . . . . .	2,848	
	FROM LAND ACQUISITION TRUST FUND . .	3,382	
	FROM MINERALS TRUST FUND . . . . .	4,922	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	957	
TOTAL:	FLORIDA GEOLOGICAL SURVEY		
	FROM TRUST FUNDS . . . . .	2,901,956	
	TOTAL POSITIONS . . . . .	27.50	
	TOTAL ALL FUNDS . . . . .	2,901,956	

TECHNOLOGY AND INFORMATION SERVICES

	APPROVED SALARY RATE	3,604,922	
1564	SALARIES AND BENEFITS		79.00
	POSITIONS		
	FROM WORKING CAPITAL TRUST FUND . .	4,884,718	
1565	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND . .	738,340	
1566	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND . .	1,944,355	
1567	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND . .	20,625	
1568	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM WORKING CAPITAL TRUST FUND . .	1,200,000	
1569	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		

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APPROPRIATION			
	FROM WORKING CAPITAL TRUST FUND . .		5,283
1570	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM WORKING CAPITAL TRUST FUND . .		33,304
1571	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM WORKING CAPITAL TRUST FUND . .		2,165,655
TOTAL:	TECHNOLOGY AND INFORMATION SERVICES		
	FROM TRUST FUNDS . . . . .		10,992,280
	TOTAL POSITIONS . . . . .	79.00	
	TOTAL ALL FUNDS . . . . .		10,992,280
	PROGRAM: STATE LANDS		
	LAND ADMINISTRATION		
	APPROVED SALARY RATE	1,914,007	
1572	SALARIES AND BENEFITS		41.00
	POSITIONS		
	FROM INTERNAL IMPROVEMENT TRUST		
	FUND . . . . .		2,450,659
	FROM LAND ACQUISITION TRUST FUND . .		222,564
	FROM WATER MANAGEMENT LANDS TRUST		
	FUND . . . . .		61,921
1574	EXPENSES		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .		109,278
	FROM INTERNAL IMPROVEMENT TRUST		
	FUND . . . . .		342,833
	FROM LAND ACQUISITION TRUST FUND . .		18,394
	FROM WATER MANAGEMENT LANDS TRUST		
	FUND . . . . .		6,648
1575	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .		44,994
	FROM INTERNAL IMPROVEMENT TRUST		
	FUND . . . . .		320,000
1576	SPECIAL CATEGORIES		
	NATURAL AREAS INVENTORY		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .		222,947
1577	SPECIAL CATEGORIES		
	PAYMENT IN LIEU OF TAXES		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .		1,360,000
1578	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INTERNAL IMPROVEMENT TRUST		
	FUND . . . . .		17,849
	FROM LAND ACQUISITION TRUST FUND . .		1,420
	FROM WATER MANAGEMENT LANDS TRUST		
	FUND . . . . .		397
1578A	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION, ENVIRONMENTALLY		
	ENDANGERED, UNIQUE/ IRREPLACABLE LANDS,		
	STATEWIDE		
	FROM FLORIDA FOREVER TRUST FUND . .		305,000,000

Funds in Specific Appropriation 1578A are provided from the proceeds of

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surplus lands and interest earnings. The Division of State Lands, acting on behalf of the Board of Trustees, shall proceed with the disposition of surplus state lands in order to provide up to \$305,000,000 for purchase of conservation lands.

1579 FIXED CAPITAL OUTLAY  
DEBT SERVICE  
FROM LAND ACQUISITION TRUST FUND . . . . . 417,753,438

Funds provided in Specific Appropriation 1579 are for Fiscal Year 2011-2012 debt service on bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1580 FIXED CAPITAL OUTLAY  
DEBT SERVICE - SAVE OUR EVERGLADES BONDS  
FROM SAVE OUR EVERGLADES TRUST  
FUND . . . . . 19,394,454

Funds provided in Specific Appropriation 1580 are for Fiscal Year 2011-2012 debt service on bonds authorized pursuant to section 215.619, Florida Statutes, including any other continuing payments necessary or incidental to the repayment of the bonds, such as remarketing agent fees, tender agent fees, liquidity facility provider fees and similar fees and expenses. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Save Our Everglades Trust Fund an amount sufficient to pay such debt service.

1580A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
AID TO WATER MANAGEMENT DISTRICTS-LAND  
ACQUISITION  
FROM WATER MANAGEMENT LANDS TRUST  
FUND . . . . . 15,863,535

1580B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
EVERGLADES RESTORATION  
FROM GENERAL REVENUE FUND . . . . . 10,000,000  
FROM SAVE OUR EVERGLADES TRUST  
FUND . . . . . 19,955,500

Funds in Specific Appropriation 1580B are provided for the design, engineering, construction and implementation of project components identified in the Comprehensive Everglades Restoration Plan, the Lake Okeechobee Protection Plan, Caloosahatchee Watershed Protection Plan and St. Lucie River Watershed Protection Plan, and for the acquisition of lands for projects included in the plans.

From the funds in Specific Appropriation 1580B, \$3,000,000 is provided to the Department of Agriculture and Consumer Services for implementation of agricultural nonpoint source controls in the Okeechobee, Caloosahatchee, and St. Lucie River watersheds.

From funds in Specific Appropriation 1580B, \$500,000 is provided to the Department of Environmental Protection to study and quantify urban and other sources of phosphorus introduced into the Lake Okeechobee watershed, to evaluate and report on relative contributions of those sources to water quality impairment, and to make recommendations on source reduction strategies that can be efficiently applied across the watershed.

TOTAL: LAND ADMINISTRATION  
FROM GENERAL REVENUE FUND . . . . . 10,000,000  
FROM TRUST FUNDS . . . . . 783,146,831  
  
TOTAL POSITIONS . . . . . 41.00  
TOTAL ALL FUNDS . . . . . 793,146,831

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LAND MANAGEMENT

APPROVED SALARY RATE 4,181,818

1581 SALARIES AND BENEFITS POSITIONS 95.00  
FROM CONSERVATION AND RECREATION  
LANDS TRUST FUND . . . . . 866,409  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 4,802,559

1582 OTHER PERSONAL SERVICES  
FROM CONSERVATION AND RECREATION  
LANDS TRUST FUND . . . . . 250,178  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 574,024

1583 EXPENSES  
FROM CONSERVATION AND RECREATION  
LANDS TRUST FUND . . . . . 139,844  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 494,788  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 791,396

1584 OPERATING CAPITAL OUTLAY  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 150,000  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 15,000

1585 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF AGRICULTURE  
PLANT INDUSTRY TRUST FUND  
FROM CONSERVATION AND RECREATION  
LANDS TRUST FUND . . . . . 240,000

1586 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM CONSERVATION AND RECREATION  
LANDS TRUST FUND . . . . . 20,000  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 164,020

1587 SPECIAL CATEGORIES  
STATE LANDS STEWARDSHIP  
FROM CONSERVATION AND RECREATION  
LANDS TRUST FUND . . . . . 250,000  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 200,000

1588 SPECIAL CATEGORIES  
NATIONAL OCEAN SURVEY  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 84,000

1589 SPECIAL CATEGORIES  
RICO ACT- DISTRIBUTION OF PROCEEDS FROM  
PROPERTY SALES  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 350,000

1590 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM INTERNAL IMPROVEMENT TRUST  
FUND . . . . . 107,793

1591 SPECIAL CATEGORIES  
TRANSFER - DIVISION OF FORESTRY INCIDENTAL  
TRUST FUND  
FROM CONSERVATION AND RECREATION  
LANDS TRUST FUND . . . . . 14,678,468

1592 SPECIAL CATEGORIES  
TRANSFER TO FISH AND WILDLIFE CONSERVATION

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SPECIFIC			
APPROPRIATION			
	COMMISSION FOR MANAGEMENT OF CARL LANDS		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	12,362,672	
1593	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF STATE FOR GRANTS		
	AND DONATIONS TRUST FUND		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	4,910,483	
1594	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	5,717	
	FROM INTERNAL IMPROVEMENT TRUST		
	FUND . . . . .	33,545	
TOTAL: LAND MANAGEMENT			
	FROM TRUST FUNDS . . . . .	41,490,896	
	TOTAL POSITIONS . . . . .	95.00	
	TOTAL ALL FUNDS . . . . .	41,490,896	
PROGRAM: DISTRICT OFFICES			
WATER RESOURCE PROTECTION AND RESTORATION			
	APPROVED SALARY RATE	18,811,791	
1595	SALARIES AND BENEFITS POSITIONS	455.00	
	FROM GENERAL REVENUE FUND . . . . .	10,108,736	
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .	2,979,805	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	854,470	
	FROM INTERNAL IMPROVEMENT TRUST		
	FUND . . . . .	1,013,749	
	FROM LAND ACQUISITION TRUST FUND . . . . .	5,301,999	
	FROM PERMIT FEE TRUST FUND . . . . .	5,827,476	
1596	OTHER PERSONAL SERVICES		
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .	294,303	
1597	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	152,112	
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .	1,633,735	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	36,826	
	FROM LAND ACQUISITION TRUST FUND . . . . .	217,399	
	FROM PERMIT FEE TRUST FUND . . . . .	354,937	
1598	SPECIAL CATEGORIES		
	WATER QUALITY MANAGEMENT/PLANNING GRANTS		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	2,621,399	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	320,673	
1599	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	8,225	
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .	6,750	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	30	
	FROM LAND ACQUISITION TRUST FUND . . . . .	1,100	
	FROM PERMIT FEE TRUST FUND . . . . .	5,370	
1600	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .	55,911	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	3,045	
	FROM PERMIT FEE TRUST FUND . . . . .	8,766	

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SPECIFIC			
APPROPRIATION			
1601	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	90,243	
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .	24,584	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	4,625	
	FROM LAND ACQUISITION TRUST FUND . . . . .	8,412	
	FROM PERMIT FEE TRUST FUND . . . . .	38,543	
TOTAL: WATER RESOURCE PROTECTION AND RESTORATION			
	FROM GENERAL REVENUE FUND . . . . .	10,359,316	
	FROM TRUST FUNDS . . . . .		21,613,907
	TOTAL POSITIONS . . . . .	455.00	
	TOTAL ALL FUNDS . . . . .		31,973,223
AIR POLLUTION PREVENTION			
	APPROVED SALARY RATE	4,239,500	
1608	SALARIES AND BENEFITS POSITIONS	94.00	
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		5,593,979
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		103,128
1609	OTHER PERSONAL SERVICES		
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		202,601
1610	EXPENSES		
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		612,204
1611	OPERATING CAPITAL OUTLAY		
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		98,307
1612	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		15,050
1613	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		23,971
1614	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		34,166
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		987
TOTAL: AIR POLLUTION PREVENTION			
	FROM TRUST FUNDS . . . . .		6,684,393
	TOTAL POSITIONS . . . . .	94.00	
	TOTAL ALL FUNDS . . . . .		6,684,393
WASTE CONTROL			
	APPROVED SALARY RATE	6,927,202	
1615	SALARIES AND BENEFITS POSITIONS	162.00	
	FROM INLAND PROTECTION TRUST FUND . . . . .		2,714,328
	FROM FEDERAL GRANTS TRUST FUND . . . . .		1,258,295
	FROM PERMIT FEE TRUST FUND . . . . .		686,822
	FROM SOLID WASTE MANAGEMENT TRUST		

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SPECIFIC			
APPROPRIATION			
	FUND . . . . .	1,623,612	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	3,239,067	
1616	OTHER PERSONAL SERVICES		
	FROM INLAND PROTECTION TRUST FUND . . . . .	110,000	
1617	EXPENSES		
	FROM INLAND PROTECTION TRUST FUND . . . . .	591,982	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	109,016	
	FROM PERMIT FEE TRUST FUND . . . . .	40,204	
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .	149,759	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	314,784	
1618	OPERATING CAPITAL OUTLAY		
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .	60,919	
1619	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM INLAND PROTECTION TRUST FUND . . . . .	1,860	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	550	
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .	6,550	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	16,145	
1620	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	190,535	
1621	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INLAND PROTECTION TRUST FUND . . . . .	147,566	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	5,757	
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .	12,123	
1622	SPECIAL CATEGORIES		
	RESEARCH, DEVELOPMENT AND TECHNICAL		
	ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM		
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .	14,000	
1623	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INLAND PROTECTION TRUST FUND . . . . .	16,812	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	7,793	
	FROM PERMIT FEE TRUST FUND . . . . .	4,728	
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .	10,055	
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .	20,093	
TOTAL: WASTE CONTROL			
	FROM TRUST FUNDS . . . . .	11,353,355	
	TOTAL POSITIONS . . . . .	162.00	
	TOTAL ALL FUNDS . . . . .	11,353,355	
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	4,164,701	
1624	SALARIES AND BENEFITS	87.00	
	POSITIONS		
	FROM GENERAL REVENUE FUND . . . . .	1,002,345	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	3,276,091	
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .	922,318	

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SPECIFIC			
APPROPRIATION			
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .		312,789
1625	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		127,564
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .		18,621
1626	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	944,015	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		720,601
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		286,560
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .		21,337
	FROM LAND ACQUISITION TRUST FUND . . . . .		27,923
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .		58,316
1627	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . . . .		3,451
1628	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	44,795	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		90,085
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		8,894
1629	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	82,579	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		89,165
1630	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	15,116	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		10,844
	FROM AIR POLLUTION CONTROL TRUST		
	FUND . . . . .		6,027
	FROM SOLID WASTE MANAGEMENT TRUST		
	FUND . . . . .		1,855
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	2,088,850	
	FROM TRUST FUNDS . . . . .		5,982,441
	TOTAL POSITIONS . . . . .	87.00	
	TOTAL ALL FUNDS . . . . .		8,071,291
PROGRAM: ENVIRONMENTAL ASSESSMENT AND RESTORATION			
WATER SCIENCE AND LABORATORY SERVICES			
	APPROVED SALARY RATE	8,006,564	
1634	SALARIES AND BENEFITS	180.00	
	POSITIONS		
	FROM GENERAL REVENUE FUND . . . . .	735,359	
	FROM ENVIRONMENTAL LABORATORY		
	TRUST FUND . . . . .		4,783,835
	FROM ECOSYSTEM MANAGEMENT AND		
	RESTORATION TRUST FUND . . . . .		389,398
	FROM FEDERAL GRANTS TRUST FUND . . . . .		2,751,062
	FROM LAND ACQUISITION TRUST FUND . . . . .		66,411
	FROM PERMIT FEE TRUST FUND . . . . .		54,495
	FROM WATER QUALITY ASSURANCE TRUST		
	FUND . . . . .		2,242,992
1635	OTHER PERSONAL SERVICES		
	FROM ENVIRONMENTAL LABORATORY		
	TRUST FUND . . . . .		185,969
	FROM WATER QUALITY ASSURANCE TRUST		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
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	FUND . . . . .		70,950
1636	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	32,201	
	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		1,378,497
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . .		164,960
	FROM PERMIT FEE TRUST FUND . . . . .		96,923
	FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .		272,602
1637	OPERATING CAPITAL OUTLAY		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		198,800
1638	SPECIAL CATEGORIES		
	GROUND WATER QUALITY MONITORING NETWORK		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		125,000
	FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .		1,798,745
1639	SPECIAL CATEGORIES		
	WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		176,425
1640	SPECIAL CATEGORIES		
	EVERGLADES LAB SUPPORT		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		469,471
1641	SPECIAL CATEGORIES		
	WATER QUALITY MANAGEMENT/PLANNING GRANTS		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		2,454,380
1642	SPECIAL CATEGORIES		
	LABORATORY SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		250,000
1643	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		436,559
1644	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		312,710
1645	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . .		53,728
1646	SPECIAL CATEGORIES		
	U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		78,500
	FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .		214,897
1647	SPECIAL CATEGORIES		
	TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . . . .		275,000
1648	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	8,948	

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	FROM ENVIRONMENTAL LABORATORY TRUST FUND . . . . .		32,900
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . .		2,649
	FROM FEDERAL GRANTS TRUST FUND . . . . .		16,554
	FROM LAND ACQUISITION TRUST FUND . . . . .		1,573
	FROM PERMIT FEE TRUST FUND . . . . .		357
	FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .		13,260
1648A	FIXED CAPITAL OUTLAY		
	TOTAL MAXIMUM DAILY LOADS		
	FROM LAND ACQUISITION TRUST FUND . . . . .		6,385,000
	From the funds in Specific Appropriation 1648A, \$100,000 shall be used by the Department of Environmental Protection in consultation with the South Florida Water Management District, U.S. Department of Agriculture, Florida Department of Agriculture and Consumer Services and providers of natural biological nutrient removal systems to identify toxins in the Taylor Creek watershed that prevent performance of natural biological nutrient removal systems. A written report shall be provided to the South Florida Water Management District by June 30, 2012. The report shall contain the results of the study and identify what toxins were found in the watershed and what effect they have on the performance of natural biological nutrient removal systems.		
1648B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		10,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .		2,400,000
1648C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	TOTAL MAXIMUM DAILY LOADS SPRINGS		
	ENVIRONMENTAL MONITORING		
	FROM GENERAL REVENUE FUND . . . . .	4,000,000	
	Of the funds in Specific Appropriation 1648C, \$4,000,000 in nonrecurring funds from the General Revenue Fund is provided for management of Florida's springs, which requires a science based methodology using tools that provide the ability to define the interactions of multiple physical, chemical and biological variables. Innovative monitoring systems shall be used within the drainage area of priority springs to define the fate and transport mechanisms associated with pollutants that threaten the health of these unique resources that are critical to the economic well being of the state. Targeted springs shall be those where restoration will have the greatest economic benefit to the region. Management activities will include installing monitoring equipment in different locations and measuring sources and management systems performance. The field data will be used to augment weather, hydrologic, water quality information, and watershed models for the development of improved restoration activities, including best management practices for reduction of nutrient runoff and leaching.		
	TOTAL: WATER SCIENCE AND LABORATORY SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	4,776,508	
	FROM TRUST FUNDS . . . . .		38,154,602
	TOTAL POSITIONS . . . . .	180.00	
	TOTAL ALL FUNDS . . . . .		42,931,110
	PROGRAM: WATER RESOURCE MANAGEMENT		
	BEACH MANAGEMENT		
	APPROVED SALARY RATE	3,015,560	
1649	SALARIES AND BENEFITS	68.00	
	POSITIONS		
	FROM GENERAL REVENUE FUND . . . . .		2,808
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . .		3,388,446

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION		
	FROM PERMIT FEE TRUST FUND . . . . .	686,657
1650	OTHER PERSONAL SERVICES FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . .	302,857
1651	EXPENSES FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . . FROM PERMIT FEE TRUST FUND . . . . .	329,875 307,101
1652	OPERATING CAPITAL OUTLAY FROM PERMIT FEE TRUST FUND . . . . .	4,597
1653	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . . FROM PERMIT FEE TRUST FUND . . . . .	2,807 22,975 2,708
1653A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY BEACH PROJECTS - STATEWIDE FROM GENERAL REVENUE FUND . . . . .	7,999,701

Funds in Specific Appropriation 1653A, as part of the Department of Environmental Protection's Beach Management Funding Assistance Program for Fiscal Year 2011-2012, shall be allocated to the top 12 individual projects on the department's Beach Restoration and Nourishment Projects List.

Additionally, pursuant to section 161.143(5)(a), Florida Statutes, 10 percent of the amount appropriated will be used for the three highest ranked projects on the department's separate inlet management list. Further, post-construction monitoring required by state and federal permits shall receive 10 percent of the total amount appropriated for beach nourishment projects in the order presented in the department's submission.

TOTAL: BEACH MANAGEMENT		
	FROM GENERAL REVENUE FUND . . . . .	8,005,316
	FROM TRUST FUNDS . . . . .	5,045,216
	TOTAL POSITIONS . . . . .	68.00
	TOTAL ALL FUNDS . . . . .	13,050,532

WATER RESOURCE MANAGEMENT

	APPROVED SALARY RATE	10,516,545
1675A	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . . FROM MINERALS TRUST FUND . . . . . FROM NON-MANDATORY LAND RECLAMATION TRUST FUND . . . . . FROM PERMIT FEE TRUST FUND . . . . . FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .	220.50 261,237 342,490 6,829,199 524,391 2,263,047 1,298,765 1,366,582 1,410,809
1675B	OTHER PERSONAL SERVICES FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . . FROM MINERALS TRUST FUND . . . . . FROM NON-MANDATORY LAND RECLAMATION TRUST FUND . . . . . FROM WATER QUALITY ASSURANCE TRUST	358,779 40,000 84,045 59,938

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION		
	FUND . . . . .	225,168
1675C	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . . FROM NON-MANDATORY LAND RECLAMATION TRUST FUND . . . . . FROM PERMIT FEE TRUST FUND . . . . . FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .	16,898 97,750 494,233 463,870 209,928
1675D	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMITTING PROGRAM FROM WATER MANAGEMENT LANDS TRUST FUND . . . . .	1,851,231
1675E	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING FROM WATER MANAGEMENT LANDS TRUST FUND . . . . .	453,000
1675F	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS FROM WATER MANAGEMENT LANDS TRUST FUND . . . . .	522,463
1675G	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE FROM WATER MANAGEMENT LANDS TRUST FUND . . . . .	100,000
1675H	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION FROM WATER MANAGEMENT LANDS TRUST FUND . . . . .	547,000
1675I	OPERATING CAPITAL OUTLAY FROM MINERALS TRUST FUND . . . . . FROM NON-MANDATORY LAND RECLAMATION TRUST FUND . . . . .	1,132 40,125
1675J	SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS FROM FEDERAL GRANTS TRUST FUND . . . . .	3,260,043
1675K	SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM FROM PERMIT FEE TRUST FUND . . . . .	965,293
1675L	SPECIAL CATEGORIES CONTRACTED SERVICES FROM MINERALS TRUST FUND . . . . .	20,000
1675M	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND . . . . .	2,040,964
1675N	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . . FROM MINERALS TRUST FUND . . . . . FROM PERMIT FEE TRUST FUND . . . . .	47,108 32,769 3,561 11,782



SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	300,000
1703E AID TO LOCAL GOVERNMENTS	
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE	
COLLECTION	
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	509,994
1703F OPERATING CAPITAL OUTLAY	
FROM INLAND PROTECTION TRUST FUND . . . . .	9,929
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	44,094
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	11,023
1703G SPECIAL CATEGORIES	
STORAGE TANK COMPLIANCE VERIFICATION	
FROM INLAND PROTECTION TRUST FUND . . . . .	7,000,000
1703H SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF HEALTH FOR	
BIOMEDICAL WASTE REGULATION	
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	880,000
1703I SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM INLAND PROTECTION TRUST FUND . . . . .	109,045
FROM FEDERAL GRANTS TRUST FUND . . . . .	4,200
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	102,500
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	62,100
1703J SPECIAL CATEGORIES	
FEDERAL WASTE PLANNING GRANTS	
FROM FEDERAL GRANTS TRUST FUND . . . . .	993,050
1703K SPECIAL CATEGORIES	
HAZARDOUS WASTE CLEANUP	
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	1,907,327
1703L SPECIAL CATEGORIES	
HAZARDOUS WASTE SITES RESTORATION	
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,999,847
1703M SPECIAL CATEGORIES	
HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND	
EDUCATION	
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	100,000
1703N SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF AGRICULTURE AND	
CONSUMER SERVICES - MOSQUITO CONTROL	
PROGRAM	
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	1,293,368
1703O SPECIAL CATEGORIES	
DRYCLEANING CONTAMINATION CLEANUP	
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	100,000
1703P SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM INLAND PROTECTION TRUST FUND . . . . .	27,651
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	18,768
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	27,279

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
1703Q SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF REVENUE -	
ADMINISTRATION OF LEAD ACID BATTERY FEE	
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	231,092
1703R SPECIAL CATEGORIES	
TRANSFER TO UNIVERSITY OF FLORIDA -	
RESEARCH AND TESTING	
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	700,000
1703S SPECIAL CATEGORIES	
UNDERGROUND STORAGE TANK CLEANUP	
FROM INLAND PROTECTION TRUST FUND . . . . .	6,028,157
1703T SPECIAL CATEGORIES	
LOCAL GOVERNMENT CLEANUP CONTRACTING	
FROM INLAND PROTECTION TRUST FUND . . . . .	7,000,000
1703U SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT	
SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM INLAND PROTECTION TRUST FUND . . . . .	35,434
FROM FEDERAL GRANTS TRUST FUND . . . . .	13,026
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	13,450
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	26,080
1703V FIXED CAPITAL OUTLAY	
DRY CLEANING SOLVENT CONTAMINATED SITE	
CLEANUP	
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	4,000,000
1703W FIXED CAPITAL OUTLAY	
CLEANUP OF STATE OWNED LANDS	
FROM INLAND PROTECTION TRUST FUND . . . . .	1,000,000
1703X FIXED CAPITAL OUTLAY	
PETROLEUM TANKS CLEANUP - PREAPPROVALS	
FROM INLAND PROTECTION TRUST FUND . . . . .	128,000,000
1703Y FIXED CAPITAL OUTLAY	
HAZARDOUS WASTE CONTAMINATED SITE CLEANUP	
FROM WATER QUALITY ASSURANCE TRUST	
FUND . . . . .	4,000,000
1703Z FIXED CAPITAL OUTLAY	
DEBT SERVICE - INLAND PROTECTION FINANCING	
CORPORATION	
FROM INLAND PROTECTION TRUST FUND . . . . .	9,785,807
Funds in Specific Appropriation 1703Z are for Fiscal Year 2011-2012	
debt service on bonds pursuant to Specific Appropriation 1733, chapter	
2009-81, Laws of Florida, and any administrative expenses of the Inland	
Protection Financing Corporation for the purpose of rehabilitation of	
petroleum contamination sites pursuant to sections 376.30 through	
376.317, Florida Statutes.	
1703AA GRANTS AND AIDS TO LOCAL GOVERNMENTS AND	
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY	
SOLID WASTE MANAGEMENT	
FROM SOLID WASTE MANAGEMENT TRUST	
FUND . . . . .	2,400,000
TOTAL: WASTE MANAGEMENT	
FROM TRUST FUNDS . . . . .	195,126,684
TOTAL POSITIONS . . . . .	233.00
TOTAL ALL FUNDS . . . . .	195,126,684

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION  
PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

	APPROVED SALARY RATE	1,852,317	
1704	SALARIES AND BENEFITS	POSITIONS	40.00
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	42,383	
	FROM LAND ACQUISITION TRUST FUND . .	2,028,404	
1705	OTHER PERSONAL SERVICES		
	FROM LAND ACQUISITION TRUST FUND . .	755,408	
1706	EXPENSES		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	43,689	
	FROM LAND ACQUISITION TRUST FUND . .	422,850	
1707	SPECIAL CATEGORIES		
	MANAGEMENT OF WATER CONTROL STRUCTURES		
	FROM LAND ACQUISITION TRUST FUND . .	150,000	
1708	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	16,640	
	FROM LAND ACQUISITION TRUST FUND . .	74,053	
1709	SPECIAL CATEGORIES		
	GREENWAYS CARL MANAGEMENT FUNDING		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	2,179,609	
1710	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	378	
	FROM LAND ACQUISITION TRUST FUND . .	20,746	
1710A	FIXED CAPITAL OUTLAY		
	FLORIDA KEYS OVERSEAS HERITAGE TRAIL		
	FROM LAND ACQUISITION TRUST FUND . .	2,000,000	
1710B	FIXED CAPITAL OUTLAY		
	GREENWAY RECREATIONAL IMPROVEMENTS -		
	INTERMODAL SURFACE TRANSPORTATION		
	EFFICIENCY ACT		
	FROM FEDERAL GRANTS TRUST FUND . . .	6,000,000	
1710C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	FEDERAL LAND AND WATER CONSERVATION FUND		
	GRANTS		
	FROM FEDERAL GRANTS TRUST FUND . . .	2,096,222	
1710D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	NATIONAL RECREATIONAL TRAIL GRANTS		
	FROM FEDERAL GRANTS TRUST FUND . . .	3,500,000	
TOTAL: LAND MANAGEMENT			
	FROM TRUST FUNDS . . . . .	19,330,382	
	TOTAL POSITIONS . . . . .	40.00	
	TOTAL ALL FUNDS . . . . .	19,330,382	

RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS

	APPROVED SALARY RATE	282,143	
1711	SALARIES AND BENEFITS	POSITIONS	2.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

	FROM LAND ACQUISITION TRUST FUND . .	190,170	
1713	EXPENSES		
	FROM LAND ACQUISITION TRUST FUND . .	9,548	
1714	SPECIAL CATEGORIES		
	TRANSFER TO THE DEPARTMENT OF COMMUNITY		
	AFFAIRS - FLORIDA COMMUNITIES TRUST		
	FROM LAND ACQUISITION TRUST FUND . .	1,210,682	
1715	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM LAND ACQUISITION TRUST FUND . .	2,731	
1715A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AIDS - LOCAL RECREATIONAL		
	PROJECTS		
	FROM GENERAL REVENUE FUND . . . . .	500,000	
	From the funds in Specific Appropriation 1715A, \$500,000 in		
	nonrecurring funds from the General Revenue Fund is provided to Polk		
	County for safety and horticultural upgrades to the botanical gardens		
	associated with the Department of Environmental Protection's		
	conservation easement.		
TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS			
	FROM GENERAL REVENUE FUND . . . . .	500,000	
	FROM TRUST FUNDS . . . . .	1,413,131	
	TOTAL POSITIONS . . . . .	2.00	
	TOTAL ALL FUNDS . . . . .	1,913,131	

STATE PARK OPERATIONS

	APPROVED SALARY RATE	32,887,805	
1716	SALARIES AND BENEFITS	POSITIONS	1,022.50
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	1,218,258	
	FROM STATE PARK TRUST FUND . . . . .	45,562,984	
1717	OTHER PERSONAL SERVICES		
	FROM STATE PARK TRUST FUND . . . . .	3,324,400	
1718	EXPENSES		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	40,861	
	FROM STATE PARK TRUST FUND . . . . .	12,612,818	
1719	OPERATING CAPITAL OUTLAY		
	FROM STATE PARK TRUST FUND . . . . .	82,673	
1720	SPECIAL CATEGORIES		
	DISTRIBUTION OF SURCHARGE FEES		
	FROM STATE PARK TRUST FUND . . . . .	700,000	
1721	SPECIAL CATEGORIES		
	DISBURSE DONATIONS		
	FROM FEDERAL GRANTS TRUST FUND . . .	60,000	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	200,000	
	FROM STATE PARK TRUST FUND . . . . .	250,000	
1722	SPECIAL CATEGORIES		
	LAND MANAGEMENT		
	FROM CONSERVATION AND RECREATION		
	LANDS TRUST FUND . . . . .	1,529,552	
1723	SPECIAL CATEGORIES		
	AMERICORPS PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .	700,000	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION		
SPECIFIC		
APPROPRIATION		
1724	SPECIAL CATEGORIES OUTSOURCING/PRIVATIZATION FROM STATE PARK TRUST FUND . . . . .	4,891,903
1725	SPECIAL CATEGORIES CONTROL OF INVASIVE EXOTICS FROM STATE PARK TRUST FUND . . . . .	287,996
1726	SPECIAL CATEGORIES PURCHASES FOR RESALE FROM STATE PARK TRUST FUND . . . . .	290,756
1727	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM STATE PARK TRUST FUND . . . . .	848,098 3,696,315
1728	SPECIAL CATEGORIES LAND USE PROCEEDS DISBURSEMENTS FROM STATE PARK TRUST FUND . . . . .	175,000
1729	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM STATE PARK TRUST FUND . . . . .	11,474 445,330
1729A	FIXED CAPITAL OUTLAY STATE PARK FACILITY IMPROVEMENTS FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . .	5,000,000
1729B	FIXED CAPITAL OUTLAY DISASTER RELATED REPAIRS FROM FEDERAL GRANTS TRUST FUND . . . . .	1,000,000
1729C	FIXED CAPITAL OUTLAY REMOVE ACCESSIBILITY BARRIERS - STATEWIDE FROM LAND ACQUISITION TRUST FUND . . . . .	1,000,000
1729D	FIXED CAPITAL OUTLAY GRANTS AND DONATIONS SPENDING AUTHORITY FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . .	700,000 1,750,000
1730	FIXED CAPITAL OUTLAY DEBT SERVICE FROM LAND ACQUISITION TRUST FUND . . . . .	8,023,504
TOTAL:	STATE PARK OPERATIONS FROM TRUST FUNDS . . . . .	94,401,922
	TOTAL POSITIONS . . . . .	1,022.50
	TOTAL ALL FUNDS . . . . .	94,401,922
COASTAL AND AQUATIC MANAGED AREAS		
	APPROVED SALARY RATE	4,263,841
1731	SALARIES AND BENEFITS POSITIONS 93.00 FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	454,110 1,671,008 3,240,250
1732	OTHER PERSONAL SERVICES FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	176,608 195,926

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION		
SPECIFIC		
APPROPRIATION		
1733	EXPENSES FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	184,858 648,228
1734	OPERATING CAPITAL OUTLAY FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	9,292 100
1735	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FEDERAL GRANTS TRUST FUND . . . . .	141,135
From the funds provided in Specific Appropriation 1735, the Department of Environmental Protection may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.		
1736	SPECIAL CATEGORIES SUBMERGED RESOURCE DAMAGED RESTORATIONS FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND . . . . .	57,834
1737	SPECIAL CATEGORIES CONTRACTED SERVICES FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	50,000 62,253
1738	SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM FEDERAL GRANTS TRUST FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	3,837,883 300,000 303,389
1739	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	207,547 2,223 107,306
1740	SPECIAL CATEGORIES COASTAL AND AQUATIC MANAGED AREAS (CAMA) - CARL MANAGEMENT FUNDS FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . .	243,082
1741	SPECIAL CATEGORIES LAND USE PROCEEDS DISBURSEMENTS FROM LAND ACQUISITION TRUST FUND . . . . .	100,000
1742	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM CONSERVATION AND RECREATION LANDS TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . . . . FROM LAND ACQUISITION TRUST FUND . . . . .	3,527 10,410 27,269
1742A	FIXED CAPITAL OUTLAY NATURAL RESOURCE DAMAGE RESTORATION - DEEPWATER HORIZON OIL SPILL FROM COASTAL PROTECTION TRUST FUND . . . . .	100,000,000

Funds provided in Specific Appropriation 1742A are provided to the Department of Environmental Protection from the Coastal Protection Trust Fund for early restoration projects to address injuries to natural resources caused by the Deepwater Horizon oil spill. Funding to support this appropriation shall be provided based on the Early Restoration

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

Framework Agreement executed by BP Exploration and Production, Inc., and the Natural Resource Trustees on April 20, 2011. All draft early restoration plans shall be subject to public review and comment, plus environmental review, as required by law. Projects to be funded by this appropriation shall be approved by the Trustee Council and included in a stipulation executed by BP Exploration and Production, Inc., and the Trustees. The department shall provide a summary of the approved projects or copies of the executed stipulation between BP Exploration and Production, Inc., and the Trustees for each project to the chairs of the legislative appropriations committees with each associated request for release of these funds.

TOTAL: COASTAL AND AQUATIC MANAGED AREAS FROM TRUST FUNDS 112,034,238
TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 112,034,238

PROGRAM: AIR RESOURCES MANAGEMENT

UTILITIES SITING AND COORDINATION

APPROVED SALARY RATE 319,744
1760 SALARIES AND BENEFITS POSITIONS 7.00 FROM PERMIT FEE TRUST FUND 440,670
1761 EXPENSES FROM PERMIT FEE TRUST FUND 48,246
1762 SPECIAL CATEGORIES CONTRACTED SERVICES FROM PERMIT FEE TRUST FUND 1,000
1763 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PERMIT FEE TRUST FUND 785
1764 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM PERMIT FEE TRUST FUND 2,501
TOTAL: UTILITIES SITING AND COORDINATION FROM TRUST FUNDS 493,202
TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 493,202

AIR RESOURCES MANAGEMENT

APPROVED SALARY RATE 3,831,922
1764A SALARIES AND BENEFITS POSITIONS 76.00 FROM AIR POLLUTION CONTROL TRUST FUND 5,079,304
1764B OTHER PERSONAL SERVICES FROM AIR POLLUTION CONTROL TRUST FUND 5,438,616
1764C EXPENSES FROM AIR POLLUTION CONTROL TRUST FUND 1,438,176
1764D OPERATING CAPITAL OUTLAY FROM AIR POLLUTION CONTROL TRUST FUND 387,680
1764E SPECIAL CATEGORIES DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS FROM AIR POLLUTION CONTROL TRUST

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

FUND 7,325,936
1764F SPECIAL CATEGORIES ASBESTOS REMOVAL PROGRAM FEES FROM AIR POLLUTION CONTROL TRUST FUND 150,000
1764G SPECIAL CATEGORIES CONTRACTED SERVICES FROM AIR POLLUTION CONTROL TRUST FUND 22,000
1764H SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM AIR POLLUTION CONTROL TRUST FUND 22,072
1764I SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM AIR POLLUTION CONTROL TRUST FUND 29,823

TOTAL: AIR RESOURCES MANAGEMENT FROM TRUST FUNDS 19,893,607
TOTAL POSITIONS 76.00
TOTAL ALL FUNDS 19,893,607

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

APPROVED SALARY RATE 2,776,877
1765 SALARIES AND BENEFITS POSITIONS 54.50 FROM COASTAL PROTECTION TRUST FUND 523,798 FROM INLAND PROTECTION TRUST FUND 659,619 FROM SOLID WASTE MANAGEMENT TRUST FUND 2,821,735
1766 OTHER PERSONAL SERVICES FROM COASTAL PROTECTION TRUST FUND 78,283
1767 EXPENSES FROM COASTAL PROTECTION TRUST FUND 85,344 FROM INLAND PROTECTION TRUST FUND 750,743
1768 OPERATING CAPITAL OUTLAY FROM COASTAL PROTECTION TRUST FUND 16,794
1769 SPECIAL CATEGORIES ACQUISITION AND REPLACEMENT OF PATROL VEHICLES FROM COASTAL PROTECTION TRUST FUND 62,350
1770 SPECIAL CATEGORIES CONTRACTED SERVICES FROM INLAND PROTECTION TRUST FUND 50,000 FROM GRANTS AND DONATIONS TRUST FUND 100,000
1771 SPECIAL CATEGORIES OPERATION AND MAINTENANCE OF PATROL VEHICLES FROM COASTAL PROTECTION TRUST FUND 17,558 FROM INLAND PROTECTION TRUST FUND 226,962
1772 SPECIAL CATEGORIES OVERTIME FROM COASTAL PROTECTION TRUST FUND 40,400 FROM INLAND PROTECTION TRUST FUND 40,400

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
1773	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INLAND PROTECTION TRUST FUND . . . . .	50,536	
1774	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM COASTAL PROTECTION TRUST FUND . . . . .	18,040	
	FROM INLAND PROTECTION TRUST FUND . . . . .	26,010	
1775	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	18,018	
	FROM COASTAL PROTECTION TRUST FUND . . . . .	3,048	
	FROM INLAND PROTECTION TRUST FUND . . . . .	2,252	
TOTAL:	ENVIRONMENTAL INVESTIGATION		
	FROM GENERAL REVENUE FUND . . . . .	18,018	
	FROM TRUST FUNDS . . . . .	5,573,872	
	TOTAL POSITIONS . . . . .	54.50	
	TOTAL ALL FUNDS . . . . .	5,591,890	
PATROL ON STATE LANDS			
	APPROVED SALARY RATE . . . . .	3,726,450	
1776	SALARIES AND BENEFITS POSITIONS	93.00	
	FROM LAND ACQUISITION TRUST FUND . . . . .	5,972,482	
1777	OTHER PERSONAL SERVICES		
	FROM LAND ACQUISITION TRUST FUND . . . . .	42,639	
1778	EXPENSES		
	FROM LAND ACQUISITION TRUST FUND . . . . .	216,853	
1779	OPERATING CAPITAL OUTLAY		
	FROM LAND ACQUISITION TRUST FUND . . . . .	73,445	
1780	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL		
	VEHICLES		
	FROM LAND ACQUISITION TRUST FUND . . . . .	222,901	
1781	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL		
	VEHICLES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	300,000	
	FROM LAND ACQUISITION TRUST FUND . . . . .	211,218	
1782	SPECIAL CATEGORIES		
	OVERTIME		
	FROM LAND ACQUISITION TRUST FUND . . . . .	65,550	
1783	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM LAND ACQUISITION TRUST FUND . . . . .	131,822	
1784	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM LAND ACQUISITION TRUST FUND . . . . .	95,462	
1785	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM LAND ACQUISITION TRUST FUND . . . . .	36,804	
TOTAL:	PATROL ON STATE LANDS		
	FROM TRUST FUNDS . . . . .	7,369,176	
	TOTAL POSITIONS . . . . .	93.00	
	TOTAL ALL FUNDS . . . . .	7,369,176	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
EMERGENCY RESPONSE			
	APPROVED SALARY RATE . . . . .	1,475,158	
1786	SALARIES AND BENEFITS POSITIONS	28.00	
	FROM COASTAL PROTECTION TRUST FUND . . . . .		1,357,417
	FROM INLAND PROTECTION TRUST FUND . . . . .		537,379
1787	OTHER PERSONAL SERVICES		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		195,411
1788	EXPENSES		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		154,815
	FROM INLAND PROTECTION TRUST FUND . . . . .		57,190
1789	OPERATING CAPITAL OUTLAY		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		7,818
1790	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL		
	VEHICLES		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		63,594
1791	SPECIAL CATEGORIES		
	HAZARDOUS WASTE CLEANUP		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		921,027
1792	SPECIAL CATEGORIES		
	ON-CALL FEES		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		98,902
1793	SPECIAL CATEGORIES		
	PAYMENTS FOR RESTORATION AND DAMAGE		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		25,000
1794	SPECIAL CATEGORIES		
	ABANDONED DRUM REMOVAL AND DISPOSAL		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		100,000
1795	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INLAND PROTECTION TRUST FUND . . . . .		51,368
1796	SPECIAL CATEGORIES		
	UNDERGROUND STORAGE TANK CLEANUP		
	FROM INLAND PROTECTION TRUST FUND . . . . .		214,759
1797	SPECIAL CATEGORIES		
	TRANSFER TO MARINE RESOURCES CONSERVATION		
	TRUST FUND IN THE FISH AND WILDLIFE		
	CONSERVATION COMMISSION		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		11,197,242
1798	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM COASTAL PROTECTION TRUST FUND . . . . .		7,634
	FROM INLAND PROTECTION TRUST FUND . . . . .		3,021
TOTAL:	EMERGENCY RESPONSE		
	FROM TRUST FUNDS . . . . .		14,992,577
	TOTAL POSITIONS . . . . .	28.00	
	TOTAL ALL FUNDS . . . . .		14,992,577
TOTAL:	ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
	FROM GENERAL REVENUE FUND . . . . .	71,739,147	
	FROM TRUST FUNDS . . . . .		1,720,118,072
	TOTAL POSITIONS . . . . .	3,434.00	
	TOTAL ALL FUNDS . . . . .		1,791,857,219
	TOTAL APPROVED SALARY RATE . . . . .	142,610,166	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION  
FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES

APPROVED SALARY RATE 9,314,333

1799	SALARIES AND BENEFITS	POSITIONS	215.50	
	FROM ADMINISTRATIVE TRUST FUND . . .			10,334,152
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			864,013
	FROM NON-GAME WILDLIFE TRUST FUND . . . . .			302,150
	FROM STATE GAME TRUST FUND . . . . .			1,234,090
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			417,941
1800	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND . . .			220,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			18,171
	FROM STATE GAME TRUST FUND . . . . .			75,533
1801	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND . . .			1,174,399
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .			20,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			600,000
	FROM NON-GAME WILDLIFE TRUST FUND . . . . .			17,062
	FROM SAVE THE MANATEE TRUST FUND . . . . .			20,000
	FROM STATE GAME TRUST FUND . . . . .			471,492
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			121
1802	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND . . .			75,057
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			4,704
	FROM STATE GAME TRUST FUND . . . . .			16,557
1803	SPECIAL CATEGORIES			
	ENHANCED WILDLIFE MANAGEMENT			
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			491,324
1804	SPECIAL CATEGORIES			
	NON-CARL WILDLIFE MANAGEMENT			
	FROM STATE GAME TRUST FUND . . . . .			123,205
1806	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM ADMINISTRATIVE TRUST FUND . . .			441,509
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			234,514
	FROM NON-GAME WILDLIFE TRUST FUND . . . . .			1,945
	FROM STATE GAME TRUST FUND . . . . .			2,041,364
1807	SPECIAL CATEGORIES			
	PAYMENT OF REWARDS			
	FROM ADMINISTRATIVE TRUST FUND . . .			5,000
1808	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM ADMINISTRATIVE TRUST FUND . . .			82,243
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			5,153
	FROM STATE GAME TRUST FUND . . . . .			14,669
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			2,378
1809	SPECIAL CATEGORIES			

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

SALARY INCENTIVE PAYMENTS

FROM ADMINISTRATIVE TRUST FUND . . . 3,300

1810 SPECIAL CATEGORIES

INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION  
FROM ADMINISTRATIVE TRUST FUND . . . 2,258,764

1811 SPECIAL CATEGORIES

TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT  
FROM ADMINISTRATIVE TRUST FUND . . . 69,896  
FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . . 7,525  
FROM NON-GAME WILDLIFE TRUST FUND . . . . . 1,838  
FROM STATE GAME TRUST FUND . . . . . 3,818  
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . . 2,594

1812 SPECIAL CATEGORIES

CONTRACT AND GRANT REIMBURSED ACTIVITIES  
FROM ADMINISTRATIVE TRUST FUND . . . 1,000,000  
FROM FEDERAL GRANTS TRUST FUND . . . 390,000  
FROM GRANTS AND DONATIONS TRUST FUND . . . . . 150,000

1813 DATA PROCESSING SERVICES

SOUTHWOOD SHARED RESOURCE CENTER  
FROM ADMINISTRATIVE TRUST FUND . . . 103,167  
FROM STATE GAME TRUST FUND . . . . . 5,615

1813A FIXED CAPITAL OUTLAY

MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE  
FROM GENERAL REVENUE FUND . . . . . 975,000

TOTAL: OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES

FROM GENERAL REVENUE FUND . . . . . 975,000  
FROM TRUST FUNDS . . . . . 23,305,263

TOTAL POSITIONS . . . . . 215.50  
TOTAL ALL FUNDS . . . . . 24,280,263

PROGRAM: LAW ENFORCEMENT

FISH, WILDLIFE AND BOATING LAW ENFORCEMENT

APPROVED SALARY RATE 40,925,722

1814	SALARIES AND BENEFITS	POSITIONS	902.50	
	FROM GENERAL REVENUE FUND . . . . .			20,778,233
	FROM FEDERAL GRANTS TRUST FUND . . .			5,738,552
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			28,510,889
	FROM NON-GAME WILDLIFE TRUST FUND . . . . .			291,321
	FROM STATE GAME TRUST FUND . . . . .			2,729,254
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			2,083,724
1815	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND . . . . .			74,210
	FROM FEDERAL GRANTS TRUST FUND . . .			58,000
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			236,348
	FROM STATE GAME TRUST FUND . . . . .			56,677
1816	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .			1,622,776
	FROM FEDERAL GRANTS TRUST FUND . . .			6,351,541
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			2,177,251
	FROM STATE GAME TRUST FUND . . . . .			525,536
	FROM CONSERVATION AND RECREATION			

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
LANDS PROGRAM TRUST FUND . . . . .	313,415
1817 OPERATING CAPITAL OUTLAY	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	125,097
FROM STATE GAME TRUST FUND . . . . .	812
FROM CONSERVATION AND RECREATION	
LANDS PROGRAM TRUST FUND . . . . .	62,500
1819 SPECIAL CATEGORIES	
ACQUISITION AND REPLACEMENT OF PATROL	
VEHICLES	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	659,921
1820 SPECIAL CATEGORIES	
ACQUISITION AND REPLACEMENT OF BOATS,	
MOTORS, AND TRAILERS	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	727,415
1821 SPECIAL CATEGORIES	
ENHANCED WILDLIFE MANAGEMENT	
FROM CONSERVATION AND RECREATION	
LANDS PROGRAM TRUST FUND . . . . .	272,166
1822 SPECIAL CATEGORIES	
800 MHZ RADIO LAW ENFORCEMENT SYSTEM	
EQUIPMENT AND MAINTENANCE	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	44,760
1823 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	445,358
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	575,207
FROM CONSERVATION AND RECREATION	
LANDS PROGRAM TRUST FUND . . . . .	1,500
1823A SPECIAL CATEGORIES	
DOMESTIC SECURITY	
FROM FEDERAL GRANTS TRUST FUND . . . . .	375,000
1823B SPECIAL CATEGORIES	
LAW ENFORCEMENT RURAL CRIMES FEDERAL GRANT/ AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)	
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,698,351
1824 SPECIAL CATEGORIES	
BOAT RAMP MAINTENANCE CATEGORY	
FROM FEDERAL GRANTS TRUST FUND . . . . .	431,250
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	181,878
FROM STATE GAME TRUST FUND . . . . .	143,750
1825 SPECIAL CATEGORIES	
OVERTIME	
FROM GENERAL REVENUE FUND . . . . .	765,000
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	2,065,885
FROM STATE GAME TRUST FUND . . . . .	128,447
1826 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	389,152
FROM FEDERAL GRANTS TRUST FUND . . . . .	28,215
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	865,009
FROM STATE GAME TRUST FUND . . . . .	475,214
1827 SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
FROM GENERAL REVENUE FUND . . . . .	43,963
FROM FEDERAL GRANTS TRUST FUND . . . . .	14,926
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	497,467
FROM STATE GAME TRUST FUND . . . . .	59,100
FROM CONSERVATION AND RECREATION	
LANDS PROGRAM TRUST FUND . . . . .	20,160
1828 SPECIAL CATEGORIES	
BOATING AND WATERWAYS ACTIVITIES	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	1,926,025
1829 SPECIAL CATEGORIES	
BOATING AND WATERWAYS GRANTS	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	50,000
1830 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT	
SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM GENERAL REVENUE FUND . . . . .	61,863
FROM FEDERAL GRANTS TRUST FUND . . . . .	8,361
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	250,022
FROM STATE GAME TRUST FUND . . . . .	13,112
FROM CONSERVATION AND RECREATION	
LANDS PROGRAM TRUST FUND . . . . .	12,455
1831 SPECIAL CATEGORIES	
CONTRACT AND GRANT REIMBURSED ACTIVITIES	
FROM FEDERAL GRANTS TRUST FUND . . . . .	14,928,808
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	686,450
FROM STATE GAME TRUST FUND . . . . .	1,208,746
1832 SPECIAL CATEGORIES	
BOATING SAFETY EDUCATION PROGRAM	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	550,650
1832A FIXED CAPITAL OUTLAY	
BOATING INFRASTRUCTURE	
FROM FEDERAL GRANTS TRUST FUND . . . . .	3,200,000
From the funds in Specific Appropriation 1832A, \$338,335 shall be used for the LaBelle City Wharf project.	
1832B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND	
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY	
FLORIDA BOATING IMPROVEMENT PROGRAM	
FROM MARINE RESOURCES CONSERVATION	
TRUST FUND . . . . .	1,185,200
FROM STATE GAME TRUST FUND . . . . .	1,250,000
From the funds in Specific Appropriation 1832B, \$97,779 in nonrecurring funds from the Marine Resources Conservation Trust Fund shall be used for the LaBelle City Wharf project.	
TOTAL: FISH, WILDLIFE AND BOATING LAW ENFORCEMENT	
FROM GENERAL REVENUE FUND . . . . .	24,180,555
FROM TRUST FUNDS . . . . .	83,796,367
TOTAL POSITIONS . . . . .	902.50
TOTAL ALL FUNDS . . . . .	107,976,922
PROGRAM: WILDLIFE	
HUNTING AND GAME MANAGEMENT	
APPROVED SALARY RATE	1,898,473
1833 SALARIES AND BENEFITS	45.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

FROM FEDERAL GRANTS TRUST FUND . . . . .	638,138
FROM STATE GAME TRUST FUND . . . . .	1,587,741
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .	477,061
1834 OTHER PERSONAL SERVICES	
FROM STATE GAME TRUST FUND . . . . .	222,303
1835 EXPENSES	
FROM STATE GAME TRUST FUND . . . . .	534,873
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .	1,852
1836 OPERATING CAPITAL OUTLAY	
FROM STATE GAME TRUST FUND . . . . .	4,538
1837 SPECIAL CATEGORIES	
FISH AND WILDLIFE CONSERVATION COMMISSION YOUTH HUNTING AND FISHING PROGRAMS FROM STATE GAME TRUST FUND . . . . .	120,500
1838 SPECIAL CATEGORIES	
ENHANCED WILDLIFE MANAGEMENT FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .	48,015
1839 SPECIAL CATEGORIES	
NON-CARL WILDLIFE MANAGEMENT FROM STATE GAME TRUST FUND . . . . .	115,595
1840 SPECIAL CATEGORIES	
DEER MANAGEMENT PROGRAM FROM STATE GAME TRUST FUND . . . . .	300,000
1841 SPECIAL CATEGORIES	
CONTRACTED SERVICES FROM STATE GAME TRUST FUND . . . . .	255,710
1842 SPECIAL CATEGORIES	
TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION FROM STATE GAME TRUST FUND . . . . .	150,000
1843 SPECIAL CATEGORIES	
PUBLIC DOVE FIELD DEVELOPMENT FROM STATE GAME TRUST FUND . . . . .	49,000
1844 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE FROM STATE GAME TRUST FUND . . . . .	614,961
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .	44,972
1845 SPECIAL CATEGORIES	
WILDLIFE MANAGEMENT AREA USER PAY FROM STATE GAME TRUST FUND . . . . .	638,266
1846 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM STATE GAME TRUST FUND . . . . .	14,776
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .	3,181
1847 SPECIAL CATEGORIES	
CONTRACT AND GRANT REIMBURSED ACTIVITIES FROM FEDERAL GRANTS TRUST FUND . . . . .	1,001,129
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	129,450
FROM STATE GAME TRUST FUND . . . . .	30,000
1848 SPECIAL CATEGORIES	
WILD TURKEY PROJECTS	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

FROM STATE GAME TRUST FUND . . . . .		300,000
TOTAL: HUNTING AND GAME MANAGEMENT		
FROM TRUST FUNDS . . . . .		7,282,061
TOTAL POSITIONS . . . . .	45.00	
TOTAL ALL FUNDS . . . . .		7,282,061
PROGRAM: HABITAT AND SPECIES CONSERVATION		
HABITAT AND SPECIES CONSERVATION		
APPROVED SALARY RATE	14,354,380	
1849 SALARIES AND BENEFITS POSITIONS	354.00	
FROM INVASIVE PLANT CONTROL TRUST FUND . . . . .		2,195,388
FROM FEDERAL GRANTS TRUST FUND . . . . .		3,095,938
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .		225,581
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		805
FROM LAND ACQUISITION TRUST FUND . . . . .		477,152
FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .		562,164
FROM NON-GAME WILDLIFE TRUST FUND . . . . .		1,703,266
FROM SAVE THE MANATEE TRUST FUND . . . . .		839,080
FROM STATE GAME TRUST FUND . . . . .		5,579,717
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .		5,482,981
1850 OTHER PERSONAL SERVICES		
FROM INVASIVE PLANT CONTROL TRUST FUND . . . . .		457,080
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .		138,094
FROM LAND ACQUISITION TRUST FUND . . . . .		121,350
FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .		150,759
FROM NON-GAME WILDLIFE TRUST FUND . . . . .		198,903
FROM SAVE THE MANATEE TRUST FUND . . . . .		176,047
FROM STATE GAME TRUST FUND . . . . .		240,143
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .		79,496
1851 EXPENSES		
FROM INVASIVE PLANT CONTROL TRUST FUND . . . . .		817,822
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .		179,912
FROM LAND ACQUISITION TRUST FUND . . . . .		89,831
FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .		107,590
FROM NON-GAME WILDLIFE TRUST FUND . . . . .		568,750
FROM SAVE THE MANATEE TRUST FUND . . . . .		293,072
FROM STATE GAME TRUST FUND . . . . .		1,152,989
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .		1,197,637
1852 OPERATING CAPITAL OUTLAY		
FROM INVASIVE PLANT CONTROL TRUST FUND . . . . .		10,488
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .		1,250
FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .		6,250
FROM NON-GAME WILDLIFE TRUST FUND . . . . .		18,278
FROM SAVE THE MANATEE TRUST FUND . . . . .		8,625
FROM STATE GAME TRUST FUND . . . . .		59,422
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .		10,625
1853 SPECIAL CATEGORIES		
ACQUISITION AND REPLACEMENT OF BOATS,		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
	MOTORS, AND TRAILERS
	FROM STATE GAME TRUST FUND . . . . .
	18,650
1854	SPECIAL CATEGORIES
	ENHANCED WILDLIFE MANAGEMENT
	FROM CONSERVATION AND RECREATION
	LANDS PROGRAM TRUST FUND . . . . .
	2,074,955
1855	SPECIAL CATEGORIES
	NON-CARL WILDLIFE MANAGEMENT
	FROM STATE GAME TRUST FUND . . . . .
	2,398,292
1856	SPECIAL CATEGORIES
	CONTRACTED SERVICES
	FROM INVASIVE PLANT CONTROL TRUST
	FUND . . . . .
	204,250
	FROM FLORIDA PANTHER RESEARCH AND
	MANAGEMENT TRUST FUND . . . . .
	20,912
	FROM LAND ACQUISITION TRUST FUND . .
	35,844
	FROM NON-GAME WILDLIFE TRUST FUND .
	40,010
	FROM SAVE THE MANATEE TRUST FUND . .
	20,771
	FROM STATE GAME TRUST FUND . . . . .
	46,867
	FROM CONSERVATION AND RECREATION
	LANDS PROGRAM TRUST FUND . . . . .
	65,196
1857	SPECIAL CATEGORIES
	LAKE RESTORATION
	FROM STATE GAME TRUST FUND . . . . .
	3,984,291
1858	SPECIAL CATEGORIES
	GRANTS AND AIDS - FEDERAL ENDANGERED
	SPECIES - SECTION 6
	FROM FEDERAL GRANTS TRUST FUND . . .
	1,430,819
1859	SPECIAL CATEGORIES
	LAND MANAGEMENT/SAVE OUR RIVERS
	FROM STATE GAME TRUST FUND . . . . .
	298,412
1860	SPECIAL CATEGORIES
	MARINE RESEARCH GRANTS
	FROM FEDERAL GRANTS TRUST FUND . . .
	27,500
1861	SPECIAL CATEGORIES
	DUCKS UNLIMITED MARSH PROJECT
	FROM STATE GAME TRUST FUND . . . . .
	106,792
1862	SPECIAL CATEGORIES
	CONTROL OF INVASIVE EXOTICS
	FROM INVASIVE PLANT CONTROL TRUST
	FUND . . . . .
	23,323,647
1863	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM FLORIDA PANTHER RESEARCH AND
	MANAGEMENT TRUST FUND . . . . .
	7,320
	FROM LAND ACQUISITION TRUST FUND . .
	7,950
	FROM MARINE RESOURCES CONSERVATION
	TRUST FUND . . . . .
	8,923
	FROM NON-GAME WILDLIFE TRUST FUND .
	63,854
	FROM SAVE THE MANATEE TRUST FUND . .
	17,781
	FROM STATE GAME TRUST FUND . . . . .
	327,349
	FROM CONSERVATION AND RECREATION
	LANDS PROGRAM TRUST FUND . . . . .
	181,931
1864	SPECIAL CATEGORIES
	TRANSFER TO THE UNIVERSITY OF FLORIDA -
	COOPERATIVE AQUATIC PLANT EDUCATION
	PROGRAM
	FROM INVASIVE PLANT CONTROL TRUST
	FUND . . . . .
	25,000
1865	SPECIAL CATEGORIES
	HABITAT RESTORATION
	FROM LAND ACQUISITION TRUST FUND . .
	2,979,857

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
1866	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF AGRICULTURE AND
	CONSUMER SERVICES/ IFAS/INVASIVE EXOTIC
	PLANT RESEARCH
	FROM INVASIVE PLANT CONTROL TRUST
	FUND . . . . .
	844,171
1867	SPECIAL CATEGORIES
	TRANSFER TO DEPARTMENT OF MANAGEMENT
	SERVICES - HUMAN RESOURCES SERVICES
	PURCHASED PER STATEWIDE CONTRACT
	FROM INVASIVE PLANT CONTROL TRUST
	FUND . . . . .
	11,922
	FROM FEDERAL GRANTS TRUST FUND . . .
	2,688
	FROM FLORIDA PANTHER RESEARCH AND
	MANAGEMENT TRUST FUND . . . . .
	1,753
	FROM GRANTS AND DONATIONS TRUST
	FUND . . . . .
	367
	FROM LAND ACQUISITION TRUST FUND . .
	2,907
	FROM MARINE RESOURCES CONSERVATION
	TRUST FUND . . . . .
	1,887
	FROM NON-GAME WILDLIFE TRUST FUND .
	15,602
	FROM SAVE THE MANATEE TRUST FUND . .
	6,416
	FROM STATE GAME TRUST FUND . . . . .
	63,043
	FROM CONSERVATION AND RECREATION
	LANDS PROGRAM TRUST FUND . . . . .
	41,150
1868	SPECIAL CATEGORIES
	HABITAT CONSERVATION PLAN LANDS
	ACQUISITION PROGRAM
	FROM FEDERAL GRANTS TRUST FUND . . .
	4,474,973
1869	SPECIAL CATEGORIES
	CONTRACT AND GRANT REIMBURSED ACTIVITIES
	FROM FEDERAL GRANTS TRUST FUND . . .
	11,595,264
	FROM GRANTS AND DONATIONS TRUST
	FUND . . . . .
	562,070
	FROM NON-GAME WILDLIFE TRUST FUND .
	91,652
	FROM STATE GAME TRUST FUND . . . . .
	165,201
1869A	FIXED CAPITAL OUTLAY
	LAKE RESTORATION
	FROM STATE GAME TRUST FUND . . . . .
	2,000,000
1869B	FIXED CAPITAL OUTLAY
	LAND ACQUISITION, ENVIRONMENTALLY
	ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS,
	STATEWIDE
	FROM FEDERAL GRANTS TRUST FUND . . .
	1,000,000
TOTAL: HABITAT AND SPECIES CONSERVATION	
	FROM TRUST FUNDS . . . . .
	84,844,724
	TOTAL POSITIONS . . . . .
	354.00
	TOTAL ALL FUNDS . . . . .
	84,844,724
PROGRAM: FRESHWATER FISHERIES	
FRESHWATER FISHERIES MANAGEMENT	
	APPROVED SALARY RATE
	2,755,924
1870	SALARIES AND BENEFITS
	POSITIONS
	69.50
	FROM FEDERAL GRANTS TRUST FUND . . .
	2,703,664
	FROM STATE GAME TRUST FUND . . . . .
	1,342,373
	FROM CONSERVATION AND RECREATION
	LANDS PROGRAM TRUST FUND . . . . .
	45,906
1871	OTHER PERSONAL SERVICES
	FROM FEDERAL GRANTS TRUST FUND . . .
	40,134
	FROM STATE GAME TRUST FUND . . . . .
	26,035
1872	EXPENSES
	FROM FEDERAL GRANTS TRUST FUND . . .
	418,510

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
	FROM STATE GAME TRUST FUND . . . . .	254,904	
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .	20,000	
1873	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . .	15,625	
	FROM STATE GAME TRUST FUND . . . . .	15,914	
1874	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS,		
	MOTORS, AND TRAILERS		
	FROM FEDERAL GRANTS TRUST FUND . . .	5,571	
1875	SPECIAL CATEGORIES		
	FISH AND WILDLIFE CONSERVATION COMMISSION		
	YOUTH HUNTING AND FISHING PROGRAMS		
	FROM STATE GAME TRUST FUND . . . . .	95,500	
1876	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM FEDERAL GRANTS TRUST FUND . . .	20,019	
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .	40,800	
1877	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .	37,553	
	FROM STATE GAME TRUST FUND . . . . .	29,996	
1878	SPECIAL CATEGORIES		
	LAKE RESTORATION		
	FROM STATE GAME TRUST FUND . . . . .	695,000	
1879	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE GAME TRUST FUND . . . . .	32,355	
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .	1,601	
1880	SPECIAL CATEGORIES		
	LAND USE PROCEEDS DISBURSEMENTS		
	FROM STATE GAME TRUST FUND . . . . .	350,000	
1881	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM STATE GAME TRUST FUND . . . . .	26,041	
	FROM CONSERVATION AND RECREATION		
	LANDS PROGRAM TRUST FUND . . . . .	938	
1882	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM FEDERAL GRANTS TRUST FUND . . .	2,053,837	
TOTAL:	FRESHWATER FISHERIES MANAGEMENT		
	FROM TRUST FUNDS . . . . .	8,272,276	
	TOTAL POSITIONS . . . . .	69.50	
	TOTAL ALL FUNDS . . . . .	8,272,276	
PROGRAM: MARINE FISHERIES			
MARINE FISHERIES MANAGEMENT			
	APPROVED SALARY RATE	1,405,991	
1883	SALARIES AND BENEFITS		
	POSITIONS	30.00	
	FROM FEDERAL GRANTS TRUST FUND . . .	573,676	
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .	1,383,999	
1884	OTHER PERSONAL SERVICES		
	FROM MARINE RESOURCES CONSERVATION		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION			
SPECIFIC			
APPROPRIATION			
	TRUST FUND . . . . .		55,250
1885	EXPENSES		
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		251,166
1886	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		423
1887	SPECIAL CATEGORIES		
	FISH AND WILDLIFE CONSERVATION COMMISSION		
	YOUTH HUNTING AND FISHING PROGRAMS		
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		159,000
	FROM STATE GAME TRUST FUND . . . . .		25,000
1888	SPECIAL CATEGORIES		
	AQUATIC RESOURCES EDUCATION		
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		327,935
1889	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		195,987
1890	SPECIAL CATEGORIES		
	GULF STATES MARINE FISHERIES		
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		22,500
1891	SPECIAL CATEGORIES		
	MARINE RESEARCH GRANTS		
	FROM FEDERAL GRANTS TRUST FUND . . .		829,912
1892	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		22,544
1893	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM FEDERAL GRANTS TRUST FUND . . .		1,466
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		10,005
1894	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM FEDERAL GRANTS TRUST FUND . . .		1,000,000
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		50,000
1894A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND		
	NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	ARTIFICIAL FISHING REEF CONSTRUCTION		
	PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND . . .		500,000
	FROM MARINE RESOURCES CONSERVATION		
	TRUST FUND . . . . .		300,000
TOTAL: MARINE FISHERIES MANAGEMENT			
	FROM TRUST FUNDS . . . . .		5,708,863
	TOTAL POSITIONS . . . . .	30.00	
	TOTAL ALL FUNDS . . . . .		5,708,863
PROGRAM: RESEARCH			
FISH AND WILDLIFE RESEARCH INSTITUTE			
	APPROVED SALARY RATE	14,269,915	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

1895	SALARIES AND BENEFITS	POSITIONS	330.50	
	FROM FEDERAL GRANTS TRUST FUND . . .			5,087,316
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .			192,030
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			531
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			9,273,153
	FROM NON-GAME WILDLIFE TRUST FUND . .			1,105,543
	FROM SAVE THE MANATEE TRUST FUND . .			947,822
	FROM STATE GAME TRUST FUND . . . . .			2,862,063
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			163,539

From the funds in Specific Appropriations 1895, 1896 and 1897, the Florida Fish and Wildlife Conservation Commission will conduct panther research on both public and private lands, as permitted by private landowners. The commission will develop improved methods to generate statistically sound estimates of the panther population size using best available science. The commission, in conjunction with the U.S. Fish and Wildlife Service and other partners, will use best available science to evaluate panther carrying capacity (ranges) and the consequences of inter-breeding the Florida panther with the Texas cougar. The commission will report progress on these objectives to the Office of Policy and Budget in the Governor's Office, the chair of the Senate Budget Committee and the chair of the House Appropriations Committee by December 15.

1896	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND . . . . .		776,000	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .			60,867
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			4,076,345
	FROM NON-GAME WILDLIFE TRUST FUND . .			327,508
	FROM SAVE THE MANATEE TRUST FUND . .			726,436
	FROM STATE GAME TRUST FUND . . . . .			108,693

1897	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .		262,764	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .			84,511
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			2,890,358
	FROM NON-GAME WILDLIFE TRUST FUND . .			413,459
	FROM SAVE THE MANATEE TRUST FUND . .			470,100
	FROM STATE GAME TRUST FUND . . . . .			509,369
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			3,952

1898	OPERATING CAPITAL OUTLAY			
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			151,239
	FROM NON-GAME WILDLIFE TRUST FUND . .			7,335
	FROM SAVE THE MANATEE TRUST FUND . .			8,125
	FROM STATE GAME TRUST FUND . . . . .			36,932

1899	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			12,500

From the funds provided in Specific Appropriation 1899, the Fish and Wildlife Conservation Commission may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

1900	SPECIAL CATEGORIES			
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS			
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			42,217
	FROM SAVE THE MANATEE TRUST FUND . .			3,500

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

	FROM STATE GAME TRUST FUND . . . . .			17,141
1901	SPECIAL CATEGORIES			
	ENHANCED WILDLIFE MANAGEMENT			
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			87,964
1903	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .			2,760
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			222,403
	FROM NON-GAME WILDLIFE TRUST FUND . .			35,875
	FROM SAVE THE MANATEE TRUST FUND . .			18,448
	FROM STATE GAME TRUST FUND . . . . .			33,068
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			2,760
1904	SPECIAL CATEGORIES			
	DEFERRED-PAYMENT COMMODITY CONTRACTS			
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			325,945
1905	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM FEDERAL GRANTS TRUST FUND . . .			3,685
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND . . . . .			1,520
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			101,573
	FROM NON-GAME WILDLIFE TRUST FUND . .			9,069
	FROM SAVE THE MANATEE TRUST FUND . .			7,498
	FROM STATE GAME TRUST FUND . . . . .			23,915
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND . . . . .			1,294
1906	SPECIAL CATEGORIES			
	RED TIDE RESEARCH			
	FROM GENERAL REVENUE FUND . . . . .		640,993	
1907	SPECIAL CATEGORIES			
	CONTRACT AND GRANT REIMBURSED ACTIVITIES			
	FROM FEDERAL GRANTS TRUST FUND . . .			12,823,566
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			659,941
	FROM MARINE RESOURCES CONSERVATION TRUST FUND . . . . .			3,045,616
	FROM NON-GAME WILDLIFE TRUST FUND . .			115,112
	FROM STATE GAME TRUST FUND . . . . .			500,000
TOTAL:	FISH AND WILDLIFE RESEARCH INSTITUTE			
	FROM GENERAL REVENUE FUND . . . . .		1,679,757	
	FROM TRUST FUNDS . . . . .			47,604,596
	TOTAL POSITIONS . . . . .		330.50	
	TOTAL ALL FUNDS . . . . .			49,284,353
TOTAL:	FISH AND WILDLIFE CONSERVATION COMMISSION			
	FROM GENERAL REVENUE FUND . . . . .		26,835,312	
	FROM TRUST FUNDS . . . . .			260,814,150
	TOTAL POSITIONS . . . . .		1,947.00	
	TOTAL ALL FUNDS . . . . .			287,649,462
	TOTAL APPROVED SALARY RATE . . . . .		84,924,738	

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1918A through 1919, 1938A through 1938C, 1938E through 1938V, and 1976A through 1976K are provided from the named funds to the department to fund the five year Work Program developed pursuant to provisions of section 339.135, Florida Statutes.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT

APPROVED SALARY RATE 101,226,677

Table with 4 columns: Line Item, Description, Amount, and Sub-Category. Includes items 1908 through 1918A detailing salaries, expenses, and capital outlays.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION SPECIFIC APPROPRIATION

FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 54,378,132

1918B FIXED CAPITAL OUTLAY

AVIATION DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 187,442,157

From the funds in Specific Appropriation 1918B, \$2,000,000 shall be used to fund a transportation improvement project at an airport as defined in section 339.63(4), Florida Statutes.

From the funds in Specific Appropriation 1918B, \$16,000,000 from the State Transportation Trust Fund as proposed in the Transportation Work Program is provided to Space Florida for up to 100 percent of the non-federal share of the Spaceport Launch Complex and Spaceport Infrastructure projects.

From the funds in Specific Appropriation 1918B, \$1,500,000 from the State Transportation Trust Fund shall be used to fund stormwater facility needs for the runway extension project at the Sebring Airport.

1918C FIXED CAPITAL OUTLAY

PUBLIC TRANSIT DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 343,572,957

1918D FIXED CAPITAL OUTLAY

RIGHT-OF-WAY LAND ACQUISITION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 544,201,863 FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND . . . . . 176,540,927

1918E FIXED CAPITAL OUTLAY

SEAPORT - ECONOMIC DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 15,000,000

1918F FIXED CAPITAL OUTLAY

SEAPORTS ACCESS PROGRAM FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 10,000,000

1918G FIXED CAPITAL OUTLAY

SEAPORT GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 117,751,305

1918H FIXED CAPITAL OUTLAY

RAIL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 144,646,083

The Florida Department of Transportation is directed to collaborate with the Florida East Coast Railroad (FEC), Port of Palm Beach, and the City of Riviera Beach and provide cost effective measures to address the congestion caused by the switching movements resulting from moving cargo in and out of the Port of Palm Beach.

1918I FIXED CAPITAL OUTLAY

INTERMODAL DEVELOPMENT/GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 94,879,638

From the funds in Specific Appropriation 1918I, \$55,831,244 is provided for the Port of Miami Dredging Project.

1918J FIXED CAPITAL OUTLAY

PRELIMINARY ENGINEERING CONSULTANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . 627,856,120 FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND . . . . . 4,972,130

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

1918K	FIXED CAPITAL OUTLAY RIGHT-OF-WAY SUPPORT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	43,657,537	
	FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND . .	6,395,477	
1918L	FIXED CAPITAL OUTLAY TRANSPORTATION PLANNING GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	27,741,014	
1919	FIXED CAPITAL OUTLAY DEBT SERVICE FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND . .	152,330,426	
TOTAL:	PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT FROM TRUST FUNDS . . . . .	2,808,789,487	
	TOTAL POSITIONS . . . . .	1,747.00	
	TOTAL ALL FUNDS . . . . .	2,808,789,487	

FLORIDA RAIL ENTERPRISE

	APPROVED SALARY RATE	243,270	
1920	SALARIES AND BENEFITS POSITIONS 2.00 FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	306,432	
1921	OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	827	
1922	EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	25,200	
1923	OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	505	
1924	SPECIAL CATEGORIES CONSULTANT FEES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	4,089	
1925	SPECIAL CATEGORIES CONTRACTED SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	5,714	
TOTAL:	FLORIDA RAIL ENTERPRISE FROM TRUST FUNDS . . . . .	342,767	
	TOTAL POSITIONS . . . . .	2.00	
	TOTAL ALL FUNDS . . . . .	342,767	

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

	APPROVED SALARY RATE	160,204,825	
1926	SALARIES AND BENEFITS POSITIONS 3,742.00 FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	220,016,716	
1927	OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	225,376	
1928	EXPENSES		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	14,037,837	
1929	OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	1,004,038	
1930	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	4,148,969	
1931	SPECIAL CATEGORIES FAIRBANKS HAZARDOUS WASTE SITE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	180,600	
1932	SPECIAL CATEGORIES CONSULTANT FEES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	2,197,831	
1933	SPECIAL CATEGORIES CONTRACTED SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	4,670,919	
1933A	SPECIAL CATEGORIES TRANSFER TO HIGHWAY SAFETY/FLORIDA HIGHWAY PATROL - MOTOR CARRIER COMPLIANCE PROGRAM FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . . FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . .	23,857,507 837,492	
1934	SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	873,488	
1935	SPECIAL CATEGORIES OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	1,191,476	
1937	SPECIAL CATEGORIES TRANSPORTATION MATERIALS AND EQUIPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	33,236,078	
1938A	FIXED CAPITAL OUTLAY STATE INFRASTRUCTURE BANK LOAN REPAYMENTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	35,501,526	
1938B	FIXED CAPITAL OUTLAY SMALL COUNTY RESURFACE ASSISTANCE PROGRAM (SCRAP) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	10,000,000	
1938C	FIXED CAPITAL OUTLAY SMALL COUNTY OUTREACH PROGRAM (SCOP) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	21,362,190	
1938D	FIXED CAPITAL OUTLAY UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	100,000	
1938E	FIXED CAPITAL OUTLAY COUNTY TRANSPORTATION PROGRAMS		

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 55,007,529

1938F FIXED CAPITAL OUTLAY  
BOND GUARANTEE  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 500,000

1938G FIXED CAPITAL OUTLAY  
TRANSPORTATION HIGHWAY MAINTENANCE  
CONTRACTS  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 378,443,185

From the funds in Specific Appropriation 1938G, an amount not less than \$8,440,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

From the funds in Specific Appropriation 1938G, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of \$2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

1938H FIXED CAPITAL OUTLAY  
INTRASTATE HIGHWAY CONSTRUCTION  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 1,048,684,593

From the funds in Specific Appropriation 1938H, \$5,000,000 shall be utilized by the department for a pilot program in Districts 1 and 4 for the retrofitting and reinforcement of traffic signalization. This program shall retrofit existing span wire signalization along evacuation routes or intersections located within one-half mile proximate to an interstate highway or state or federally designated evacuation route as determined by the Florida Division of Emergency Management, State Emergency Response Team. All procurements related to this pilot program shall be competitively bid by the department.

1938I FIXED CAPITAL OUTLAY  
ARTERIAL HIGHWAY CONSTRUCTION  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 780,126,627

1938J FIXED CAPITAL OUTLAY  
CONSTRUCTION INSPECTION CONSULTANTS  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 301,439,975  
FROM RIGHT-OF-WAY ACQUISITION AND  
BRIDGE CONSTRUCTION TRUST FUND . . . . . 21,711,245

1938K FIXED CAPITAL OUTLAY  
ENVIRONMENTAL SITE RESTORATION  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 1,180,000

1938L FIXED CAPITAL OUTLAY  
HIGHWAY SAFETY CONSTRUCTION/GRANTS  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 107,933,292

1938M FIXED CAPITAL OUTLAY

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SPECIFIC  
APPROPRIATION

RESURFACING  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 670,817,785

1938N FIXED CAPITAL OUTLAY  
BRIDGE CONSTRUCTION  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 265,414,715  
FROM RIGHT-OF-WAY ACQUISITION AND  
BRIDGE CONSTRUCTION TRUST FUND . . . . . 94,568,958

1938O FIXED CAPITAL OUTLAY  
CONTRACT MAINTENANCE WITH THE DEPARTMENT  
OF CORRECTIONS  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 19,146,000

1938P FIXED CAPITAL OUTLAY  
HIGHWAY BEAUTIFICATION GRANTS  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 1,000,000

1938Q FIXED CAPITAL OUTLAY  
GRANTS AND AIDS - TRANSPORTATION  
EXPRESSWAY AUTHORITIES  
FROM TOLL FACILITIES REVOLVING  
TRUST FUND . . . . . 4,000,000

1938R FIXED CAPITAL OUTLAY  
MATERIALS AND RESEARCH  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 17,710,493

1938S FIXED CAPITAL OUTLAY  
TRANSFER TO EXEC OFFICE OF THE GOVERNOR,  
OFFICE OF TOURISM, TRADE & ECONOMIC  
DEVELOPMENT FOR TRANSPORTATION PROJECTS  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 15,000,000

No funds in Specific Appropriation 1938S shall be transferred to the Economic Development Transportation Trust Fund until the Office of Tourism, Trade, and Economic Development certifies that the transfer of funds is required to fulfill project commitments. The Department of Transportation may utilize any interest and temporarily use any balance of such funds for ongoing Department of Transportation expenditures until the transfer of funds is necessary.

1938T FIXED CAPITAL OUTLAY  
BRIDGE INSPECTION  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 11,119,999

1938U FIXED CAPITAL OUTLAY  
TRAFFIC ENGINEERING CONSULTANTS  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 61,421,493

1938V FIXED CAPITAL OUTLAY  
LOCAL GOVERNMENT REIMBURSEMENT  
FROM STATE TRANSPORTATION  
(PRIMARY) TRUST FUND . . . . . 30,388,811

TOTAL: PROGRAM: HIGHWAY OPERATIONS  
FROM TRUST FUNDS . . . . . 4,259,056,743

TOTAL POSITIONS . . . . . 3,742.00  
TOTAL ALL FUNDS . . . . . 4,259,056,743

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 40,900,460

1940 SALARIES AND BENEFITS POSITIONS 784.00

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	55,063,532
1941 OTHER PERSONAL SERVICES	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	520,047
1942 EXPENSES	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	6,672,474
1943 OPERATING CAPITAL OUTLAY	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	113,943
1944 SPECIAL CATEGORIES	
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	61,456
1945 SPECIAL CATEGORIES	
CONSULTANT FEES	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	1,078,587
1946 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	2,495,999
1947 SPECIAL CATEGORIES	
HUMAN RESOURCES DEVELOPMENT	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	116,260
1948 SPECIAL CATEGORIES	
OVERTIME	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	41,278
1949 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	14,269,603
1950 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE - OTHER	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	1,838,903
1951 SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	3,120
1952 SPECIAL CATEGORIES	
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR EVERGLADES RESTORATION	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	2,000,000
1953 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF REVENUE FOR HIGHWAY TAX COMPLIANCE	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	200,000
1954 SPECIAL CATEGORIES	
DEFERRED-PAYMENT COMMODITY CONTRACTS	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	361,095
1955 SPECIAL CATEGORIES	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION	
SPECIFIC	
APPROPRIATION	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	2,709,815
FROM TRANSPORTATION DISADVANTAGED TRUST FUND . . . . .	5,170
1955A FIXED CAPITAL OUTLAY	
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	785,400
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES	
FROM TRUST FUNDS . . . . .	88,336,682
TOTAL POSITIONS . . . . .	784.00
TOTAL ALL FUNDS . . . . .	88,336,682
INFORMATION TECHNOLOGY	
APPROVED SALARY RATE	10,979,983
1956 SALARIES AND BENEFITS	231.00
POSITIONS	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	16,241,165
1957 OTHER PERSONAL SERVICES	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	32,998
1958 EXPENSES	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	7,743,520
1959 OPERATING CAPITAL OUTLAY	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	496,724
1960 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	7,731,036
1961 SPECIAL CATEGORIES	
HUMAN RESOURCES DEVELOPMENT	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	33,532
1962 SPECIAL CATEGORIES	
OVERTIME	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	29,738
1963 DATA PROCESSING SERVICES	
SOUTHWOOD SHARED RESOURCE CENTER	
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	6,270,911
TOTAL: INFORMATION TECHNOLOGY	
FROM TRUST FUNDS . . . . .	38,579,624
TOTAL POSITIONS . . . . .	231.00
TOTAL ALL FUNDS . . . . .	38,579,624
FLORIDA'S TURNPIKE SYSTEMS	
FLORIDA'S TURNPIKE ENTERPRISE	
APPROVED SALARY RATE	22,035,906
1964 SALARIES AND BENEFITS	433.00
POSITIONS	
FROM STATE TRANSPORTATION	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

(PRIMARY) TRUST FUND . . . . .	30,287,510
1965 OTHER PERSONAL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	316,769
1966 EXPENSES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	21,044,911
1967 OPERATING CAPITAL OUTLAY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	143,611
1968 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	61,633
1969 SPECIAL CATEGORIES CONSULTANT FEES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	1,168,631
1970 SPECIAL CATEGORIES CONTRACTED SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	20,860,753
1971 SPECIAL CATEGORIES TOLL OPERATION CONTRACTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	67,274,257
1972 SPECIAL CATEGORIES PAYMENT TO EXPRESSWAY AUTHORITIES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	11,152,281
From the funds in Specific Appropriation 1972, \$500,000 in nonrecurring funds is provided for an Expressway Authority designated in s. 348.9952, Florida Statutes.	
1973 SPECIAL CATEGORIES FLORIDA HIGHWAY PATROL SERVICES FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	19,311,625
1974 SPECIAL CATEGORIES HUMAN RESOURCES DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	134,949
1975 SPECIAL CATEGORIES OVERTIME FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	147,739
1976 SPECIAL CATEGORIES TRANSPORTATION MATERIALS AND EQUIPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	5,668,409
1976A FIXED CAPITAL OUTLAY TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	46,591,050

From the funds in Specific Appropriation 1976A, an amount not less than \$2,560,000 in state revenues shall be used for the Road Ranger program. Road Ranger services provided through sponsorships, local contributions or federal funds are not restricted.

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

From the funds in Specific Appropriation 1976A, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of \$2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

1976B FIXED CAPITAL OUTLAY INTRASTATE HIGHWAY CONSTRUCTION FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND . . . . .	9,422,519
FROM TURNPIKE GENERAL RESERVE TRUST FUND . . . . .	202,307,235
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	150,000
1976C FIXED CAPITAL OUTLAY CONSTRUCTION INSPECTION CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND . . . . .	11,805,961
FROM TURNPIKE GENERAL RESERVE TRUST FUND . . . . .	16,445,891
1976D FIXED CAPITAL OUTLAY RIGHT-OF-WAY LAND ACQUISITION FROM TURNPIKE GENERAL RESERVE TRUST FUND . . . . .	553,000
1976E FIXED CAPITAL OUTLAY RESURFACING FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND . . . . .	71,769,134
1976F FIXED CAPITAL OUTLAY BRIDGE CONSTRUCTION FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND . . . . .	700,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND . . . . .	14,673,081
1976G FIXED CAPITAL OUTLAY PRELIMINARY ENGINEERING CONSULTANTS FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND . . . . .	9,862,684
FROM TURNPIKE GENERAL RESERVE TRUST FUND . . . . .	59,017,425
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	14,868,088
1976H FIXED CAPITAL OUTLAY RIGHT-OF-WAY SUPPORT FROM TURNPIKE GENERAL RESERVE TRUST FUND . . . . .	205,000
1976I FIXED CAPITAL OUTLAY BRIDGE INSPECTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	3,620,000
1976J FIXED CAPITAL OUTLAY TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND . . . . .	106,000
FROM TURNPIKE GENERAL RESERVE	

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION  
SPECIFIC  
APPROPRIATION

TRUST FUND . . . . .	50,024,085
1976K FIXED CAPITAL OUTLAY TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND . . . . .	23,140,500
TOTAL: FLORIDA'S TURNPIKE ENTERPRISE FROM TRUST FUNDS . . . . .	712,834,731
TOTAL POSITIONS . . . . .	433.00
TOTAL ALL FUNDS . . . . .	712,834,731
TOTAL: TRANSPORTATION, DEPARTMENT OF FROM TRUST FUNDS . . . . .	7,907,940,034
TOTAL POSITIONS . . . . .	6,939.00
TOTAL ALL FUNDS . . . . .	7,907,940,034
TOTAL APPROVED SALARY RATE . . . . .	335,591,121
TOTAL OF SECTION 5	
FROM GENERAL REVENUE FUND . . . . .	229,249,604
FROM TRUST FUNDS . . . . .	10,629,639,207
TOTAL POSITIONS . . . . .	16,216.25
TOTAL ALL FUNDS . . . . .	10,858,888,811

SECTION 6 - GENERAL GOVERNMENT

The moneys contained herein are appropriated from the named funds to the Agency for Workforce Innovation, Administered Funds, Department of Business and Professional Regulation, Department of Citrus, Department of Financial Services, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue, and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: ADMINISTERED FUNDS

1977 LUMP SUM CASUALTY INSURANCE PREMIUM DEFICIT FROM GENERAL REVENUE FUND . . . . .	7,867,800
1978 LUMP SUM HUMAN RESOURCES OUTSOURCING CONTINGENCY FROM GENERAL REVENUE FUND . . . . .	300,000
1978A LUMP SUM HUMAN RESOURCES ASSESSMENT REDUCTION FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .	-902,513 -805,820
1978B LUMP SUM MYFLORIDA NET CONTRACT RENEWAL SAVINGS FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .	-500,247 -1,413,920
1978C LUMP SUM STRENGTHENING DOMESTIC SECURITY FROM TRUST FUNDS . . . . .	94,303,313

Funds provided in Specific Appropriation 1978C are contingent on federal grants being awarded. Should the amount awarded for each federal grant be less than the amount appropriated, funds shall be awarded in priority order for the individual projects as indicated in the Fiscal Year 2011-2012 Domestic Security Funding Request of the Domestic Security Oversight Board. Once federal funding is received and projects are funded in priority order, the Board may transfer funding between any of the funded projects. Funds may be allocated to projects

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

not listed below with approval of the Legislative Budget Commission.

Department of Agriculture and Consumer Services State Agricultural Response Team (SART) Support.....	237,718
Mutual Aid Radio Cache (MARC) Repeater Request.....	61,020
Sustain Training & Exercises for USAR, HazMat and IMTs....	165,830
Food and Ag Lab Maint. Agmts & Security Upgrades.....	205,977
Food and Agriculture Emergency Planning Support.....	196,730
Mobile VACIS: Maint contracts (2 units).....	238,632
Time Lapse Video Monitoring System Maint.....	130,000
Department of Environmental Protection Forensic Response Teams Sustainment and Build Out.....	80,000
Department of Education K-20 Target Hardening/Access Control.....	1,879,259
K-20 Mass Communications.....	1,366,934
K-20 Emergency Communications.....	1,082,180
Agency for Enterprise Information Technology State CI Key Resource Target Hardening.....	150,000
Department of Management Services FIN - Sustainment and Maintenance.....	2,173,284
FIN - Mutual Aid Build-out, Sustainment and Maintenance...	2,967,953
Department of Financial Services SWAT/EOD Capabilities Sustainment and Enhancement.....	135,000
USAR Hazmat Sustainment.....	1,289,716
Sustain Training & Exercises for USAR, HazMat and IMTs....	1,853,704
USAR and Hazmat Critical Needs.....	473,712
Mutual Aid Radio Cache (MARC) Repeater Request.....	224,590
Mutual Aid Radio Cache (MARC) Maint. & Sustain.....	120,716
Department of Health Enhancement of Radiological Response.....	412,000
Department of Highway Safety and Motor Vehicles FL Driver Lic. Biometric ID Facial Recognition System.....	500,000
Department of Transportation Preventative Radiological/Nuclear Detection Enhancement...	404,000
Florida Wildlife Commission Statewide Waterborne Response Team.....	452,926
Florida Department of Law Enforcement Sustain RDSTF Planners.....	500,000
Florida Law Enforcement Exchange (FLEX) Metadata Planners.	450,000
Critical Infrastructure Planners.....	500,375
ThreatCom.....	34,483
Law Enforcement Analyst Training Programs.....	415,000
Florida Fusion Center.....	191,120
Analyst Notebook Software (State).....	40,000
Query Tool for Comm. Public & State Owned LE Data.....	1,343,296
FCIC / NCIC Validations Software Implementation.....	26,250
FL Law Enforcement Exchange Maintenance - RLEX.....	937,000
Cyber Incident Exercise.....	100,000
Buffer Zone Protection Program (BZPP).....	2,400,000
Management & Administration.....	136,125
Division of Emergency Management SWAT/EOD Capabilities Sustainment and Enhancement.....	1,850,480
Sustain RDSTF Planners.....	600,000
Aviation Sustainment and Build out.....	548,491
Local Planning, Training and Exercises.....	1,264,500
Joint Information System/Center Workshop and Exercise....	75,000
Statewide Waterborne Response Team.....	121,450
Regional Planning, Training and Exercise.....	1,165,000
EOC Capabilities.....	875,288
Regional Security Teams.....	725,100
Forensic Response Team Sustainment & Build Out.....	166,080
Region 7 - 700 MHz Radio System Overlay.....	2,868,280
FLEX Metadata Planners.....	270,000
Region 2 Fusion Analysts.....	160,000
Region 6 Fusion Center.....	259,070
Region 1 Northwest Florida Fusion Center Analysts.....	159,250
Region 1 Datashare/FLEX.....	144,000
Region 4 Analyst Notebook and Analytic Software.....	82,848
Region 7 LE Prevention PRND.....	200,000
Region 3 Critical Infrastructure Improvements.....	514,760
Region 5 PRND Equipment.....	174,000
Region 2 Critical Infrastructure Protection.....	205,000
Region 2 Rapid ID.....	500,000
Region 5 Critical Infrastructure.....	193,077

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

Manatee County Security Imaging System and Cameras.....	211,700
Region 3 Rapid ID.....	595,200
Tampa Govt. Facility Access Control Hardening.....	299,010
Region 7 Critical Infrastructure Request.....	547,000
Region 1 Bay County Sheriff's Office Target Hardening.....	70,000
Management and Administration.....	1,989,824
Ft. Lauderdale Urban Area Security Initiative.....	5,890,614
Jacksonville Urban Area Security Initiative.....	9,268,948
Miami Urban Area Security Initiative.....	10,718,397
Orlando Urban Area Security Initiative.....	6,910,314
Tampa Urban Area Security Initiative.....	7,528,633
Metropolitan Medical Response Systems (MMRS).....	2,221,933
Citizen Corps Program (CCP).....	630,795
Interop. Emergency Comms Grant Program (IECGP).....	2,243,500
Emergency Operation Center Program (EOC).....	8,180,241
1978D LUMP SUM	
EMPLOYEE COMPENSATION AND BENEFITS	
FROM GENERAL REVENUE FUND . . . . .	-186,522,000
FROM TRUST FUNDS . . . . .	-169,391,000
1978E LUMP SUM	
STATE MATCH FOR FEDERAL FEMA FUNDING	
FROM GENERAL REVENUE FUND . . . . .	16,276,906
1979 SPECIAL CATEGORIES	
ASSOCIATION DUES	
FROM GENERAL REVENUE FUND . . . . .	215,170
1980 SPECIAL CATEGORIES	
ADMINISTRATION COMMISSION AND FLORIDA LAND	
AND WATER ADJUDICATORY COMMISSION -	
ADMINISTRATIVE APPEALS	
FROM GENERAL REVENUE FUND . . . . .	10,000
1981 SPECIAL CATEGORIES	
DEFICIENCY	
FROM GENERAL REVENUE FUND . . . . .	400,000
1982 SPECIAL CATEGORIES	
EMERGENCY	
FROM GENERAL REVENUE FUND . . . . .	250,000
1983 SPECIAL CATEGORIES	
TRANSFER TO PLANNING AND BUDGETING SYSTEM	
TRUST FUND	
FROM GENERAL REVENUE FUND . . . . .	5,438,809
1983A SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT	
SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM GENERAL REVENUE FUND . . . . .	-431,028
FROM TRUST FUNDS . . . . .	-385,403
TOTAL: PROGRAM: ADMINISTERED FUNDS	
FROM GENERAL REVENUE FUND . . . . .	-157,597,103
FROM TRUST FUNDS . . . . .	-77,692,830
TOTAL ALL FUNDS . . . . .	-235,289,933

AGENCY FOR WORKFORCE INNOVATION

From the funds in Specific Appropriations 1984 through 2038, any expenditure from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Family Services, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

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The agency head or a designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

From the funds in Specific Appropriations 1984 through 2038, no federal or state funds shall be used to pay for space being leased by a Regional Workforce Board, Workforce Florida, Inc., or the Agency for Workforce Innovation if it has been determined by whichever entity is the lessee that there is no longer a need for the leased space. All leases, and performance and obligations under the leases, are subject to and contingent upon an annual appropriation by the Florida Legislature. In the event that such annual appropriation does not occur, or in the alternative, there is either a reduction in funding from the prior annual appropriation or the entity which is the lessee determines that the annual appropriation is insufficient to meet the requirements of the leases, then the lessee has the right to terminate the lease upon written notice by the lessee and the lessee shall have no further obligations under the contracts.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

EXECUTIVE LEADERSHIP

	APPROVED SALARY RATE	2,295,624	
1984 SALARIES AND BENEFITS	POSITIONS	34.00	
	FROM GENERAL REVENUE FUND . . . . .	229,243	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		2,793,885
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		181,685
1985 OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND . . . . .		20,000
1986 EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .	16,358	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		477,108
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		55,071
1987 OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND . . . . .		5,866
1988 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	5,000	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		30,000
	FROM SPECIAL EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		103,935
1989 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND . . . . .	99	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		12,137
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		1,060
1990 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND . . . . .	544	
	FROM ADMINISTRATIVE TRUST FUND . . . . .		9,409
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		682
TOTAL: EXECUTIVE LEADERSHIP			
	FROM GENERAL REVENUE FUND . . . . .	251,244	
	FROM TRUST FUNDS . . . . .		3,690,838
TOTAL POSITIONS . . . . .	34.00		

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	TOTAL ALL FUNDS . . . . .		3,942,082
AGENCY SUPPORT SERVICES			
	APPROVED SALARY RATE	9,508,116	
1991	SALARIES AND BENEFITS POSITIONS	159.50	
	FROM GENERAL REVENUE FUND . . . . .	415,731	
	FROM ADMINISTRATIVE TRUST FUND . . .		11,396,385
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		439,464
	FROM REVOLVING TRUST FUND . . . . .		906,047
1992	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .		172,049
	FROM REVOLVING TRUST FUND . . . . .		50,000
1993	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	409,748	
	FROM ADMINISTRATIVE TRUST FUND . . .		1,328,573
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		90,141
	FROM REVOLVING TRUST FUND . . . . .		1,508,683
1994	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . .		123,375
1996	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	139,464	
	FROM ADMINISTRATIVE TRUST FUND . . .		1,303,081
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		300,000
	FROM REVOLVING TRUST FUND . . . . .		946,300
1997	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	168	
	FROM ADMINISTRATIVE TRUST FUND . . .		36,566
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		1,498
	FROM REVOLVING TRUST FUND . . . . .		3,980
1998	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	1,629	
	FROM ADMINISTRATIVE TRUST FUND . . .		42,351
	FROM CHILD CARE AND DEVELOPMENT		
	BLOCK GRANT TRUST FUND . . . . .		1,322
	FROM REVOLVING TRUST FUND . . . . .		5,175
1999	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM ADMINISTRATIVE TRUST FUND . . .		154,232
1999A	FIXED CAPITAL OUTLAY		
	REED ACT BUILDINGS PROJECTS - STATEWIDE		
	FROM REVOLVING TRUST FUND . . . . .		530,000
TOTAL:	AGENCY SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	966,740	
	FROM TRUST FUNDS . . . . .		19,339,222
	TOTAL POSITIONS . . . . .	159.50	
	TOTAL ALL FUNDS . . . . .		20,305,962

PROGRAM: WORKFORCE SERVICES  
PROGRAM SUPPORT

From the funds in Specific Appropriation 2000 through 2010, it is the intent of the Legislature that the administration and delivery of

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workforce services and programs that are currently provided by agency employees working in One Stop Career Centers operated by the Regional Workforce Boards may be transferred from the Agency for Workforce Innovation to the Regional Workforce Boards. Such transfers shall only occur if the agency determines that the Regional Workforce Boards would more effectively and efficiently deliver services and if such transfers comply with applicable federal regulations. For all transfers made, the agency shall submit budget amendments pursuant to chapter 216, Florida Statutes, to move positions to the Executive Office of the Governor's reserve and realign the budget into the appropriate operating budget appropriation categories to implement the transfer of programs and service delivery to the Regional Workforce Boards.			
From the funds in Specific Appropriations 2000 through 2010, the Agency for Workforce Innovation shall determine whether any funds provided for specific workforce programs, projects or initiatives are not an allowable use of federal funds. If the agency finds that any project or initiative for which funds are specifically appropriated in this act is not an allowable use of federal funds, the agency shall notify the Executive Office of the Governor, the chair of the Senate Committee on Budget and the chair of the House Appropriations Committee.			
	APPROVED SALARY RATE	23,421,815	
2000	SALARIES AND BENEFITS POSITIONS	634.50	
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		32,694,518
	FROM WELFARE TRANSITION TRUST FUND .		1,238,897
	FROM SPECIAL EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		595,589
2001	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		2,831,599
	FROM WELFARE TRANSITION TRUST FUND .		65,313
2002	EXPENSES		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		1,233,676
	FROM WELFARE TRANSITION TRUST FUND .		1,105,389
	FROM SPECIAL EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		50,085
2003	OPERATING CAPITAL OUTLAY		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		112,914
	FROM WELFARE TRANSITION TRUST FUND .		26,424
	FROM SPECIAL EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		195,033
2003A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WORKFORCE PROJECTS		
	FROM SPECIAL EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		850,000
Funds provided in Specific Appropriation 2003A shall be allocated as follows:			
	Florida Goodwill Association.....		500,000
	Goodwill Industries of South Florida.....		250,000
	Connections Job Development Program.....		100,000
2004	SPECIAL CATEGORIES		
	NON CUSTODIAL PARENT PROGRAM		
	FROM WELFARE TRANSITION TRUST FUND .		1,416,000
From the funds provided in Specific Appropriation 2004, \$750,000 from the Welfare Transition Trust Fund is provided for the Non Custodial Parent Program in Pinellas, Pasco, and Hillsborough counties. The Pinellas Workforce Board (WorkNet) shall administer the funds, which shall be maintained as a single project for the three counties.			
From the funds in Specific Appropriation 2004, \$666,000 from the Welfare Transition Trust Fund is provided to continue Gulf Coast			

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Community Care's current Non Custodial Parent Program in Miami-Dade County, which shall be administered by the South Florida Workforce Board.

2005	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .	21,071,761	
	FROM WELFARE TRANSITION TRUST FUND . . . . .	575,000	
	FROM SPECIAL EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .	1,389,401	
2006	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL WORKFORCE BOARDS		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .	170,030,741	
	FROM WELFARE TRANSITION TRUST FUND . . . . .	79,012,178	

Funds provided in Specific Appropriation 2006 from the Welfare Transition Trust Fund shall be allocated for workforce services based on a plan approved by Workforce Florida, Inc. The plan shall identify funds provided for state-level and discretionary initiatives, and shall maximize funds distributed directly to the Regional Workforce Boards. The plan shall provide for equitable distribution of funds to the boards based on anticipated client caseload and the achievement of performance standards. Copies of the proposed allocation shall be provided to the Governor's Office of Policy and Budget, the chair of the Senate Committee on Budget and the chair of the House Appropriations Committee.

From the funds in Specific Appropriation 2006, \$9,997,271 from the Welfare Transition Trust Fund is contingent upon the Temporary Assistance for Needy Families Block Grant Supplemental Funds being received during Fiscal Year 2011-2012. In the event that the full amount of the Temporary Assistance for Needy Families Block Grant Supplemental Funds is not received, the release of authority shall be in direct proportion to the amount of funds received.

From the funds provided in Specific Appropriation 2006 from the Employment Security Administration Trust Fund, and allocated by Workforce Florida, Inc, or the Agency for Workforce Innovation to the regional workforce boards covering Baker, Clay, Duval, Nassau, Putnam and St. Johns counties (First Coast Workforce Development, Inc.), Orange, Osceola, Seminole, Lake, and Sumter counties (Workforce Central Florida), and Broward County (Workforce One), \$1,000,000 shall be used by each of the three regional workforce boards to provide competitively-procured contracts for the purpose of providing year-round youth services to eligible low-income youth from disadvantaged neighborhoods. Special consideration shall be given to youth providers with established track records of providing services to low-income youth from disadvantaged neighborhoods.

From the funds provided in Specific Appropriation 2006, any expenditures by regional workforce boards for "outreach," "advertising," or "public relations" must have a direct program benefit and shall be spent in strict accordance with all applicable federal regulations and guidance. Costs of promotional items, including but not limited to capes, blankets, clothing, and memorabilia, including models, gifts, and souvenirs, which exceed \$5,000 for outreach purposes must be approved prior to purchase by the Agency for Workforce Innovation.

No funds in Specific Appropriation 2006 may be used directly or indirectly to pay for meals, food, or beverages for board members, staff, or employees of regional workforce boards, Workforce Florida, Inc., or the Agency for Workforce Innovation except as expressly authorized by state law. Preapproved, reasonable, and necessary per diem allowances and travel expenses may be reimbursed. Such reimbursement shall be at the standard travel reimbursement rates established in section 112.061, Florida Statutes, and shall be in compliance with all applicable federal and state requirements. No funds in Specific Appropriation 2006 may be used for entertainment costs and recreational activities for board members and employees as these terms are defined in 2 C.F.R. part 230.

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No funds in Specific Appropriation 2006 may be used for any contract exceeding \$25,000 between a regional workforce board and a member of that board that has any relationship with the contracting vendor, unless the contract has been reviewed by the Agency for Workforce Innovation and Workforce Florida, Inc.

2007	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DISPLACED HOMEMAKERS		
	FROM DISPLACED HOMEMAKER TRUST		
	FUND . . . . .		1,816,434
2008	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		1,370,695
	FROM WELFARE TRANSITION TRUST FUND . . . . .		6,194
2009	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		266,268
	FROM WELFARE TRANSITION TRUST FUND . . . . .		6,388
	FROM SPECIAL EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		560
2010	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		218,410
	FROM WELFARE TRANSITION TRUST FUND . . . . .		200,000
	TOTAL: PROGRAM SUPPORT		
	FROM TRUST FUNDS . . . . .		318,379,467
	TOTAL POSITIONS . . . . .	634.50	
	TOTAL ALL FUNDS . . . . .		318,379,467
	UNEMPLOYMENT COMPENSATION		
	APPROVED SALARY RATE	22,796,002	
2011	SALARIES AND BENEFITS	POSITIONS	612.00
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		34,750,537
2012	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		15,288,980
2013	EXPENSES		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		20,791,254
2014	OPERATING CAPITAL OUTLAY		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		314,258
2015	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		42,649,517
2016	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM EMPLOYMENT SECURITY		
	ADMINISTRATION TRUST FUND . . . . .		405,604
2017	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM EMPLOYMENT SECURITY		

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	ADMINISTRATION TRUST FUND . . . . .		276,319
2017A	QUALIFIED EXPENDITURE CATEGORY UNEMPLOYMENT COMPENSATION CLAIMS AND BENEFITS INFORMATION SYSTEM FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		16,105,969
2018	DATA PROCESSING SERVICES SOUTHWOOD SHARED RESOURCE CENTER FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		1,793,634
TOTAL:	UNEMPLOYMENT COMPENSATION FROM TRUST FUNDS . . . . .		132,376,072
	TOTAL POSITIONS . . . . .	612.00	
	TOTAL ALL FUNDS . . . . .		132,376,072
WORKFORCE FLORIDA, INC.			
	APPROVED SALARY RATE	721,538	
2019	SALARIES AND BENEFITS POSITIONS FROM ADMINISTRATIVE TRUST FUND . . .	9.00	909,004
2020	SPECIAL CATEGORIES WORKFORCE FLORIDA INC. OPERATIONS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . . FROM WELFARE TRANSITION TRUST FUND . FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		1,380,554 1,043,931 539,816
2021	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . . FROM WELFARE TRANSITION TRUST FUND . FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		553 417 219
2022	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM ADMINISTRATIVE TRUST FUND . . .		2,362
2022A	SPECIAL CATEGORIES QUICK RESPONSE TRAINING FROM GENERAL REVENUE FUND . . . . . FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .	2,600,000	3,400,000
2023	SPECIAL CATEGORIES INCUMBENT WORKER TRAINING PROGRAM FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		2,000,000
TOTAL:	WORKFORCE FLORIDA, INC. FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS . . . . .	2,600,000	9,276,856
	TOTAL POSITIONS . . . . .	9.00	
	TOTAL ALL FUNDS . . . . .		11,876,856

UNEMPLOYMENT APPEALS COMMISSION			
	APPROVED SALARY RATE	2,592,091	
2024	SALARIES AND BENEFITS POSITIONS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .	43.00	3,418,975

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2025	SPECIAL CATEGORIES UNEMPLOYMENT APPEALS COMMISSION OPERATIONS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		765,371
2026	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		8,899
2027	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		16,949
TOTAL:	UNEMPLOYMENT APPEALS COMMISSION FROM TRUST FUNDS . . . . .		4,210,194
	TOTAL POSITIONS . . . . .	43.00	
	TOTAL ALL FUNDS . . . . .		4,210,194
EARLY LEARNING			
EARLY LEARNING SERVICES			
	APPROVED SALARY RATE	4,573,450	
2028	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . . FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND . . . . .	83.00	3,037,238 3,005,996
2029	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND . . . . .	2,000	87,000
2030	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND . . . . .	293,203	752,139 265,163
2031	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .		500,000
2032	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND . . . . .	5,785	15,000
2033	SPECIAL CATEGORIES GRANTS AND AIDS - SCHOOL READINESS SERVICES FROM GENERAL REVENUE FUND . . . . . FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND . . . . . FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . . FROM WELFARE TRANSITION TRUST FUND . FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . .	137,516,235	358,586,808 500,000 116,353,182 3,806,411

From the Child Care and Development Block Grant Trust Fund in Specific Appropriation 2033, a minimum of \$3,000,000 shall be used to enhance the quality of child care through the Teacher Education and Compensation Helps Program (T.E.A.C.H.).

From the funds in Specific Appropriation 2033 in the Welfare

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Transition Trust Fund, \$1,400,000 from recurring funds is provided for the Home Instruction Program for Pre-School Youngsters (HIPPY).

Funds in Specific Appropriation 2033 from the Child Care and Development Block Grant Trust Fund may be used to provide a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.

Funds in Specific Appropriation 2033 require a match from local sources for working poor eligible participants of six percent on child care slots. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The Agency for Workforce Innovation may adopt a policy to grant a waiver of the six percent match requirement to a rural county that demonstrates a significant hardship in meeting the match requirement. Progress towards meeting this requirement shall be monitored by the Agency for Workforce Innovation, and shall be considered satisfactorily attained if the six percent requirement is met on a statewide basis.

From the funds in Specific Appropriation 2033, the Agency for Workforce Innovation shall designate an amount to be used for the Child Care Executive Partnership Program, as defined in section 411.0102, Florida Statutes, as match to expand the provision of services to low income families at or below 200 percent of the federal poverty level. Funds for this program may be used to match funds for statewide contracts.

From the funds in Specific Appropriation 2033, \$18,340,755 from the Welfare Transition Trust Fund and \$11,887,136 from the Child Care Development Block Grant Trust Fund are contingent upon the Temporary Assistance for Needy Families Block Grant Supplemental Funds being received during Fiscal Year 2011-2012. In the event that the full amount of the Temporary Assistance for Needy Families Block Grant Supplemental Funds is not received, the release of authority shall be in direct proportion to the amount of funds received.

From the funds provided in Specific Appropriation 2033 from the Child Care and Development Block Grant Trust Fund, \$5,000,000 is contingent upon the receipt of additional discretionary federal grant funds.

2034 SPECIAL CATEGORIES  
GRANTS AND AIDS - DATA SYSTEMS FOR SCHOOL  
READINESS  
FROM GENERAL REVENUE FUND . . . . . 240,595  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 868,403

2035 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM GENERAL REVENUE FUND . . . . . 6,854  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 11,345

2036 SPECIAL CATEGORIES  
GRANTS AND AIDS - VOLUNTARY  
PREKINDERGARTEN PROGRAM  
FROM EMPLOYMENT SECURITY  
ADMINISTRATION TRUST FUND . . . . . 384,606,382

Funds in Specific Appropriation 2036 shall be allocated and distributed in accordance with the proviso associated with Specific Appropriation 66 in this act.

2037 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT  
SERVICES - HUMAN RESOURCES SERVICES  
PURCHASED PER STATEWIDE CONTRACT  
FROM GENERAL REVENUE FUND . . . . . 14,105  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 6,247

2037A SPECIAL CATEGORIES

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STATE OPERATIONS - AMERICAN RECOVERY AND  
REINVESTMENT ACT OF 2009  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 11,846

2037B SPECIAL CATEGORIES  
GRANTS AND AIDS - CONTRACTED SERVICES -  
AMERICAN RECOVERY AND REINVESTMENT ACT OF  
2009  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 2,259,153

2037C SPECIAL CATEGORIES  
SALARIES AND BENEFITS - AMERICAN RECOVERY  
AND REINVESTMENT ACT OF 2009  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 186,836

2037D QUALIFIED EXPENDITURE CATEGORY  
EARLY LEARNING INFO SYSTEM DEVELOPMENT  
(ELIS)  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 2,641,071  
FROM SPECIAL EMPLOYMENT SECURITY  
ADMINISTRATION TRUST FUND . . . . . 551,327

2038 DATA PROCESSING SERVICES  
SOUTHWOOD SHARED RESOURCE CENTER  
FROM CHILD CARE AND DEVELOPMENT  
BLOCK GRANT TRUST FUND . . . . . 7,715

TOTAL: EARLY LEARNING SERVICES  
FROM GENERAL REVENUE FUND . . . . . 141,116,015  
FROM TRUST FUNDS . . . . . 875,022,024  
  
TOTAL POSITIONS . . . . . 83.00  
TOTAL ALL FUNDS . . . . . 1,016,138,039

TOTAL: AGENCY FOR WORKFORCE INNOVATION  
FROM GENERAL REVENUE FUND . . . . . 144,933,999  
FROM TRUST FUNDS . . . . . 1,362,294,673  
  
TOTAL POSITIONS . . . . . 1,575.00  
TOTAL ALL FUNDS . . . . . 1,507,228,672  
TOTAL APPROVED SALARY RATE . . . . . 65,908,636

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT  
OF

PROGRAM: OFFICE OF THE SECRETARY AND  
ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES  
  
APPROVED SALARY RATE 7,669,517

2039 SALARIES AND BENEFITS POSITIONS 153.50  
FROM ADMINISTRATIVE TRUST FUND . . . 10,411,007

2040 OTHER PERSONAL SERVICES  
FROM ADMINISTRATIVE TRUST FUND . . . 720,587

2041 EXPENSES  
FROM ADMINISTRATIVE TRUST FUND . . . 1,606,311

2042 OPERATING CAPITAL OUTLAY  
FROM ADMINISTRATIVE TRUST FUND . . . 50,221

2043 SPECIAL CATEGORIES  
TRANSFER TO DIVISION OF ADMINISTRATIVE  
HEARINGS  
FROM ADMINISTRATIVE TRUST FUND . . . 297,768

2044 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .	254,780	
2045	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM ADMINISTRATIVE TRUST FUND . . .	6,500	
2046	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . .	138,324	
2047	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM ADMINISTRATIVE TRUST FUND . . .	5,060	
2048	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND . . .	58,492	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM TRUST FUNDS . . . . .	13,549,050	
	TOTAL POSITIONS . . . . .	153.50	
	TOTAL ALL FUNDS . . . . .	13,549,050	
INFORMATION TECHNOLOGY			
	APPROVED SALARY RATE	2,922,264	
2049	SALARIES AND BENEFITS POSITIONS	54.00	
	FROM ADMINISTRATIVE TRUST FUND . . .	3,924,245	
2050	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .	94,096	
2051	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND . . .	1,470,903	
2052	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . .	100,000	
2053	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .	2,507,127	
2054	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . .	16,088	
2055	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND . . .	19,133	
2056	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM ADMINISTRATIVE TRUST FUND . . .	5,000	
2057	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER		
	FROM ADMINISTRATIVE TRUST FUND . . .	887,669	
2057A	DATA PROCESSING SERVICES		
	NORTHWEST REGIONAL DATA CENTER (NWRDC)		
	FROM ADMINISTRATIVE TRUST FUND . . .	23,520	
TOTAL: INFORMATION TECHNOLOGY			
	FROM TRUST FUNDS . . . . .	9,047,781	
	TOTAL POSITIONS . . . . .	54.00	
	TOTAL ALL FUNDS . . . . .	9,047,781	

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
PROGRAM: SERVICE OPERATION			
CUSTOMER CONTACT CENTER			
	APPROVED SALARY RATE	3,019,323	
2058	SALARIES AND BENEFITS POSITIONS	92.00	
	FROM ADMINISTRATIVE TRUST FUND . . .		4,305,241
2059	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .		225,000
2060	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND . . .		527,055
2061	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . .		3,000
2062	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .		9,000
2063	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . .		22,237
2064	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND . . .		33,250
TOTAL: CUSTOMER CONTACT CENTER			
	FROM TRUST FUNDS . . . . .		5,124,783
	TOTAL POSITIONS . . . . .	92.00	
	TOTAL ALL FUNDS . . . . .		5,124,783
CENTRAL INTAKE			
	APPROVED SALARY RATE	3,472,732	
2065	SALARIES AND BENEFITS POSITIONS	108.50	
	FROM ADMINISTRATIVE TRUST FUND . . .		5,036,708
2066	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .		372,954
2067	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND . . .		603,386
2068	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND . . .		3,000
2069	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ADMINISTRATIVE TRUST FUND . . .		800,000
2070	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ADMINISTRATIVE TRUST FUND . . .		20,482
2071	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND . . .		44,219
TOTAL: CENTRAL INTAKE			
	FROM TRUST FUNDS . . . . .		6,880,749
	TOTAL POSITIONS . . . . .	108.50	
	TOTAL ALL FUNDS . . . . .		6,880,749

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION  
PROGRAM: PROFESSIONAL REGULATION

COMPLIANCE AND ENFORCEMENT

	APPROVED SALARY RATE	8,475,804	
2072	SALARIES AND BENEFITS POSITIONS	208.00	
	FROM PROFESSIONAL REGULATION TRUST FUND		11,899,921
2073	OTHER PERSONAL SERVICES		
	FROM PROFESSIONAL REGULATION TRUST FUND		650,329
2074	EXPENSES		
	FROM PROFESSIONAL REGULATION TRUST FUND		2,480,890
2075	OPERATING CAPITAL OUTLAY		
	FROM PROFESSIONAL REGULATION TRUST FUND		5,000
2076	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM PROFESSIONAL REGULATION TRUST FUND		251,900

From the funds provided in Specific Appropriation 2076, the Department of Business and Professional Regulation may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2077	SPECIAL CATEGORIES		
	LEGAL SERVICES CONTRACT		
	FROM PROFESSIONAL REGULATION TRUST FUND		899,080
2078	SPECIAL CATEGORIES		
	UNLICENSED ACTIVITIES		
	FROM PROFESSIONAL REGULATION TRUST FUND		700,050

From the funds in Specific Appropriation 2078, up to \$285,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to prevent, combat, and publicize the dangers of unlicensed real estate activity in Florida. The department shall develop, implement, and maintain an unlicensed activity campaign in consultation with a corporation that is registered under chapter 617, Florida Statutes, as a not-for-profit corporation and qualified under the Internal Revenue Service Code as a 501(c)(6) corporation, and that represents the largest number of licensed Florida real estate professionals. The campaign shall encompass media production, advertising, and other techniques that the department may wish to utilize after first consulting with the not-for-profit corporation. Special emphasis shall be placed on the investigation and prosecution of unlicensed real estate activities. To further the purpose of the unlicensed activity campaign, the department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

From the funds in Specific Appropriation 2078, up to \$60,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to chapter 473, Florida Statutes; (2) that some services provided by unlicensed individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
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services may only be performed by a licensed Florida Certified Public Accountant. The department shall develop the campaign in consultation with a corporation that is registered under chapter 617, Florida Statutes, as a not-for-profit corporation and qualified under the Internal Revenue Service Code as a 501(c)(6) corporation, and that represents the largest number of licensed Florida Certified Public Accountants. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

From the funds in Specific Appropriation 2078, the Department of Business and Professional Regulation shall submit a report to the chair of the Senate Budget Committee and the chair of the House of Representatives Appropriations Committee by November 1, 2011, detailing the unlicensed activity functions performed by the department during Fiscal Year 2010-2011. The report shall contain a detailed breakout of activities, revenues, and expenditures by board and/or profession, and include any relevant information to indicate the department's compliance with section 455.2281, Florida Statutes.

2079	SPECIAL CATEGORIES		
	CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND		
	FROM PROFESSIONAL REGULATION TRUST FUND		900,000
2080	SPECIAL CATEGORIES		
	CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND		
	FROM PROFESSIONAL REGULATION TRUST FUND		25,000
2081	SPECIAL CATEGORIES		
	TRANSFER ARCHITECT & INTERIOR DESIGN ACTIVITIES CH. 2002-274		
	FROM PROFESSIONAL REGULATION TRUST FUND		425,239
2082	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM PROFESSIONAL REGULATION TRUST FUND		162,960
2083	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM PROFESSIONAL REGULATION TRUST FUND		163,236
2084	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PROFESSIONAL REGULATION TRUST FUND		160,610
2085	SPECIAL CATEGORIES		
	MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING		
	FROM PROFESSIONAL REGULATION TRUST FUND		100,000
2086	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM PROFESSIONAL REGULATION TRUST FUND		85,973
2087	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES		
	FROM PROFESSIONAL REGULATION TRUST FUND		2,070,000
2088	FINANCIAL ASSISTANCE PAYMENTS		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
		450,000	
TOTAL: COMPLIANCE AND ENFORCEMENT			
FROM TRUST FUNDS . . . . .			
		21,430,188	
TOTAL POSITIONS . . . . .			
	208.00		
TOTAL ALL FUNDS . . . . .			
		21,430,188	

FLORIDA BOXING COMMISSION			
APPROVED SALARY RATE . . . . .			
	222,062		
2089	SALARIES AND BENEFITS POSITIONS	4.00	
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			303,489
2090	OTHER PERSONAL SERVICES		
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			129,219
2091	EXPENSES		
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			180,642
2092	SPECIAL CATEGORIES		
CONTRACTED SERVICES			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			2,000
2093	SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			2,110
2094	SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			4,138
TOTAL: FLORIDA BOXING COMMISSION			
FROM TRUST FUNDS . . . . .			
			621,598
TOTAL POSITIONS . . . . .			
	4.00		
TOTAL ALL FUNDS . . . . .			
			621,598

TESTING AND CONTINUING EDUCATION			
APPROVED SALARY RATE . . . . .			
	1,487,564		
2095	SALARIES AND BENEFITS POSITIONS	43.00	
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			2,101,209
2096	EXPENSES		
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			368,391
2097	OPERATING CAPITAL OUTLAY		
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			3,000
2098	SPECIAL CATEGORIES		
EXAMINATION TESTING SERVICES FOR			
PROFESSIONAL REGULATION			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			781,407
2099	SPECIAL CATEGORIES		
CONTRACTED SERVICES			
FROM PROFESSIONAL REGULATION TRUST			

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
FUND . . . . .			
			10,000
2100	SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			1,000
2101	SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			4,459
2102	SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			15,818
TOTAL: TESTING AND CONTINUING EDUCATION			
FROM TRUST FUNDS . . . . .			
			3,285,284
TOTAL POSITIONS . . . . .			
	43.00		
TOTAL ALL FUNDS . . . . .			
			3,285,284
FARM AND CHILD LABOR REGULATION			
APPROVED SALARY RATE . . . . .			
	1,038,622		
2103	SALARIES AND BENEFITS POSITIONS	30.00	
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			1,530,551
2104	EXPENSES		
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			162,990
2105	SPECIAL CATEGORIES		
CONTRACTED SERVICES			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			20,590
2106	SPECIAL CATEGORIES		
OPERATION OF MOTOR VEHICLES			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			69,400
2107	SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			21,972
2108	SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM PROFESSIONAL REGULATION TRUST			
FUND . . . . .			
			10,464
TOTAL: FARM AND CHILD LABOR REGULATION			
FROM TRUST FUNDS . . . . .			
			1,815,967
TOTAL POSITIONS . . . . .			
	30.00		
TOTAL ALL FUNDS . . . . .			
			1,815,967
PROGRAM: PARI-MUTUEL WAGERING			
PARI-MUTUEL WAGERING			
APPROVED SALARY RATE . . . . .			
	2,752,337		
2109	SALARIES AND BENEFITS POSITIONS	65.00	
FROM PARI-MUTUEL WAGERING TRUST			
FUND . . . . .			
			3,829,289

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2110	OTHER PERSONAL SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	1,636,166
2111	EXPENSES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	750,890
2112	OPERATING CAPITAL OUTLAY FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	13,032
2113	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	24,802
2113A	SPECIAL CATEGORIES COMPREHENSIVE GAMING STUDY/OPPAGA FROM GENERAL REVENUE FUND . . . . .	400,000
2114	SPECIAL CATEGORIES CONTRACTED SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	7,317
2115	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	22,000
2116	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	81,298
2117	SPECIAL CATEGORIES RACING ANIMAL MEDICAL RESEARCH FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	100,000
2118	SPECIAL CATEGORIES PARI-MUTUEL LABORATORY CONTRACTED SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	2,266,000
2119	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	46,250
2120	SPECIAL CATEGORIES CONTRACT FOR PARI-MUTUEL WAGERING COMPLIANCE AND AUDIT SYSTEM FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	296,476

TOTAL: PARI-MUTUEL WAGERING

SECTION 6 - GENERAL GOVERNMENT  
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APPROPRIATION

	FROM GENERAL REVENUE FUND . . . . .	400,000
	FROM TRUST FUNDS . . . . .	9,073,520
	TOTAL POSITIONS . . . . .	65.00
	TOTAL ALL FUNDS . . . . .	9,473,520
SLOT MACHINE REGULATION		
	APPROVED SALARY RATE . . . . .	2,134,053
2121	SALARIES AND BENEFITS POSITIONS FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	50.00 3,030,480
2122	OTHER PERSONAL SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	10,000
2123	EXPENSES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	278,096
2124	OPERATING CAPITAL OUTLAY FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	10,863
2125	SPECIAL CATEGORIES COMPULSIVE AND ADDICTIVE GAMBLING PREVENTION CONTRACT FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	264,700
2126	SPECIAL CATEGORIES TRANSFER TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT - SLOT INVESTIGATIONS FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	238,839
2127	SPECIAL CATEGORIES TRANSFER TO THE OFFICE OF THE STATE ATTORNEY - SLOT INVESTIGATIONS AND PROSECUTIONS FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	184,875
2128	SPECIAL CATEGORIES CONTRACTED SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	90,000
2129	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	19,743
2130	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	5,763
2131	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM PARI-MUTUEL WAGERING TRUST FUND . . . . .	18,776
TOTAL: SLOT MACHINE REGULATION		
	FROM TRUST FUNDS . . . . .	4,152,135
	TOTAL POSITIONS . . . . .	50.00
	TOTAL ALL FUNDS . . . . .	4,152,135

PROGRAM: HOTELS AND RESTAURANTS

From the funds provided in Specific Appropriation 2113, the Department of Business and Professional Regulation may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

Funds in Specific Appropriation 2113A are provided for the Office of Program Policy Analysis and Government Accountability to conduct a comprehensive gaming study of the revenues derived, the expenses incurred, and the potential benefits to Florida from destination resorts and horse racing. The Office of Program Policy Analysis and Government Accountability shall recommend an independent consultant for the study subject to the approval of the Legislative Budget Commission.

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION  
COMPLIANCE AND ENFORCEMENT

	APPROVED SALARY RATE	11,034,402	
2132	SALARIES AND BENEFITS	POSITIONS	296.00
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	15,560,301	
2133	OTHER PERSONAL SERVICES		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	28,591	
2134	EXPENSES		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	1,596,495	
2135	OPERATING CAPITAL OUTLAY		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	8,500	
2136	SPECIAL CATEGORIES		
	TRANSFERS TO DEPARTMENT OF HEALTH FOR		
	EPIDEMIOLOGICAL SERVICES		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	607,149	
2136A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SCHOOL-TO-CAREER		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	706,698	
2137	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	70,509	
2138	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	390,794	
2139	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	177,673	
2140	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM HOTEL AND RESTAURANT TRUST		
	FUND . . . . .	103,010	
TOTAL:	COMPLIANCE AND ENFORCEMENT		
	FROM TRUST FUNDS . . . . .	19,249,720	
	TOTAL POSITIONS . . . . .	296.00	
	TOTAL ALL FUNDS . . . . .	19,249,720	

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

COMPLIANCE AND ENFORCEMENT

	APPROVED SALARY RATE	8,574,908	
2141	SALARIES AND BENEFITS	POSITIONS	185.75
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .	11,896,399	
2142	OTHER PERSONAL SERVICES		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .	7,075	
2143	EXPENSES		

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APPROPRIATION

	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		1,520,017
2145	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		315,644
	FROM FEDERAL LAW ENFORCEMENT TRUST		
	FUND . . . . .		300,000
2146	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		78,044
2147	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL		
	VEHICLES		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		783,675
2148	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		693,997
2149	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		219,996
2150	SPECIAL CATEGORIES		
	TRANSFER FOR CONTRACTED DISPATCH SERVICES		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		140,000
2150A	SPECIAL CATEGORIES		
	ENFORCING UNDERAGE DRINKING LAWS - BLOCK		
	GRANT		
	FROM FEDERAL GRANTS TRUST FUND . . .		439,062
2151	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		67,795
TOTAL:	COMPLIANCE AND ENFORCEMENT		
	FROM TRUST FUNDS . . . . .		16,461,704
	TOTAL POSITIONS . . . . .	185.75	
	TOTAL ALL FUNDS . . . . .		16,461,704

STANDARDS AND LICENSURE

	APPROVED SALARY RATE	2,521,211	
2152	SALARIES AND BENEFITS	POSITIONS	64.00
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		3,688,110
2153	OTHER PERSONAL SERVICES		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		800
2154	EXPENSES		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		610,565
2155	OPERATING CAPITAL OUTLAY		
	FROM ALCOHOLIC BEVERAGE AND		
	TOBACCO TRUST FUND . . . . .		5,000

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

2156	SPECIAL CATEGORIES CONTRACTED SERVICES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	17,733	
2157	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	9,740	
2158	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	4,680	
2159	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	22,852	
TOTAL:	STANDARDS AND LICENSURE FROM TRUST FUNDS . . . . .	4,359,480	
	TOTAL POSITIONS . . . . .	64.00	
	TOTAL ALL FUNDS . . . . .	4,359,480	

TAX COLLECTION

APPROVED SALARY RATE	3,228,881
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2160	SALARIES AND BENEFITS POSITIONS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	4,613,376	85.00
2161	EXPENSES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	755,821	
2162	SPECIAL CATEGORIES CONTRACTED SERVICES FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	21,180	
2163	SPECIAL CATEGORIES CIGARETTE TAX STAMPS FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	976,505	
2164	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	16,387	
2165	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND . . . . .	31,136	
TOTAL:	TAX COLLECTION FROM TRUST FUNDS . . . . .	6,414,405	
	TOTAL POSITIONS . . . . .	85.00	
	TOTAL ALL FUNDS . . . . .	6,414,405	

PROGRAM: DRUGS, DEVICES, COSMETICS, AND HOUSEHOLD PRODUCTS REGULATION

DRUGS, DEVICES, COSMETICS, AND HOUSEHOLD PRODUCTS REGULATION

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

APPROVED SALARY RATE	1,830,030		
2165A	SALARIES AND BENEFITS POSITIONS FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . .	33.00	1,889,871
2165B	OTHER PERSONAL SERVICES FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . .		26,704
2165C	EXPENSES FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . .		395,725
2165D	SPECIAL CATEGORIES CONTRACTED SERVICES FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . .		58,500
2165E	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM FLORIDA DRUG, DEVICE AND COSMETIC TRUST FUND . . . . .		13,297
TOTAL:	DRUGS, DEVICES, COSMETICS, AND HOUSEHOLD PRODUCTS REGULATION FROM TRUST FUNDS . . . . .		2,384,097
	TOTAL POSITIONS . . . . .	33.00	
	TOTAL ALL FUNDS . . . . .		2,384,097

PROGRAM: FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE	4,343,750		
2166	SALARIES AND BENEFITS POSITIONS FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . .	111.00	6,065,258
2167	OTHER PERSONAL SERVICES FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . .		49,076
2168	EXPENSES FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . .		964,081
2169	OPERATING CAPITAL OUTLAY FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . .		1,298
2170	SPECIAL CATEGORIES CONTRACTED SERVICES FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . .		17,500
2171	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES TRUST FUND . . . . .		44,257
2172	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM DIVISION OF FLORIDA			
CONDOMINIUMS, TIMESHARES AND			
MOBILE HOMES TRUST FUND . . . . .	41,531		
TOTAL: COMPLIANCE AND ENFORCEMENT			
FROM TRUST FUNDS . . . . .	7,183,001		
TOTAL POSITIONS . . . . .		111.00	
TOTAL ALL FUNDS . . . . .	7,183,001		
TOTAL: BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT			
OF			
FROM GENERAL REVENUE FUND . . . . .		400,000	
FROM TRUST FUNDS . . . . .	131,033,462		
TOTAL POSITIONS . . . . .		1,582.75	
TOTAL ALL FUNDS . . . . .	131,433,462		
TOTAL APPROVED SALARY RATE . . . . .		64,727,460	
PROGRAM: CITRUS, DEPARTMENT OF			
CITRUS RESEARCH			
APPROVED SALARY RATE		1,368,951	
2173 SALARIES AND BENEFITS POSITIONS		21.00	
FROM CITRUS ADVERTISING TRUST FUND .	1,765,492		
2174 OTHER PERSONAL SERVICES			
FROM CITRUS ADVERTISING TRUST FUND .	78,000		
2175 EXPENSES			
FROM CITRUS ADVERTISING TRUST FUND .	1,011,896		
2176 OPERATING CAPITAL OUTLAY			
FROM CITRUS ADVERTISING TRUST FUND .	251,000		
2177 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM CITRUS ADVERTISING TRUST FUND .	9,920,494		
2178 SPECIAL CATEGORIES			
PAID ADVERTISING AND PROMOTION			
FROM CITRUS ADVERTISING TRUST FUND .	182,000		
2179 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM CITRUS ADVERTISING TRUST FUND .	7,739		
TOTAL: CITRUS RESEARCH			
FROM TRUST FUNDS . . . . .	13,216,621		
TOTAL POSITIONS . . . . .		21.00	
TOTAL ALL FUNDS . . . . .	13,216,621		
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
APPROVED SALARY RATE		1,494,857	
2180 SALARIES AND BENEFITS POSITIONS		25.00	
FROM CITRUS ADVERTISING TRUST FUND .	2,156,261		
2181 OTHER PERSONAL SERVICES			
FROM CITRUS ADVERTISING TRUST FUND .	78,000		
2182 EXPENSES			
FROM CITRUS ADVERTISING TRUST FUND .	1,172,985		
2183 OPERATING CAPITAL OUTLAY			
FROM CITRUS ADVERTISING TRUST FUND .	119,779		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2184 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM CITRUS ADVERTISING TRUST FUND .			810,000
2185 SPECIAL CATEGORIES			
PAID ADVERTISING AND PROMOTION			
FROM CITRUS ADVERTISING TRUST FUND .			75,000
2186 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM CITRUS ADVERTISING TRUST FUND .			16,101
2187 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM CITRUS ADVERTISING TRUST FUND .			11,826
2188 DATA PROCESSING SERVICES			
REGIONAL DATA CENTERS - STATE UNIVERSITY			
SYSTEM			
FROM CITRUS ADVERTISING TRUST FUND .			8,000
2189 DATA PROCESSING SERVICES			
NORTHWOOD SHARED RESOURCE CENTER			
FROM CITRUS ADVERTISING TRUST FUND .			47,982
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM TRUST FUNDS . . . . .			4,495,934
TOTAL POSITIONS . . . . .		25.00	
TOTAL ALL FUNDS . . . . .			4,495,934
AGRICULTURAL PRODUCTS MARKETING			
APPROVED SALARY RATE		1,226,226	
2190 SALARIES AND BENEFITS POSITIONS		14.00	
FROM CITRUS ADVERTISING TRUST FUND .			1,751,238
2191 OTHER PERSONAL SERVICES			
FROM CITRUS ADVERTISING TRUST FUND .			17,000
2192 EXPENSES			
FROM CITRUS ADVERTISING TRUST FUND .			1,161,331
From the funds provided in Specific Appropriation 2192, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed \$240,000 for the cost of citrus juice dispensed at the Florida Welcome Stations.			
2193 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM CITRUS ADVERTISING TRUST FUND .			100,000
2194 SPECIAL CATEGORIES			
PAID ADVERTISING AND PROMOTION			
FROM CITRUS ADVERTISING TRUST FUND .			45,695,526
2195 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM CITRUS ADVERTISING TRUST FUND .			6,925
TOTAL: AGRICULTURAL PRODUCTS MARKETING			
FROM TRUST FUNDS . . . . .			48,732,020
TOTAL POSITIONS . . . . .		14.00	
TOTAL ALL FUNDS . . . . .			48,732,020
TOTAL: PROGRAM: CITRUS, DEPARTMENT OF			
FROM TRUST FUNDS . . . . .			66,444,575

SECTION 6 - GENERAL GOVERNMENT  
 SPECIFIC  
 APPROPRIATION  
 TOTAL POSITIONS . . . . . 60.00  
 TOTAL ALL FUNDS . . . . . 66,444,575  
 TOTAL APPROVED SALARY RATE . . . . . 4,090,034

FINANCIAL SERVICES, DEPARTMENT OF

PROGRAM: OFFICE OF CHIEF FINANCIAL OFFICER AND  
 ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,891,987

2196 SALARIES AND BENEFITS POSITIONS 154.50  
 FROM ADMINISTRATIVE TRUST FUND . . . 10,082,267

2197 OTHER PERSONAL SERVICES  
 FROM ADMINISTRATIVE TRUST FUND . . . 27,801

2198 EXPENSES  
 FROM ADMINISTRATIVE TRUST FUND . . . 1,709,034

2199 OPERATING CAPITAL OUTLAY  
 FROM ADMINISTRATIVE TRUST FUND . . . 10,000

2200 SPECIAL CATEGORIES  
 CONTRACTED SERVICES  
 FROM ADMINISTRATIVE TRUST FUND . . . 427,325

2200A SPECIAL CATEGORIES  
 OPERATION OF MOTOR VEHICLES  
 FROM ADMINISTRATIVE TRUST FUND . . . 3,500

2201 SPECIAL CATEGORIES  
 RISK MANAGEMENT INSURANCE  
 FROM ADMINISTRATIVE TRUST FUND . . . 99,785

2201A SPECIAL CATEGORIES  
 TENANT BROKER COMMISSIONS  
 FROM ADMINISTRATIVE TRUST FUND . . . 60,000

2202 SPECIAL CATEGORIES  
 TRANSFER TO DEPARTMENT OF MANAGEMENT  
 SERVICES - HUMAN RESOURCES SERVICES  
 PURCHASED PER STATEWIDE CONTRACT  
 FROM ADMINISTRATIVE TRUST FUND . . . 58,193

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES  
 FROM TRUST FUNDS . . . . . 12,477,905

TOTAL POSITIONS . . . . . 154.50  
 TOTAL ALL FUNDS . . . . . 12,477,905

LEGAL SERVICES

APPROVED SALARY RATE 4,376,352

2203 SALARIES AND BENEFITS POSITIONS 87.00  
 FROM ADMINISTRATIVE TRUST FUND . . . 5,899,876

2204 OTHER PERSONAL SERVICES  
 FROM ADMINISTRATIVE TRUST FUND . . . 169,388

2205 EXPENSES  
 FROM ADMINISTRATIVE TRUST FUND . . . 928,497

2206 OPERATING CAPITAL OUTLAY  
 FROM ADMINISTRATIVE TRUST FUND . . . 3,639

2207 SPECIAL CATEGORIES  
 TRANSFER TO DIVISION OF ADMINISTRATIVE  
 HEARINGS  
 FROM ADMINISTRATIVE TRUST FUND . . . 437,807

SECTION 6 - GENERAL GOVERNMENT  
 SPECIFIC  
 APPROPRIATION  
 2208 SPECIAL CATEGORIES  
 CONTRACTED SERVICES  
 FROM ADMINISTRATIVE TRUST FUND . . . 163,306

2209 SPECIAL CATEGORIES  
 HOLOCAUST VICTIMS ASSISTANCE  
 ADMINISTRATION  
 FROM INSURANCE REGULATORY TRUST  
 FUND . . . . . 308,007

2210 SPECIAL CATEGORIES  
 RISK MANAGEMENT INSURANCE  
 FROM ADMINISTRATIVE TRUST FUND . . . 22,412

2211 SPECIAL CATEGORIES  
 TRANSFER TO DEPARTMENT OF MANAGEMENT  
 SERVICES - HUMAN RESOURCES SERVICES  
 PURCHASED PER STATEWIDE CONTRACT  
 FROM ADMINISTRATIVE TRUST FUND . . . 31,588

TOTAL: LEGAL SERVICES  
 FROM TRUST FUNDS . . . . . 7,964,520

TOTAL POSITIONS . . . . . 87.00  
 TOTAL ALL FUNDS . . . . . 7,964,520

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 5,941,463

2212 SALARIES AND BENEFITS POSITIONS 127.00  
 FROM ADMINISTRATIVE TRUST FUND . . . 8,178,763

2213 OTHER PERSONAL SERVICES  
 FROM ADMINISTRATIVE TRUST FUND . . . 98,834

2214 EXPENSES  
 FROM ADMINISTRATIVE TRUST FUND . . . 3,225,468

2215 OPERATING CAPITAL OUTLAY  
 FROM ADMINISTRATIVE TRUST FUND . . . 1,028,196

2216 SPECIAL CATEGORIES  
 CONTRACTED SERVICES  
 FROM ADMINISTRATIVE TRUST FUND . . . 4,474,986

2216A SPECIAL CATEGORIES  
 OPERATION OF MOTOR VEHICLES  
 FROM ADMINISTRATIVE TRUST FUND . . . 2,900

2217 SPECIAL CATEGORIES  
 RISK MANAGEMENT INSURANCE  
 FROM ADMINISTRATIVE TRUST FUND . . . 33,982

2218 SPECIAL CATEGORIES  
 TRANSFER TO DEPARTMENT OF MANAGEMENT  
 SERVICES - HUMAN RESOURCES SERVICES  
 PURCHASED PER STATEWIDE CONTRACT  
 FROM ADMINISTRATIVE TRUST FUND . . . 46,137

TOTAL: INFORMATION TECHNOLOGY  
 FROM TRUST FUNDS . . . . . 17,089,266

TOTAL POSITIONS . . . . . 127.00  
 TOTAL ALL FUNDS . . . . . 17,089,266

CONSUMER ADVOCATE

APPROVED SALARY RATE 479,372

2219 SALARIES AND BENEFITS POSITIONS 5.00  
 FROM INSURANCE REGULATORY TRUST  
 FUND . . . . . 520,735

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2220	OTHER PERSONAL SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	25,229	
2221	EXPENSES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	50,265	
2222	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	4,000	
2223	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	50,471	
2224	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	1,178	
2225	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	2,077	
TOTAL:	CONSUMER ADVOCATE		
	FROM TRUST FUNDS . . . . .	653,955	
	TOTAL POSITIONS . . . . .	5.00	
	TOTAL ALL FUNDS . . . . .	653,955	
INFORMATION TECHNOLOGY - FLAIR INFRASTRUCTURE			
	APPROVED SALARY RATE	4,816,729	
2226	SALARIES AND BENEFITS	POSITIONS	105.00
	FROM GENERAL REVENUE FUND . . . . .	6,631,336	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	53,704	
2227	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	132,400	
2228	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	1,573,732	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	112,000	
2229	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	490,794	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	25,000	
2230	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	2,818,816	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	431,500	
2231	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	15,319	
2232	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	37,725	
TOTAL:	INFORMATION TECHNOLOGY - FLAIR INFRASTRUCTURE		
	FROM GENERAL REVENUE FUND . . . . .	11,700,122	
	FROM TRUST FUNDS . . . . .	622,204	
	TOTAL POSITIONS . . . . .	105.00	

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	TOTAL ALL FUNDS . . . . .		12,322,326
PROGRAM: TREASURY			
DEPOSIT SECURITY			
	APPROVED SALARY RATE	963,124	
2233	SALARIES AND BENEFITS	POSITIONS	23.50
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		1,445,504
2234	OTHER PERSONAL SERVICES		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		1,500
2235	EXPENSES		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		249,729
2236	OPERATING CAPITAL OUTLAY		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		1,783
2237	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		80,205
2238	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		20,240
2239	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		8,332
TOTAL:	DEPOSIT SECURITY		
	FROM TRUST FUNDS . . . . .		1,807,293
	TOTAL POSITIONS . . . . .	23.50	
	TOTAL ALL FUNDS . . . . .		1,807,293
STATE FUNDS MANAGEMENT AND INVESTMENT			
	APPROVED SALARY RATE	1,183,429	
2240	SALARIES AND BENEFITS	POSITIONS	28.50
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		1,728,927
2241	OTHER PERSONAL SERVICES		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		17,500
2242	EXPENSES		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		349,846
2243	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		848,785
2244	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM TREASURY ADMINISTRATIVE AND		
	INVESTMENT TRUST FUND . . . . .		10,129

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION  
TOTAL: STATE FUNDS MANAGEMENT AND INVESTMENT FROM TRUST FUNDS . . . . . 2,955,187

TOTAL POSITIONS . . . . . 28.50  
TOTAL ALL FUNDS . . . . . 2,955,187

SUPPLEMENTAL RETIREMENT PLAN

APPROVED SALARY RATE 437,759

2245 SALARIES AND BENEFITS POSITIONS 12.50  
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND . . . . . 658,907

2246 OTHER PERSONAL SERVICES  
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND . . . . . 10,100

2247 EXPENSES  
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND . . . . . 110,733

2248 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND . . . . . 252

2249 SPECIAL CATEGORIES  
DEFERRED COMPENSATION ADMINISTRATIVE SERVICES  
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND . . . . . 1,050,000

2250 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND . . . . . 4,125

TOTAL: SUPPLEMENTAL RETIREMENT PLAN FROM TRUST FUNDS . . . . . 1,834,117

TOTAL POSITIONS . . . . . 12.50  
TOTAL ALL FUNDS . . . . . 1,834,117

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING

APPROVED SALARY RATE 8,236,372

2251 SALARIES AND BENEFITS POSITIONS 177.00  
FROM GENERAL REVENUE FUND . . . . . 10,044,214  
FROM ADMINISTRATIVE TRUST FUND . . . . . 1,189,225

From the funds in Specific Appropriations 2251, 2253, and 2260, \$300,000 from the General Revenue Fund and three positions are contingent upon Senate Bill 1292 or similar legislation, relating to chart of accounts financial data, becoming a law.

2252 OTHER PERSONAL SERVICES  
FROM GENERAL REVENUE FUND . . . . . 86,763  
FROM ADMINISTRATIVE TRUST FUND . . . . . 35,198

2253 EXPENSES  
FROM GENERAL REVENUE FUND . . . . . 1,419,842  
FROM ADMINISTRATIVE TRUST FUND . . . . . 426,022

2254 OPERATING CAPITAL OUTLAY  
FROM GENERAL REVENUE FUND . . . . . 27,000

2255 SPECIAL CATEGORIES

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION  
POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS FROM ADMINISTRATIVE TRUST FUND . . . . . 1,716,384

2256 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM GENERAL REVENUE FUND . . . . . 505,949

2257A SPECIAL CATEGORIES  
OPERATION OF MOTOR VEHICLES  
FROM GENERAL REVENUE FUND . . . . . 3,100

2258 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM GENERAL REVENUE FUND . . . . . 40,004  
FROM ADMINISTRATIVE TRUST FUND . . . . . 90,859

2259 SPECIAL CATEGORIES  
SALARY INCENTIVE PAYMENTS  
FROM GENERAL REVENUE FUND . . . . . 700

2260 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . 57,979  
FROM ADMINISTRATIVE TRUST FUND . . . . . 6,829

2261 SPECIAL CATEGORIES  
TRANSFER TO THE PRISON INDUSTRY ENHANCEMENT (PIE) PROGRAM FROM PRISON INDUSTRIES TRUST FUND . . . . . 750,000

Funds in Specific Appropriation 2261 are provided for transfer to the Prison Industries Enhancement Program. Funds in the Prison Industries Trust Fund may be expended by the corporation for allowable expenditures under sections 946.522 and 946.523, Florida Statutes. Such funds may be paid by warrants drawn by the Chief Financial Officer upon receipt of a corporate resolution that has been duly authorized by the board of directors of the corporation, authorized under part II of chapter 946, Florida Statutes.

TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING FROM GENERAL REVENUE FUND . . . . . 12,185,551 FROM TRUST FUNDS . . . . . 4,214,517

TOTAL POSITIONS . . . . . 177.00  
TOTAL ALL FUNDS . . . . . 16,400,068

RECOVERY AND RETURN OF UNCLAIMED PROPERTY

APPROVED SALARY RATE 2,217,150

2262 SALARIES AND BENEFITS POSITIONS 57.00  
FROM UNCLAIMED PROPERTY TRUST FUND . . . . . 2,799,258

2263 OTHER PERSONAL SERVICES  
FROM UNCLAIMED PROPERTY TRUST FUND . . . . . 180,000

2264 EXPENSES  
FROM UNCLAIMED PROPERTY TRUST FUND . . . . . 756,467

2265 OPERATING CAPITAL OUTLAY  
FROM UNCLAIMED PROPERTY TRUST FUND . . . . . 7,500

2266 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM UNCLAIMED PROPERTY TRUST FUND . . . . . 176,794

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2267	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM UNCLAIMED PROPERTY TRUST FUND . . . . .	8,755	
2268	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM UNCLAIMED PROPERTY TRUST FUND . . . . .	20,766	
TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY			
	FROM TRUST FUNDS . . . . .	3,949,540	
	TOTAL POSITIONS . . . . .	57.00	
	TOTAL ALL FUNDS . . . . .	3,949,540	
PROGRAM: FIRE MARSHAL			
COMPLIANCE AND ENFORCEMENT			
	APPROVED SALARY RATE	2,675,107	
2269	SALARIES AND BENEFITS POSITIONS	69.00	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	3,641,144	
2270	OTHER PERSONAL SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	15,339	
2271	EXPENSES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	525,227	
2272	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	9,144	
2273	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	68,000	
2274	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	18,405	
2274A	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	33,700	
2275	SPECIAL CATEGORIES		
	SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	8,000	
2276	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	23,893	
TOTAL: COMPLIANCE AND ENFORCEMENT			
	FROM TRUST FUNDS . . . . .	4,342,852	
	TOTAL POSITIONS . . . . .	69.00	
	TOTAL ALL FUNDS . . . . .	4,342,852	
FIRE AND ARSON INVESTIGATIONS			
	APPROVED SALARY RATE	5,998,568	

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2277	SALARIES AND BENEFITS POSITIONS	128.00	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		8,599,618
2278	OTHER PERSONAL SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		19,028
2279	EXPENSES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		1,426,521
Funds from Specific Appropriations 2279 and 2280, shall not be used by the Department of Financial Services for the purchase of assault-type weapons.			
2280	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		82,409
2281	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		378,467
2282	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		155,374
2283	SPECIAL CATEGORIES		
	ON-CALL FEES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		250,000
2283A	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		133,900
2284	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		144,174
2285	SPECIAL CATEGORIES		
	SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		5,000
2286	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		45,138
TOTAL: FIRE AND ARSON INVESTIGATIONS			
	FROM TRUST FUNDS . . . . .		11,239,629
	TOTAL POSITIONS . . . . .	128.00	
	TOTAL ALL FUNDS . . . . .		11,239,629
PROFESSIONAL TRAINING AND STANDARDS			
	APPROVED SALARY RATE	1,183,290	
2287	SALARIES AND BENEFITS POSITIONS	31.00	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		1,755,831
2288	OTHER PERSONAL SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		240,000

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2289	EXPENSES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	562,164	
2290	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	23,294	
2291	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	133,697	
2292	SPECIAL CATEGORIES		
	DOMESTIC SECURITY		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	250,000	
2292A	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	17,900	
2293	SPECIAL CATEGORIES		
	SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	17,500	
2294	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	13,846	
TOTAL: PROFESSIONAL TRAINING AND STANDARDS			
	FROM TRUST FUNDS . . . . .	3,014,232	
	TOTAL POSITIONS . . . . .		31.00
	TOTAL ALL FUNDS . . . . .	3,014,232	
FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES			
	APPROVED SALARY RATE	764,673	
2295	SALARIES AND BENEFITS		15.00
	POSITIONS		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	1,229,273	
2296	OTHER PERSONAL SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	9,102	
2297	EXPENSES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	238,439	
2298	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	6,000	
2299	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	126,189	
2299A	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	1,300	
2300	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM INSURANCE REGULATORY TRUST		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	FUND . . . . .		425,269
2301	SPECIAL CATEGORIES		
	SUPPLEMENTAL FIREFIGHTERS COMPENSATION		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		7,500
2302	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		6,824
TOTAL: FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES			
	FROM TRUST FUNDS . . . . .		2,049,896
	TOTAL POSITIONS . . . . .	15.00	
	TOTAL ALL FUNDS . . . . .		2,049,896
PROGRAM: STATE PROPERTY AND CASUALTY CLAIMS			
STATE SELF-INSURED CLAIMS ADJUSTMENT			
	APPROVED SALARY RATE	3,923,940	
2303	SALARIES AND BENEFITS		105.00
	POSITIONS		
	STATE RISK MANAGEMENT TRUST FUND . .		5,683,262
2304	OTHER PERSONAL SERVICES		
	STATE RISK MANAGEMENT TRUST FUND . .		35,000
2305	EXPENSES		
	STATE RISK MANAGEMENT TRUST FUND . .		887,025
2306	OPERATING CAPITAL OUTLAY		
	STATE RISK MANAGEMENT TRUST FUND . .		1,805
2307	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	STATE RISK MANAGEMENT TRUST FUND . .		15,210,951
The funds in Specific Appropriation 2307 reflects the adjustment based on the most recent Risk Management Revenue Estimating Conference. The Department of Financial Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase the appropriation in the event that the Revenue Estimating Conference determines that expenditures are greater than the amount appropriated.			
2308	SPECIAL CATEGORIES		
	CONTRACTED LEGAL SERVICES - OFFICE OF THE		
	ATTORNEY GENERAL		
	STATE RISK MANAGEMENT TRUST FUND . .		4,302,284
2309	SPECIAL CATEGORIES		
	CONTRACTED LEGAL SERVICES		
	STATE RISK MANAGEMENT TRUST FUND . .		19,001,020
The funds in Specific Appropriation 2309 reflects the adjustment based on the most recent Risk Management Revenue Estimating Conference. The Department of Financial Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase the appropriation in the event that the Revenue Estimating Conference determines that expenditures are greater than the amount appropriated.			
2310	SPECIAL CATEGORIES		
	EXCESS INSURANCE AND CLAIM SERVICE		
	STATE RISK MANAGEMENT TRUST FUND . .		13,700,000
2311	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	STATE RISK MANAGEMENT TRUST FUND . .		116,934
2312	SPECIAL CATEGORIES		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT STATE RISK MANAGEMENT TRUST FUND . . . . .		37,226	
TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT FROM TRUST FUNDS . . . . .		58,975,507	
TOTAL POSITIONS . . . . .	105.00		
TOTAL ALL FUNDS . . . . .		58,975,507	

PROGRAM: LICENSING AND CONSUMER PROTECTION

INSURANCE COMPANY REHABILITATION AND LIQUIDATION			
APPROVED SALARY RATE	431,201		
2313 SALARIES AND BENEFITS POSITIONS 7.00 FROM INSURANCE REGULATORY TRUST FUND . . . . .		592,690	
2314 OTHER PERSONAL SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .		34,771	
2315 EXPENSES FROM INSURANCE REGULATORY TRUST FUND . . . . .		110,627	
2316 OPERATING CAPITAL OUTLAY FROM INSURANCE REGULATORY TRUST FUND . . . . .		1,120	
2317 SPECIAL CATEGORIES CONTRACTED SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .		232,517	
2318 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INSURANCE REGULATORY TRUST FUND . . . . .		1,963	
2319 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM INSURANCE REGULATORY TRUST FUND . . . . .		2,787	
TOTAL: INSURANCE COMPANY REHABILITATION AND LIQUIDATION FROM TRUST FUNDS . . . . .		976,475	
TOTAL POSITIONS . . . . .	7.00		
TOTAL ALL FUNDS . . . . .		976,475	

LICENSURE, SALES APPOINTMENT AND OVERSIGHT

APPROVED SALARY RATE	5,453,882		
2320 SALARIES AND BENEFITS POSITIONS 146.00 FROM INSURANCE REGULATORY TRUST FUND . . . . .		7,323,585	
2321 OTHER PERSONAL SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .		3,938	
2322 EXPENSES FROM INSURANCE REGULATORY TRUST FUND . . . . .		961,252	
2323 OPERATING CAPITAL OUTLAY FROM INSURANCE REGULATORY TRUST			

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
FUND . . . . .			2,500
2324 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INSURANCE REGULATORY TRUST FUND . . . . .			46,750

From the funds provided in Specific Appropriation 2324, the Department of Financial Services may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2324A SPECIAL CATEGORIES ELECTRONIC COMMERCE FEES FOR COLLECTION OF REVENUE FROM INSURANCE REGULATORY TRUST FUND . . . . .			2,100,000
2325 SPECIAL CATEGORIES CONTRACTED SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .			2,918,892
2325A SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM INSURANCE REGULATORY TRUST FUND . . . . .			5,200
2326 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INSURANCE REGULATORY TRUST FUND . . . . .			164,963
2327 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM INSURANCE REGULATORY TRUST FUND . . . . .			53,439
TOTAL: LICENSURE, SALES APPOINTMENT AND OVERSIGHT FROM TRUST FUNDS . . . . .			13,580,519
TOTAL POSITIONS . . . . .	146.00		
TOTAL ALL FUNDS . . . . .			13,580,519

INSURANCE FRAUD

APPROVED SALARY RATE	9,106,509		
2328 SALARIES AND BENEFITS POSITIONS 189.00 FROM INSURANCE REGULATORY TRUST FUND . . . . .			12,607,652
2329 OTHER PERSONAL SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .			45,000
2330 EXPENSES FROM INSURANCE REGULATORY TRUST FUND . . . . .			1,830,664
2331 OPERATING CAPITAL OUTLAY FROM INSURANCE REGULATORY TRUST FUND . . . . .			1,700
2332 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM INSURANCE REGULATORY TRUST			

Funds from Specific Appropriations 2330 and 2331, shall not be used by the Department of Financial Services for the purchase of assault-type weapons.

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

FUND . . . . . 297,000

2333 SPECIAL CATEGORIES  
TRANSFER TO JUSTICE ADMINISTRATION  
COMMISSION FOR PROSECUTION OF PIP FRAUD  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 1,263,669

Funds in Specific Appropriation 2333 from the Insurance Regulatory Trust Fund are provided for transfer to the Justice Administrative Commission for the specific purpose of funding attorneys and paralegals dedicated solely to the prosecution of insurance fraud cases in Duval, Orange, Miami-Dade, Hillsborough, Palm Beach, and Broward counties. These funds may not be used for any purpose other than the funding of attorney and paralegal positions that prosecute crimes of insurance fraud.

2334 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 214,617

2334A SPECIAL CATEGORIES  
OPERATION OF MOTOR VEHICLES  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 96,600

2335 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 149,090

2336 SPECIAL CATEGORIES  
SALARY INCENTIVE PAYMENTS  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 216,256

2337 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT  
SERVICES - HUMAN RESOURCES SERVICES  
PURCHASED PER STATEWIDE CONTRACT  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 70,559

TOTAL: INSURANCE FRAUD  
FROM TRUST FUNDS . . . . . 16,792,807  
  
TOTAL POSITIONS . . . . . 189.00  
TOTAL ALL FUNDS . . . . . 16,792,807

CONSUMER ASSISTANCE

APPROVED SALARY RATE 4,739,408

2338 SALARIES AND BENEFITS POSITIONS 116.50  
FROM ADMINISTRATIVE TRUST FUND . . . 32,037  
FROM FINANCIAL INSTITUTIONS  
REGULATORY TRUST FUND . . . . . 34,427  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 5,945,938  
FROM REGULATORY TRUST FUND . . . . . 309,618

2339 OTHER PERSONAL SERVICES  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 102,731

2340 EXPENSES  
FROM ADMINISTRATIVE TRUST FUND . . . 16,463  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 1,002,591  
FROM REGULATORY TRUST FUND . . . . . 23,655

2341 OPERATING CAPITAL OUTLAY  
FROM INSURANCE REGULATORY TRUST

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

FUND . . . . . 2,200

2341A SPECIAL CATEGORIES  
TRANSFER TO FLORIDA CATASTROPHIC STORM  
RISK MANAGEMENT CENTER AT FLORIDA STATE  
UNIVERSITY  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 950,000

From the funds in Specific Appropriation 2341A, \$700,000 is provided to meet the requirements set forth in section 1004.647, Florida Statutes.

From the funds in Specific Appropriation 2341A, \$250,000 is provided to complete the study authorized in chapter 2004-390, Laws of Florida, regarding the factors affecting premium levels and availability of personal lines property and casualty insurance.

2342 SPECIAL CATEGORIES  
CONTRACTED SERVICES  
FROM ADMINISTRATIVE TRUST FUND . . . 120  
FROM FINANCIAL INSTITUTIONS  
REGULATORY TRUST FUND . . . . . 355  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 645,374  
FROM REGULATORY TRUST FUND . . . . . 2,766

2342A SPECIAL CATEGORIES  
OPERATION OF MOTOR VEHICLES  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 1,500

2343 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 90,178

2344 SPECIAL CATEGORIES  
TRANSFER TO DEPARTMENT OF MANAGEMENT  
SERVICES - HUMAN RESOURCES SERVICES  
PURCHASED PER STATEWIDE CONTRACT  
FROM ADMINISTRATIVE TRUST FUND . . . 462  
FROM FINANCIAL INSTITUTIONS  
REGULATORY TRUST FUND . . . . . 308  
FROM INSURANCE REGULATORY TRUST  
FUND . . . . . 41,084  
FROM REGULATORY TRUST FUND . . . . . 2,392

TOTAL: CONSUMER ASSISTANCE  
FROM TRUST FUNDS . . . . . 9,204,199  
  
TOTAL POSITIONS . . . . . 116.50  
TOTAL ALL FUNDS . . . . . 9,204,199

FUNERAL AND CEMETERY SERVICES  
APPROVED SALARY RATE 1,032,727

2345 SALARIES AND BENEFITS POSITIONS 23.00  
FROM REGULATORY TRUST FUND . . . . . 1,428,025

2346 OTHER PERSONAL SERVICES  
FROM REGULATORY TRUST FUND . . . . . 25,000

2347 EXPENSES  
FROM REGULATORY TRUST FUND . . . . . 398,172

2348 OPERATING CAPITAL OUTLAY  
FROM REGULATORY TRUST FUND . . . . . 9,500

2348A SPECIAL CATEGORIES  
ELECTRONIC COMMERCE FEES FOR COLLECTION OF  
REVENUE  
FROM REGULATORY TRUST FUND . . . . . 14,100

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2349	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM REGULATORY TRUST FUND . . . . .	135,325	
2349A	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM REGULATORY TRUST FUND . . . . .	8,700	
2350	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND . . . . .	4,770	
2351	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM REGULATORY TRUST FUND . . . . .	13,534	
TOTAL:	FUNERAL AND CEMETERY SERVICES		
	FROM TRUST FUNDS . . . . .	2,037,126	
	TOTAL POSITIONS . . . . .	23.00	
	TOTAL ALL FUNDS . . . . .	2,037,126	
PUBLIC ASSISTANCE FRAUD			
	APPROVED SALARY RATE	4,291,185	
2351A	SALARIES AND BENEFITS		63.00
	POSITIONS		
	FROM GENERAL REVENUE FUND . . . . .	306,334	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	200,000	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	3,163,392	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	1,359,463	
2351B	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	144	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	1,406	
2351C	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	167,966	
	FROM ADMINISTRATIVE TRUST FUND . . . . .	75,000	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	400,869	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	368,604	
2351D	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	18,000	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	55,058	
2351E	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	527	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	21,529	
2351F	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	3,200	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	9,736	
2351G	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	4,500	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	24,892	
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .	13,641	
2351H	DATA PROCESSING SERVICES		

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	OTHER DATA PROCESSING SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		109,722
	FROM INSURANCE REGULATORY TRUST		
	FUND . . . . .		34,204
TOTAL:	PUBLIC ASSISTANCE FRAUD		
	FROM GENERAL REVENUE FUND . . . . .	500,000	
	FROM TRUST FUNDS . . . . .		5,838,187
	TOTAL POSITIONS . . . . .	63.00	
	TOTAL ALL FUNDS . . . . .		6,338,187
PROGRAM: WORKERS' COMPENSATION			
WORKERS' COMPENSATION			
	APPROVED SALARY RATE	11,901,653	
2352	SALARIES AND BENEFITS		316.00
	POSITIONS		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		16,225,735
	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND . . . . .		978,397
2353	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		237,570
	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND . . . . .		17,550
2354	EXPENSES		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		3,474,939
	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND . . . . .		129,150
2355	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		200,021
	FROM WORKERS' COMPENSATION SPECIAL		
	DISABILITY TRUST FUND . . . . .		16,851
2355A	SPECIAL CATEGORIES		
	ELECTRONIC COMMERCE FEES FOR COLLECTION OF		
	REVENUE		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		288,000
2356	SPECIAL CATEGORIES		
	TRANSFER TO DISTRICT COURTS OF APPEAL -		
	WORKERS' COMPENSATION APPEALS		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		1,834,732
Funds in Specific Appropriation 2356, are provided for transfer to the First District Court of Appeal for workload associated with workers' compensation appeals and the workers' compensation appeals unit.			
2356A	SPECIAL CATEGORIES		
	TRANSFER TO THE UNIVERSITY OF SOUTH		
	FLORIDA - OCCUPATIONAL SAFETY GRANT MATCH		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		250,000
2357	SPECIAL CATEGORIES		
	TRANSFER TO JUSTICE ADMINISTRATION		
	COMMISSION FOR PROSECUTION OF WORKERS'		
	COMPENSATION FRAUD		
	FROM WORKERS' COMPENSATION		
	ADMINISTRATION TRUST FUND . . . . .		278,498
The funds in Specific Appropriation 2357, from the Workers' Compensation Administrative Trust Fund are provided for transfer to the Justice Administrative Commission for the specific purpose of funding			

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attorneys and paralegals in the Eleventh and Thirteenth Judicial Circuits for the prosecution of workers' compensation insurance fraud. These funds may not be used for any purpose other than the funding of attorney and paralegal positions that prosecute crimes of workers' compensation fraud.

2358	SPECIAL CATEGORIES CONTRACTED SERVICES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND . . . . .	3,267,499
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND . . . . .	86,360
2358A	SPECIAL CATEGORIES OPERATION OF MOTOR VEHICLES FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND . . . . .	44,800
2359	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND . . . . .	348,326
2360	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND . . . . .	113,696
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND . . . . .	7,353
TOTAL:	WORKERS' COMPENSATION FROM TRUST FUNDS . . . . .	27,799,477
	TOTAL POSITIONS . . . . .	316.00
	TOTAL ALL FUNDS . . . . .	27,799,477

PROGRAM: FINANCIAL SERVICES COMMISSION

OFFICE OF INSURANCE REGULATION

COMPLIANCE AND ENFORCEMENT - INSURANCE

From the funds in Specific Appropriations 2361 through 2370, the Office of Insurance Regulation shall submit a report that provides a detailed listing of all rate filings submitted during Fiscal Year 2010-2011 for personal lines property residential coverage. For each such filing, the report shall include: (1) the name of the company submitting the filing; (2) the date the filing was submitted to the Office of Insurance Regulation; (3) the overall rate change requested; (4) the name of the Office of Insurance Regulation actuary responsible for reviewing the filing; (5) the number of days from the date of the original submission to the final disposition of the rate filing; (6) whether the submitted filing was approved as submitted, approved at a different rate level, disapproved in its entirety, or found to be incomplete or withdrawn; (7) if a rate was approved, the overall rate level which was approved; (8) if the rate was denied; the specific basis for the denial; and (9) if a rate filing was withdrawn and resubmitted, it shall be identified as part of the initial rate filing for purposes of this report.

The report shall be submitted to the chairs of the Senate Budget Committee and the House of Representatives Appropriations Committee by September 1, 2011.

	APPROVED SALARY RATE	11,735,463
2361	SALARIES AND BENEFITS POSITIONS 249.00 FROM INSURANCE REGULATORY TRUST FUND . . . . .	15,783,207
2362	OTHER PERSONAL SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .	125,000

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2363	EXPENSES FROM INSURANCE REGULATORY TRUST FUND . . . . .	2,771,363
2364	OPERATING CAPITAL OUTLAY FROM INSURANCE REGULATORY TRUST FUND . . . . .	2,000
2365	SPECIAL CATEGORIES FLORIDA PUBLIC HURRICANE LOSS MODEL - OFFICE OF INSURANCE REGULATION FROM INSURANCE REGULATORY TRUST FUND . . . . .	588,639
2366	SPECIAL CATEGORIES FINANCIAL EXAMINATION CONTRACTS - PROPERTY AND CASUALTY EXAMINATIONS FROM INSURANCE REGULATORY TRUST FUND . . . . .	4,651,763
2367	SPECIAL CATEGORIES FINANCIAL EXAMINATION CONTRACTS - LIFE AND HEALTH EXAMINATIONS FROM INSURANCE REGULATORY TRUST FUND . . . . .	50,000
2368	SPECIAL CATEGORIES CONTRACTED SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .	688,016
2369	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM INSURANCE REGULATORY TRUST FUND . . . . .	115,643
2370	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM INSURANCE REGULATORY TRUST FUND . . . . .	97,243
TOTAL:	COMPLIANCE AND ENFORCEMENT - INSURANCE FROM TRUST FUNDS . . . . .	24,872,874
	TOTAL POSITIONS . . . . .	249.00
	TOTAL ALL FUNDS . . . . .	24,872,874

EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE	2,013,646
2371	SALARIES AND BENEFITS POSITIONS 34.00 FROM INSURANCE REGULATORY TRUST FUND . . . . .	2,605,908
2372	EXPENSES FROM INSURANCE REGULATORY TRUST FUND . . . . .	144,457
2373	SPECIAL CATEGORIES CONTRACTED SERVICES FROM INSURANCE REGULATORY TRUST FUND . . . . .	117,710
2374	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM INSURANCE REGULATORY TRUST FUND . . . . .	13,589
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES	

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APPROPRIATION			
FROM TRUST FUNDS . . . . .			2,881,664
TOTAL POSITIONS . . . . .	34.00		
TOTAL ALL FUNDS . . . . .			2,881,664

OFFICE OF FINANCIAL REGULATION

SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

APPROVED SALARY RATE	6,897,424		
2375 SALARIES AND BENEFITS POSITIONS	119.00		
FROM FINANCIAL INSTITUTIONS			
REGULATORY TRUST FUND . . . . .			8,994,216
2376 OTHER PERSONAL SERVICES			
FROM FINANCIAL INSTITUTIONS			
REGULATORY TRUST FUND . . . . .			872,000
2377 EXPENSES			
FROM FINANCIAL INSTITUTIONS			
REGULATORY TRUST FUND . . . . .			1,802,578
2378 OPERATING CAPITAL OUTLAY			
FROM FINANCIAL INSTITUTIONS			
REGULATORY TRUST FUND . . . . .			7,130
2379 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM FINANCIAL INSTITUTIONS			
REGULATORY TRUST FUND . . . . .			367,012
2380 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM FINANCIAL INSTITUTIONS			
REGULATORY TRUST FUND . . . . .			119,098
2381 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM FINANCIAL INSTITUTIONS			
REGULATORY TRUST FUND . . . . .			46,224
TOTAL: SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM			
FROM TRUST FUNDS . . . . .			12,208,258
TOTAL POSITIONS . . . . .	119.00		
TOTAL ALL FUNDS . . . . .			12,208,258

FINANCIAL INVESTIGATIONS

APPROVED SALARY RATE	2,952,618		
2382 SALARIES AND BENEFITS POSITIONS	63.00		
FROM ADMINISTRATIVE TRUST FUND . . .			3,864,416
2383 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			5,321
2384 EXPENSES			
FROM ADMINISTRATIVE TRUST FUND . . .			509,366
FROM FEDERAL LAW ENFORCEMENT TRUST			
FUND . . . . .			51,758
2385 OPERATING CAPITAL OUTLAY			
FROM ADMINISTRATIVE TRUST FUND . . .			10,600
2386 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			36,354
2387 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			

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APPROPRIATION			
FROM ADMINISTRATIVE TRUST FUND . . .			64,593
2388 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM ADMINISTRATIVE TRUST FUND . . .			22,312
TOTAL: FINANCIAL INVESTIGATIONS			
FROM TRUST FUNDS . . . . .			4,564,720
TOTAL POSITIONS . . . . .	63.00		
TOTAL ALL FUNDS . . . . .			4,564,720

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE	1,973,870		
2389 SALARIES AND BENEFITS POSITIONS	34.00		
FROM ADMINISTRATIVE TRUST FUND . . .			2,785,727
2390 EXPENSES			
FROM ADMINISTRATIVE TRUST FUND . . .			432,552
2391 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			11,048
2392 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM ADMINISTRATIVE TRUST FUND . . .			49,454
2393 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM ADMINISTRATIVE TRUST FUND . . .			17,080
2393A DATA PROCESSING SERVICES			
REGULATORY ENFORCEMENT AND LICENSING			
SYSTEM - OFFICE OF FINANCIAL REGULATION			
FROM ADMINISTRATIVE TRUST FUND . . .			3,769,125

From the funds in Specific Appropriation 2393A, \$1,540,111 shall be held in reserve. The Office of Financial Regulation may submit budget amendments in accordance with chapter 216, Florida Statutes, requesting the release of funds upon submission of options, recommendations, and a detailed transition work and spending plan related to the management and oversight of the Regulatory Enforcement and Licensing System.

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM TRUST FUNDS . . . . .			7,064,986
TOTAL POSITIONS . . . . .	34.00		
TOTAL ALL FUNDS . . . . .			7,064,986

FINANCE REGULATION

APPROVED SALARY RATE	5,568,444		
2394 SALARIES AND BENEFITS POSITIONS	120.00		
FROM REGULATORY TRUST FUND . . . . .			7,312,954
2395 OTHER PERSONAL SERVICES			
FROM REGULATORY TRUST FUND . . . . .			100,000
2396 EXPENSES			
FROM REGULATORY TRUST FUND . . . . .			978,489
2397 OPERATING CAPITAL OUTLAY			
FROM REGULATORY TRUST FUND . . . . .			5,631
2399 SPECIAL CATEGORIES			
CONTRACTED SERVICES			

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APPROPRIATION			
	FROM REGULATORY TRUST FUND . . . . .		2,741,565
2401	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND . . . . .	113,039	
2402	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM REGULATORY TRUST FUND . . . . .	39,805	
TOTAL:	FINANCE REGULATION		
	FROM TRUST FUNDS . . . . .	11,291,483	
	TOTAL POSITIONS . . . . .	120.00	
	TOTAL ALL FUNDS . . . . .	11,291,483	
SECURITIES REGULATION			
	APPROVED SALARY RATE	4,704,557	
2404	SALARIES AND BENEFITS POSITIONS	102.00	
	FROM REGULATORY TRUST FUND . . . . .	6,397,361	
2405	OTHER PERSONAL SERVICES		
	FROM ANTI-FRAUD TRUST FUND . . . . .	12,538	
	FROM REGULATORY TRUST FUND . . . . .	4,466	
2406	EXPENSES		
	FROM ANTI-FRAUD TRUST FUND . . . . .	62,885	
	FROM REGULATORY TRUST FUND . . . . .	798,671	
2407	OPERATING CAPITAL OUTLAY		
	FROM ANTI-FRAUD TRUST FUND . . . . .	24,528	
	FROM REGULATORY TRUST FUND . . . . .	12,066	
2408	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM ANTI-FRAUD TRUST FUND . . . . .	100,049	
	FROM REGULATORY TRUST FUND . . . . .	4,500	
2409	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND . . . . .	89,826	
2410	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM REGULATORY TRUST FUND . . . . .	36,363	
TOTAL:	SECURITIES REGULATION		
	FROM TRUST FUNDS . . . . .	7,543,253	
	TOTAL POSITIONS . . . . .	102.00	
	TOTAL ALL FUNDS . . . . .	7,543,253	
TOTAL:	FINANCIAL SERVICES, DEPARTMENT OF		
	FROM GENERAL REVENUE FUND . . . . .	24,385,673	
	FROM TRUST FUNDS . . . . .	279,846,648	
	TOTAL POSITIONS . . . . .	2,706.50	
	TOTAL ALL FUNDS . . . . .	304,232,321	
	TOTAL APPROVED SALARY RATE . . . . .	122,891,902	
GOVERNOR, EXECUTIVE OFFICE OF THE			
PROGRAM: GENERAL OFFICE			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
2411	SALARIES AND BENEFITS POSITIONS	118.00	
	FROM GENERAL REVENUE FUND . . . . .	8,350,769	

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APPROPRIATION			
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		217,184
2412	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR -		
	EXECUTIVE/ADMINISTRATION		
	FROM GENERAL REVENUE FUND . . . . .	1,757,306	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		488,033
2413	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR -		
	WASHINGTON OFFICE		
	FROM GENERAL REVENUE FUND . . . . .	116,858	
2414	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM GENERAL REVENUE FUND . . . . .	24,990	
2415	SPECIAL CATEGORIES		
	CONTINGENT - DISCRETIONARY		
	FROM GENERAL REVENUE FUND . . . . .	29,244	
2416	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	183,239	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		36,805
2417	SPECIAL CATEGORIES		
	CHILD ABUSE PREVENTION		
	FROM GENERAL REVENUE FUND . . . . .	150,000	
2418	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	48,902	
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		1,217
2419	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	75,349	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	10,736,657	
	FROM TRUST FUNDS . . . . .		743,239
	TOTAL POSITIONS . . . . .	118.00	
	TOTAL ALL FUNDS . . . . .		11,479,896
LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM			
2425	SALARIES AND BENEFITS POSITIONS	48.00	
	FROM PLANNING AND BUDGETING SYSTEM		
	TRUST FUND . . . . .		4,473,659
2426	LUMP SUM		
	LEGISLATIVE APPROPRIATION SYSTEM/PLANNING		
	AND BUDGETING SUBSYSTEM		
	FROM PLANNING AND BUDGETING SYSTEM		
	TRUST FUND . . . . .		1,292,231
2427	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM PLANNING AND BUDGETING SYSTEM		
	TRUST FUND . . . . .		87,807
2428	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		

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APPROPRIATION			
	PURCHASED PER STATEWIDE CONTRACT		
	FROM PLANNING AND BUDGETING SYSTEM		
	TRUST FUND . . . . .	16,565	
2429	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM PLANNING AND BUDGETING SYSTEM		
	TRUST FUND . . . . .	10,729	
TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND			
BUDGETING SUBSYSTEM			
	FROM TRUST FUNDS . . . . .	5,880,991	
	TOTAL POSITIONS . . . . .	48.00	
	TOTAL ALL FUNDS . . . . .	5,880,991	

EXECUTIVE PLANNING AND BUDGETING			
2430	SALARIES AND BENEFITS	POSITIONS	104.00
	FROM GENERAL REVENUE FUND . . . . .		8,808,778
2431	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE		
	OF PLANNING AND BUDGETING		
	FROM GENERAL REVENUE FUND . . . . .	763,010	
2432	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE		
	HEARINGS		
	FROM GENERAL REVENUE FUND . . . . .	19,639	
2433	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	157,358	
2434	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	40,454	
TOTAL: EXECUTIVE PLANNING AND BUDGETING			
	FROM GENERAL REVENUE FUND . . . . .	9,789,239	
	TOTAL POSITIONS . . . . .	104.00	
	TOTAL ALL FUNDS . . . . .	9,789,239	

FLORIDA ENERGY AND CLIMATE COMMISSION			
2435	SALARIES AND BENEFITS	POSITIONS	15.00
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	1,358,069	
2436	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - FLORIDA		
	ENERGY AND CLIMATE COMMISSION		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	785,187	
2437	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	2,510	
2438	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .	3,750	
TOTAL: FLORIDA ENERGY AND CLIMATE COMMISSION			
	FROM TRUST FUNDS . . . . .	2,149,516	

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	TOTAL POSITIONS . . . . .	15.00	
	TOTAL ALL FUNDS . . . . .		2,149,516

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	1,349,877	
2439	SALARIES AND BENEFITS	POSITIONS	22.00
	FROM GENERAL REVENUE FUND . . . . .		811,093
	FROM FLORIDA INTERNATIONAL TRADE		
	AND PROMOTION TRUST FUND . . . . .		484,406
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		37
	FROM TOURISM PROMOTION TRUST FUND .		455,222
2440	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE		
	OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT		
	FROM GENERAL REVENUE FUND . . . . .	1,268,941	
	FROM FLORIDA INTERNATIONAL TRADE		
	AND PROMOTION TRUST FUND . . . . .		102,512
	FROM GRANTS AND DONATIONS TRUST		
	FUND . . . . .		750
	FROM TOURISM PROMOTION TRUST FUND .		111,840
2441	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		70
	FROM FLORIDA INTERNATIONAL TRADE		
	AND PROMOTION TRUST FUND . . . . .		3,606
	FROM TOURISM PROMOTION TRUST FUND .		3,344
2442	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	4,157	
	FROM FLORIDA INTERNATIONAL TRADE		
	AND PROMOTION TRUST FUND . . . . .		2,531
	FROM TOURISM PROMOTION TRUST FUND .		2,377

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	2,084,261	
	FROM TRUST FUNDS . . . . .		1,166,625
	TOTAL POSITIONS . . . . .	22.00	
	TOTAL ALL FUNDS . . . . .		3,250,886

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS			
2442A	LUMP SUM		
	ECONOMIC DEVELOPMENT TOOLS		
	FROM GENERAL REVENUE FUND . . . . .	17,500,000	
	FROM ECONOMIC DEVELOPMENT TRUST		
	FUND . . . . .		4,250,000

From the funds provided in Specific Appropriation 2442A from nonrecurring general revenue, \$17,000,000 shall be for the Qualified Targeted Industries, Qualified Defense Contractors, and High Impact Performance Incentive programs. These funds shall not be released for any other purpose and shall only be disbursed when projects meet the contracted performance requirements.

From the funds provided in Specific Appropriation 2442A from nonrecurring general revenue, \$500,000 shall be provided to the Florida Manufacturing Extension Partnership for the purpose of leveraging federal and private resources for the support and delivery of services to the manufacturing community, which will provide economic stimulus through job creation and retention and assist Florida manufacturers to become more efficient and globally competitive.

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Funds from the Economic Development Trust Fund in Specific Appropriation 2442A represent local match funds.

2442B SPECIAL CATEGORIES  
GRANTS AND AIDS - BLACK BUSINESS  
INVESTMENT BOARD  
FROM GENERAL REVENUE FUND . . . . . 2,475,000

From the funds in Specific Appropriation 2442B, \$200,000 is provided for the Black Business Investment Board for operations and administration of the board, and \$2,275,000 is provided for the Black Business Loan Program.

2442C SPECIAL CATEGORIES  
HISPANIC BUSINESS INITIATIVE FUND OUTREACH  
PROGRAM  
FROM GENERAL REVENUE FUND . . . . . 200,000

2442D SPECIAL CATEGORIES  
GRANTS AND AIDS - ECONOMIC GARDENING -  
UNIVERSITY OF CENTRAL FLORIDA  
FROM GENERAL REVENUE FUND . . . . . 2,000,000

The recurring funds provided in Specific Appropriation 2442D from the General Revenue Fund are for the Economic Gardening Technical Assistance Program.

2442E SPECIAL CATEGORIES  
GRANTS AND AIDS - FLORIDA SMALL BUSINESS  
DEVELOPMENT CENTER NETWORK  
FROM GENERAL REVENUE FUND . . . . . 500,000

2442F SPECIAL CATEGORIES  
GRANTS AND AIDS - ADVOCATING INTERNATIONAL  
RELATIONSHIPS  
FROM GENERAL REVENUE FUND . . . . . 1,150,000

Funds provided in Specific Appropriation 2442F shall be allocated as follows:

Florida Association of Volunteer Action/Caribbean & Americas (FAVACA) - Haiti Business Linkage Program.....	300,000
Florida Association of Volunteer Action/Caribbean & Americas (FAVACA) - Haiti Pilot Project.....	50,000
Florida Association of Volunteer Action/Caribbean & Americas(FAVACA) - International Volunteer Corp.....	400,000
Southeast US/Japan & FLOR/KOR.....	200,000
Florida Gateway.....	150,000
The Greater Caribbean Chamber of Commerce.....	50,000

2442G SPECIAL CATEGORIES  
ECONOMIC DEVELOPMENT PROJECTS  
FROM GENERAL REVENUE FUND . . . . . 13,650,000

Funds in Specific Appropriation 2442G shall be allocated as follows:

CAMACOL Florida Trade and Exhibition Center.....	350,000
CAMACOL Film and Entertainment Industry Development Program.....	150,000
Florida Holocaust Museum (St. Petersburg).....	150,000
World Class International Regatta Sports Center - Nathan Benderson Park (Sarasota).....	5,000,000
Sanford-Burnham Medical Research Institute.....	2,000,000
Economic Aid - Florida Panhandle.....	6,000,000

2443 SPECIAL CATEGORIES  
GRANTS AND AIDS - FLORIDA SPORTS  
FOUNDATION  
FROM GENERAL REVENUE FUND . . . . . 200,000  
FROM PROFESSIONAL SPORTS  
DEVELOPMENT TRUST FUND . . . . . 2,500,000

From the funds in Specific Appropriation 2443, \$200,000 of nonrecurring funds from the General Revenue Fund is provided for the

SECTION 6 - GENERAL GOVERNMENT  
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APPROPRIATION

Sunshine State Games.

2444 SPECIAL CATEGORIES  
GRANTS AND AIDS - ENTERPRISE FLORIDA  
PROGRAM  
FROM GENERAL REVENUE FUND . . . . . 6,200,000  
FROM FLORIDA INTERNATIONAL TRADE  
AND PROMOTION TRUST FUND . . . . . 4,900,000

From the funds in Specific Appropriation 2444, \$4,900,000 from the International Trade and Promotion Trust Fund shall be provided for International programs.

2444A SPECIAL CATEGORIES  
GRANTS AND AIDS - MILITARY BASE PROTECTION  
PROGRAM  
FROM GENERAL REVENUE FUND . . . . . 1,000,000

Funds in Specific Appropriation 2444A shall be allocated as follows:

Military Base Protection.....	150,000
Defense Reinvestment.....	850,000

2445 SPECIAL CATEGORIES  
GRANTS AND AIDS - FLORIDA COMMISSION ON  
TOURISM  
FROM GENERAL REVENUE FUND . . . . . 16,600,000  
FROM TOURISM PROMOTION TRUST FUND . . . . . 18,299,209

2445A SPECIAL CATEGORIES  
GRANTS AND AIDS - BROWNFIELDS  
REDEVELOPMENT PROJECT  
FROM GENERAL REVENUE FUND . . . . . 1,000,000  
FROM ECONOMIC DEVELOPMENT TRUST  
FUND . . . . . 250,000

2445B SPECIAL CATEGORIES  
GRANTS AND AIDS - SPACE FLORIDA  
PROGRAM  
FROM GENERAL REVENUE FUND . . . . . 10,039,943

2445C SPECIAL CATEGORIES  
RURAL COMMUNITY DEVELOPMENT  
PROGRAM  
FROM GENERAL REVENUE FUND . . . . . 360,000  
FROM ECONOMIC DEVELOPMENT TRUST  
FUND . . . . . 810,000

2445D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE  
PROGRAM  
FROM GENERAL REVENUE FUND . . . . . 3,162,489

Funds provided in Specific Appropriation 2445D shall be allocated as follows:

Defense Infrastructure.....	1,581,245
Rural Infrastructure.....	1,581,244

2445E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY  
ECONOMIC DEVELOPMENT TRANSPORTATION  
PROJECTS  
PROGRAM  
FROM ECONOMIC DEVELOPMENT  
TRANSPORTATION TRUST FUND . . . . . 15,000,000

A portion of the funds in Specific Appropriation 2445E shall be allocated as follows:

West End Bridge Crossing.....	500,000
Bayfront Parkway/9th Avenue Roundabout.....	417,000
Wiregrass Ranch Boulevard & Reverse Frontage Road.....	4,000,000

The funds in Specific Appropriation 2445E provided for constructing Wiregrass Ranch Boulevard and Reverse Frontage Road in Pasco County, are to assist with site development for a business expansion expected to create capacity for 750 corporate services jobs.

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 APPROPRIATION  
 TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS  
 FROM GENERAL REVENUE FUND . . . . . 76,037,432  
 FROM TRUST FUNDS . . . . . 46,009,209  
 TOTAL ALL FUNDS . . . . . 122,046,641

PROGRAM: AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

APPROVED SALARY RATE 1,165,386

2446 SALARIES AND BENEFITS POSITIONS 16.00  
 FROM GENERAL REVENUE FUND . . . . . 1,466,255

2447 OTHER PERSONAL SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 1,000

2448 EXPENSES  
 FROM GENERAL REVENUE FUND . . . . . 155,141

2449 OPERATING CAPITAL OUTLAY  
 FROM GENERAL REVENUE FUND . . . . . 9,000

2450 SPECIAL CATEGORIES  
 CONTRACTED SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 27,808

2451 SPECIAL CATEGORIES  
 RISK MANAGEMENT INSURANCE  
 FROM GENERAL REVENUE FUND . . . . . 2,510

2452 SPECIAL CATEGORIES  
 TRANSFER TO DEPARTMENT OF MANAGEMENT  
 SERVICES - HUMAN RESOURCES SERVICES  
 PURCHASED PER STATEWIDE CONTRACT  
 FROM GENERAL REVENUE FUND . . . . . 1,920

2452A DATA PROCESSING SERVICES  
 EDUCATION TECHNOLOGY AND INFORMATION  
 SERVICES  
 FROM GENERAL REVENUE FUND . . . . . 3,192

TOTAL: AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY  
 FROM GENERAL REVENUE FUND . . . . . 1,666,826

TOTAL POSITIONS . . . . . 16.00  
 TOTAL ALL FUNDS . . . . . 1,666,826

TOTAL: GOVERNOR, EXECUTIVE OFFICE OF THE  
 FROM GENERAL REVENUE FUND . . . . . 100,314,415  
 FROM TRUST FUNDS . . . . . 55,949,580

TOTAL POSITIONS . . . . . 323.00  
 TOTAL ALL FUNDS . . . . . 156,263,995  
 TOTAL APPROVED SALARY RATE . . . . . 2,515,263

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 9,038,027

2453 SALARIES AND BENEFITS POSITIONS 217.50  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 12,591,742  
 FROM LAW ENFORCEMENT TRUST FUND . . . . . 146,257

2454 OTHER PERSONAL SERVICES  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 89,196

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 APPROPRIATION  
 2455 EXPENSES  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 923,361  
 FROM LAW ENFORCEMENT TRUST FUND . . . . . 7,516

2456 OPERATING CAPITAL OUTLAY  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 125,478

2457 SPECIAL CATEGORIES  
 TRANSFER TO DIVISION OF ADMINISTRATIVE  
 HEARINGS  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 25,607

2458 SPECIAL CATEGORIES  
 CONTRACTED SERVICES  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 1,323,893

2459 SPECIAL CATEGORIES  
 RISK MANAGEMENT INSURANCE  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 185,910

2460 SPECIAL CATEGORIES  
 DEFERRED-PAYMENT COMMODITY CONTRACTS  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 84,169

2461 SPECIAL CATEGORIES  
 TRANSFER TO DEPARTMENT OF MANAGEMENT  
 SERVICES - HUMAN RESOURCES SERVICES  
 PURCHASED PER STATEWIDE CONTRACT  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 1,676,511

2461A FIXED CAPITAL OUTLAY  
 SPECIAL PROJECTS AND IMPROVEMENTS -  
 ADMINISTRATIVE SERVICES  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 135,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES  
 FROM TRUST FUNDS . . . . . 17,314,640

TOTAL POSITIONS . . . . . 217.50  
 TOTAL ALL FUNDS . . . . . 17,314,640

PROGRAM: FLORIDA HIGHWAY PATROL

HIGHWAY SAFETY

No funds are provided in Specific Appropriations 2462 through 2476 for Fiscal Year 2011-2012 with regard to any existing contracts, leases or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the following Florida Highway Patrol stations is complete: Arcadia (DeSoto County), Crestview (Okaloosa County), East Palatka (Putnam County), Fruitland Park (Lake County), Madison (Madison County), Marianna (Jackson County), Naples (Collier County), Quincy (Gadsden County), Starke (Bradford County), and Lake Placid (Highlands County).

APPROVED SALARY RATE 98,391,467

2462 SALARIES AND BENEFITS POSITIONS 2,157.00  
 FROM HIGHWAY SAFETY OPERATING  
 TRUST FUND . . . . . 144,053,005  
 FROM FEDERAL GRANTS TRUST FUND . . . . . 541,890  
 FROM GAS TAX COLLECTION TRUST FUND . . . . . 267,768  
 FROM LAW ENFORCEMENT TRUST FUND . . . . . 378,935

2463 OTHER PERSONAL SERVICES

SECTION 6 - GENERAL GOVERNMENT	
SPECIFIC	
APPROPRIATION	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 9,975,734
	FROM FEDERAL GRANTS TRUST FUND . . . . . 553,000
	FROM LAW ENFORCEMENT TRUST FUND . . . . . 69,000
2464	EXPENSES
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 7,300,827
	FROM FEDERAL GRANTS TRUST FUND . . . . . 793,726
	FROM LAW ENFORCEMENT TRUST FUND . . . . . 65,475
	FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . . 185,923
2465	OPERATING CAPITAL OUTLAY
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 428,505
	FROM FEDERAL GRANTS TRUST FUND . . . . . 497,410
	FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . . 252,572
2466	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM GENERAL REVENUE FUND . . . . . 5,000,000
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 2,867,965
2467	SPECIAL CATEGORIES
	FLORIDA HIGHWAY PATROL COMMUNICATION SYSTEMS
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 1,537,500
2468	SPECIAL CATEGORIES
	CONTRACTED SERVICES
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 1,460,786
	FROM LAW ENFORCEMENT TRUST FUND . . . . . 50,000
2469	SPECIAL CATEGORIES
	OPERATION OF MOTOR VEHICLES
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 13,964,517
	FROM FEDERAL GRANTS TRUST FUND . . . . . 20,250
	FROM LAW ENFORCEMENT TRUST FUND . . . . . 856,801
2470	SPECIAL CATEGORIES
	AUXILLIARY UNIFORMS AND EQUIPMENT
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 138,238
2471	SPECIAL CATEGORIES
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS
	FROM HIGHWAY PATROL INSURANCE TRUST FUND . . . . . 325,995
2472	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 4,850,478
2473	SPECIAL CATEGORIES
	SALARY INCENTIVE PAYMENTS
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 1,397,348
	FROM FEDERAL GRANTS TRUST FUND . . . . . 15,600
2474	SPECIAL CATEGORIES
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 325,995
2475	SPECIAL CATEGORIES
	DEFERRED-PAYMENT COMMODITY CONTRACTS

SECTION 6 - GENERAL GOVERNMENT	
SPECIFIC	
APPROPRIATION	
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 2,452,414
2476	SPECIAL CATEGORIES
	MOBILE DATA TERMINAL SYSTEM
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 2,348,410
2476A	FIXED CAPITAL OUTLAY
	MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 198,000
TOTAL: HIGHWAY SAFETY	
	FROM GENERAL REVENUE FUND . . . . . 5,000,000
	FROM TRUST FUNDS . . . . . 198,174,067
	TOTAL POSITIONS . . . . . 2,157.00
	TOTAL ALL FUNDS . . . . . 203,174,067
EXECUTIVE DIRECTION AND SUPPORT SERVICES	
	APPROVED SALARY RATE . . . . . 1,743,774
2477	SALARIES AND BENEFITS POSITIONS . . . . . 24.00
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 2,405,700
2478	EXPENSES
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 260,735
2479	OPERATING CAPITAL OUTLAY
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 8,000
2480	SPECIAL CATEGORIES
	ACQUISITION OF MOTOR VEHICLES
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 19,838
2481	SPECIAL CATEGORIES
	CONTRACTED SERVICES
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 4,135
2482	SPECIAL CATEGORIES
	OPERATION OF MOTOR VEHICLES
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 7,790
2483	SPECIAL CATEGORIES
	RISK MANAGEMENT INSURANCE
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 59,232
2484	SPECIAL CATEGORIES
	SALARY INCENTIVE PAYMENTS
	FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . . . 20,315
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES	
	FROM TRUST FUNDS . . . . . 2,785,745
	TOTAL POSITIONS . . . . . 24.00
	TOTAL ALL FUNDS . . . . . 2,785,745
MOTOR CARRIER COMPLIANCE	
	APPROVED SALARY RATE . . . . . 12,561,514
2484A	SALARIES AND BENEFITS POSITIONS . . . . . 304.00
	FROM HIGHWAY SAFETY OPERATING

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

TRUST FUND . . . . .	17,989,123
2484B OTHER PERSONAL SERVICES	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	15,689
2484C EXPENSES	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	2,427,261
FROM FEDERAL LAW ENFORCEMENT TRUST	
FUND . . . . .	522,012

No funds are provided in Specific Appropriation 2484C and 2484F, in Fiscal Year 2011-2012 for the use of the property after December 31, 2011, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies for the Office of Motor Carrier Compliance: Ocala (Marion County), Tampa (Hillsborough County), Panama City (Bay County), DeLand (Volusia County), and the Office of Motor Carrier Compliance Headquarters in Tallahassee (Leon County).

2484D OPERATING CAPITAL OUTLAY	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	2,651,968
FROM FEDERAL LAW ENFORCEMENT TRUST	
FUND . . . . .	136,320

2484E SPECIAL CATEGORIES	
ACQUISITION OF MOTOR VEHICLES	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	1,338,567
FROM FEDERAL LAW ENFORCEMENT TRUST	
FUND . . . . .	173,760

2484F SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	1,978,017
FROM FEDERAL LAW ENFORCEMENT TRUST	
FUND . . . . .	5,400

2484G SPECIAL CATEGORIES	
HUMAN RESOURCES DEVELOPMENT	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	860,362

2484H SPECIAL CATEGORIES	
OPERATION OF MOTOR VEHICLES	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	1,654,397

2484I SPECIAL CATEGORIES	
OVERTIME	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	3,123,173

2484J SPECIAL CATEGORIES	
SALARY INCENTIVE PAYMENTS	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	218,240

2484K SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT	
SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	4,174

TOTAL: MOTOR CARRIER COMPLIANCE	
FROM TRUST FUNDS . . . . .	33,098,463
TOTAL POSITIONS . . . . .	304.00
TOTAL ALL FUNDS . . . . .	33,098,463

PROGRAM: MOTORIST SERVICES

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

MOTORIST SERVICES

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 with regard to any existing contracts, leases or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the following Driver License Offices is complete: Marianna (Administration), Milton (A04), Gulf Breeze (A05), Crestview (A06), Port St. Joe (B03), Gainesville (D20/Administration), Titusville (H02), Melbourne (H04), Plant City (K06), Lantana (P03), Palm Beach Gardens (P05), and Jupiter (P11).

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after July 23, 2011, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Lady Lake (G09) Driver License Office.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after August 31, 2011, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Lutz (K03) Driver License Office.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after September 30, 2011, on any existing contracts, lease or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the following Driver License Offices is complete: Marianna (B05), Panama City (B10) Driver License Issuance Office, and Brooksville (L07).

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after November 30, 2011, on any existing contracts, lease or other contractual obligations with the exception of those contracts required to maintain state property until disposal of such property held by the state or any of its agencies and entities associated with the Quincy (B14) Driver License Office is complete.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after May 20, 2012, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Port St. Lucie (P08) Driver License Office.

No funds are provided in Specific Appropriations 2484L through 2484W for Fiscal Year 2011-2012 to make payments for the use of the property after May 31, 2012, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Defuniak Springs (A08) Driver License Office.

APPROVED SALARY RATE 50,557,832

2484L SALARIES AND BENEFITS	POSITIONS	1,664.00	
FROM HIGHWAY SAFETY OPERATING			
TRUST FUND . . . . .			68,846,707
FROM FEDERAL GRANTS TRUST FUND . . . . .			247,102
FROM GAS TAX COLLECTION TRUST FUND . . . . .			2,955,503

2484M OTHER PERSONAL SERVICES	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	817,650
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,161,010
FROM GAS TAX COLLECTION TRUST FUND . . . . .	11,438

2484N EXPENSES	
FROM HIGHWAY SAFETY OPERATING	
TRUST FUND . . . . .	11,969,854
FROM FEDERAL GRANTS TRUST FUND . . . . .	1,629,585
FROM GAS TAX COLLECTION TRUST FUND . . . . .	341,509

SECTION 6 - GENERAL GOVERNMENT  
 SPECIFIC  
 APPROPRIATION

24840	OPERATING CAPITAL OUTLAY	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	234,866
	FROM FEDERAL GRANTS TRUST FUND . . . . .	1,127,584
	FROM GAS TAX COLLECTION TRUST FUND . . . . .	5,001
2484P	SPECIAL CATEGORIES	
	CONTRACTED SERVICES	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	3,092,365
	FROM FEDERAL GRANTS TRUST FUND . . . . .	796,726
	FROM GAS TAX COLLECTION TRUST FUND . . . . .	3,040

From the funds in Specific Appropriation 2484P, \$250,000 in nonrecurring funds from the Highway Safety Operating Trust Fund are for the purpose of promoting motorcycle safety awareness through public information and education campaigns. These funds are provided to the American Bikers Aiming Toward Education of Florida, Inc. The American Bikers Aiming Toward Education of Florida, Inc. is required to provide an independent program audit to the Department of Highway Safety and Motor Vehicles to ensure that these funds were utilized to enhance motorcycle safety education. The expense of this required independent program audit may be funded from a portion of the funds provided.

2484Q	SPECIAL CATEGORIES	
	DOMESTIC SECURITY	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	2,811,434
2484R	SPECIAL CATEGORIES	
	AUTOMATED UNIFORM TRAFFIC ACCOUNTING SYSTEM	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	913,905
2484S	SPECIAL CATEGORIES	
	PAYMENT TO OUTSIDE CONTRACTOR	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	6,299,454
2484T	SPECIAL CATEGORIES	
	PURCHASE OF DRIVER LICENSES	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	11,088,304
2484U	SPECIAL CATEGORIES	
	GRANTS AND AIDS - PURCHASE OF LICENSE PLATES	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	6,575,197
2484V	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	1,576,285
	FROM GAS TAX COLLECTION TRUST FUND . . . . .	71,382
2484W	SPECIAL CATEGORIES	
	DEFERRED-PAYMENT COMMODITY CONTRACTS	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	292,513
2484X	SPECIAL CATEGORIES	
	TRANSFER TO TRANSPORTATION SECURITY ADMINISTRATION AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	1,532,656
2484Y	FIXED CAPITAL OUTLAY	
	MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE	
	FROM HIGHWAY SAFETY OPERATING	
	TRUST FUND . . . . .	165,000

SECTION 6 - GENERAL GOVERNMENT  
 SPECIFIC  
 APPROPRIATION

TOTAL: MOTORIST SERVICES		
FROM TRUST FUNDS . . . . .		124,566,070
TOTAL POSITIONS . . . . .	1,664.00	
TOTAL ALL FUNDS . . . . .		124,566,070
PROGRAM: KIRKMAN DATA CENTER		
INFORMATION TECHNOLOGY		
APPROVED SALARY RATE	7,913,368	
2527 SALARIES AND BENEFITS POSITIONS	175.00	
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		11,123,310
2528 OTHER PERSONAL SERVICES		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		262,740
2529 EXPENSES		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		4,771,508
FROM GAS TAX COLLECTION TRUST FUND . . . . .		213,265
FROM LAW ENFORCEMENT TRUST FUND . . . . .		3,752
2530 OPERATING CAPITAL OUTLAY		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		700,134
2531 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		1,254,401
FROM GAS TAX COLLECTION TRUST FUND . . . . .		17,333
2532 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		75,833
2533 SPECIAL CATEGORIES		
TAX COLLECTOR NETWORK - COUNTY SYSTEMS		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		5,285,330
2534 SPECIAL CATEGORIES		
DEFERRED-PAYMENT COMMODITY CONTRACTS		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		2,868,123
2535 DATA PROCESSING SERVICES		
SOUTHWOOD SHARED RESOURCE CENTER		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		1,583,901
2535A DATA PROCESSING SERVICES		
NORTHWOOD SHARED RESOURCE CENTER		
FROM HIGHWAY SAFETY OPERATING		
TRUST FUND . . . . .		1,005,142
TOTAL: INFORMATION TECHNOLOGY		
FROM TRUST FUNDS . . . . .		29,164,772
TOTAL POSITIONS . . . . .	175.00	
TOTAL ALL FUNDS . . . . .		29,164,772
TOTAL: HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF		
FROM GENERAL REVENUE FUND . . . . .	5,000,000	
FROM TRUST FUNDS . . . . .		405,103,757
TOTAL POSITIONS . . . . .	4,541.50	
TOTAL ALL FUNDS . . . . .		410,103,757
TOTAL APPROVED SALARY RATE . . . . .	180,205,982	

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION  
LEGISLATIVE BRANCH

SENATE

2536 LUMP SUM  
SENATE  
FROM GENERAL REVENUE FUND . . . . . 45,096,989

HOUSE OF REPRESENTATIVES

2537 LUMP SUM  
HOUSE  
FROM GENERAL REVENUE FUND . . . . . 55,352,061

LEGISLATIVE SUPPORT SERVICES

2538 LUMP SUM  
LEGISLATIVE SUPPORT SERVICES - SENATE  
FROM GENERAL REVENUE FUND . . . . . 24,285,630  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 1,011,423  
FROM LEGISLATIVE LOBBYIST  
REGISTRATION TRUST FUND . . . . . 152,590

2539 LUMP SUM  
LEGISLATIVE SUPPORT SERVICES - HOUSE  
FROM GENERAL REVENUE FUND . . . . . 23,615,178  
FROM GRANTS AND DONATIONS TRUST  
FUND . . . . . 948,314  
FROM LEGISLATIVE LOBBYIST  
REGISTRATION TRUST FUND . . . . . 142,974

From funds provided in Specific Appropriation 2539 and 2538, \$400,000 in non-recurring general revenue is appropriated to the Office of Program Policy Analysis and Government Accountability to contract for a study that shall review and make recommendations in all of the following areas:

1. The workload of the Supreme Court, separated by civil and criminal cases, and whether it could be enhanced through a more effective structure.
2. The case law output and administrative organization of the Supreme Court, in terms of both quality and efficiency.
3. The staffing of the Supreme Court, including number of staff at the Office of State Courts Administrator, functions, duties and efficiencies, and whether different staffing would be more effective.
4. The impact on case processing of restructuring the Supreme Court into a Criminal Division and a Civil Division.
5. The structure, function and effectiveness of the Judicial Nominating Commission in providing the best judicial candidates for Florida.
6. The structure, function and effectiveness of the Judicial Qualifications Commission in disciplining and reviewing the conduct of judges and justices.
7. The effectiveness of the judicial merit retention system in providing meaningful opportunity for voter review and evaluation of judicial performance

The Supreme Court shall cooperate with the party conducting the study in providing requested data on all relevant areas of internal Supreme Court operations. The party conducting the study shall evaluate the data, make selected audits of such data as necessary, and report to the Legislature regarding the accuracy of such data. The study shall be provided to the President of the Senate, Speaker of the House of Representatives, the Chief Justice of the Supreme Court and the Governor not later than December 15, 2011.

2540 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM GENERAL REVENUE FUND . . . . . 401,432  
FROM LEGISLATIVE LOBBYIST  
REGISTRATION TRUST FUND . . . . . 393

TOTAL: LEGISLATIVE SUPPORT SERVICES

SECTION 6 - GENERAL GOVERNMENT  
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APPROPRIATION

FROM GENERAL REVENUE FUND . . . . . 48,302,240  
FROM TRUST FUNDS . . . . . 2,255,694  
TOTAL ALL FUNDS . . . . . 50,557,934

OFFICE OF PUBLIC COUNSEL

2545 LUMP SUM  
PUBLIC COUNSEL  
FROM GENERAL REVENUE FUND . . . . . 2,382,392

2546 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM GENERAL REVENUE FUND . . . . . 32,112

TOTAL: OFFICE OF PUBLIC COUNSEL  
FROM GENERAL REVENUE FUND . . . . . 2,414,504  
TOTAL ALL FUNDS . . . . . 2,414,504

ETHICS, COMMISSION ON

2547 LUMP SUM  
LOBBY REGISTRATION  
FROM EXECUTIVE BRANCH LOBBY  
REGISTRATION TRUST FUND . . . . . 216,477

2548 LUMP SUM  
ETHICS COMMISSION  
FROM GENERAL REVENUE FUND . . . . . 2,325,038

2549 SPECIAL CATEGORIES  
TRANSFER TO DIVISION OF ADMINISTRATIVE  
HEARINGS  
FROM GENERAL REVENUE FUND . . . . . 15,364

2550 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM GENERAL REVENUE FUND . . . . . 3,034  
FROM EXECUTIVE BRANCH LOBBY  
REGISTRATION TRUST FUND . . . . . 131

TOTAL: ETHICS, COMMISSION ON  
FROM GENERAL REVENUE FUND . . . . . 2,343,436  
FROM TRUST FUNDS . . . . . 216,608  
TOTAL ALL FUNDS . . . . . 2,560,044

AUDITOR GENERAL

2553 LUMP SUM  
AUDITOR GENERAL  
FROM GENERAL REVENUE FUND . . . . . 35,259,195

2554 SPECIAL CATEGORIES  
RISK MANAGEMENT INSURANCE  
FROM GENERAL REVENUE FUND . . . . . 78,839

TOTAL: AUDITOR GENERAL  
FROM GENERAL REVENUE FUND . . . . . 35,338,034  
TOTAL ALL FUNDS . . . . . 35,338,034

TOTAL: LEGISLATIVE BRANCH  
FROM GENERAL REVENUE FUND . . . . . 188,847,264  
FROM TRUST FUNDS . . . . . 2,472,302

TOTAL ALL FUNDS . . . . . 191,319,566

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

APPROVED SALARY RATE 17,559,626

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

2557	SALARIES AND BENEFITS	POSITIONS	424.00	
	FROM OPERATING TRUST FUND			26,212,969
2558	OTHER PERSONAL SERVICES			
	FROM OPERATING TRUST FUND			289,796
2559	EXPENSES			
	FROM OPERATING TRUST FUND			6,270,649
2560	OPERATING CAPITAL OUTLAY			
	FROM OPERATING TRUST FUND			204,479
2560A	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM OPERATING TRUST FUND			177,070

From the funds provided in Specific Appropriation 2560A, the Department of the Lottery may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.

2560B	SPECIAL CATEGORIES			
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
	FROM OPERATING TRUST FUND			5,853
2561	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM OPERATING TRUST FUND			3,279,917
2562	SPECIAL CATEGORIES			
	INSTANT TICKET PURCHASE			
	FROM OPERATING TRUST FUND			32,831,400

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2562, in the event instant ticket sales are greater than the projected sales used to calculate the amount appropriated.

2563	SPECIAL CATEGORIES			
	ADVERTISING AGENCY FEES			
	FROM OPERATING TRUST FUND			3,156,945
2564	SPECIAL CATEGORIES			
	COMPULSIVE GAMBLING PROGRAM			
	FROM OPERATING TRUST FUND			569,000

From the funds provided in Specific Appropriation 2564, the Department of the Lottery shall contract with an appropriate Florida organization to conduct a compulsive gambling program.

2565	SPECIAL CATEGORIES			
	PAID ADVERTISING AND PROMOTION			
	FROM OPERATING TRUST FUND			30,593,508

From the funds provided in Specific Appropriation 2565, the Department of the Lottery shall not expend in excess of \$200,000 for the development, publication, and distribution of any report by the department for the purpose of carrying out the provisions of section 24.1215, Florida Statutes.

From the funds provided in Specific Appropriation 2565, the Department of the Lottery shall not expend in excess of \$650,000 for services provided in accordance with the "Agreement for Production Services and Related Commodities and Services" contract executed by the department on December 30, 2009.

2566	SPECIAL CATEGORIES			
	ONLINE GAMES CONTRACT			
	FROM OPERATING TRUST FUND			26,476,880

The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific

SECTION 6 - GENERAL GOVERNMENT  
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APPROPRIATION

Appropriation 2566 in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.			
The Department of the Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2566 to acquire up to 500 additional ticket terminals. Prior to the submission of any budget amendment that increases the size of the lottery retailer network, the Revenue Estimating Conference shall determine if sales will increase sufficiently to cover the cost of the machines, offset any losses to the existing network, and generate additional revenue that benefits the state. The budget amendments will be contingent upon the agency's submission of a plan that includes not only a positive Revenue Estimating Conference impact analysis, but also identifies the specific terminal needs and a plan for distribution of the additional terminals.			
2567	SPECIAL CATEGORIES		
	LOTTERY INSTANT TICKET VENDING MACHINES		
	FROM OPERATING TRUST FUND		5,010,600

From the funds provided in Specific Appropriation 2567, the Department of the Lottery shall report the net amount of ticket sale revenue generated by each instant ticket vending machine, and in total for all machines. The report shall include the amount of instant ticket vending machine revenue that replaced the amount of counter ticket sale revenue. The report shall be provided to the chair of the Senate Budget Subcommittee on General Government Appropriations and the chair of the House Government Operations Appropriations Subcommittee on a quarterly basis. The first report shall be due on July 31, 2011, for ticket sale activity for the period April 1, 2011, through June 30, 2011, and for each quarter thereafter.

2568	SPECIAL CATEGORIES		
	RETAILER INCENTIVES		
	FROM OPERATING TRUST FUND		1,750,000

2569	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		375,065

2570	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM OPERATING TRUST FUND		16,060

2571	SPECIAL CATEGORIES		
	CONTRACTED LEGAL SERVICES		
	FROM OPERATING TRUST FUND		120,000

2572	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM OPERATING TRUST FUND		159,184

2573	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM OPERATING TRUST FUND		35,346

TOTAL:	PROGRAM: LOTTERY OPERATIONS		
	FROM TRUST FUNDS		137,534,721

TOTAL POSITIONS	424.00	
TOTAL ALL FUNDS		137,534,721

TOTAL:	LOTTERY, DEPARTMENT OF THE		
	FROM TRUST FUNDS		137,534,721

TOTAL POSITIONS	424.00	
TOTAL ALL FUNDS		137,534,721
TOTAL APPROVED SALARY RATE	17,559,626	

MANAGEMENT SERVICES, DEPARTMENT OF  
PROGRAM: ADMINISTRATION PROGRAM

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION  
EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE	4,361,256		
2574 SALARIES AND BENEFITS	POSITIONS	74.00	
FROM ADMINISTRATIVE TRUST FUND . . .			5,855,465
FROM COMMUNICATIONS WORKING			
CAPITAL TRUST FUND . . . . .			153,021

From the funds provided in Specific Appropriation 2574, \$684,567 and salary rate of 526,752 in the Administrative Trust Fund shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.

2575 OTHER PERSONAL SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			38,329
2576 EXPENSES			
FROM ADMINISTRATIVE TRUST FUND . . .			647,694
FROM COMMUNICATIONS WORKING			
CAPITAL TRUST FUND . . . . .			45,597
2577 OPERATING CAPITAL OUTLAY			
FROM ADMINISTRATIVE TRUST FUND . . .			9,688
2579 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			102,700
FROM COMMUNICATIONS WORKING			
CAPITAL TRUST FUND . . . . .			81,200
2580 SPECIAL CATEGORIES			
MAIL SERVICES			
FROM ADMINISTRATIVE TRUST FUND . . .			113,424
2581 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM ADMINISTRATIVE TRUST FUND . . .			31,536
FROM COMMUNICATIONS WORKING			
CAPITAL TRUST FUND . . . . .			85
2582 SPECIAL CATEGORIES			
DEFERRED-PAYMENT COMMODITY CONTRACTS			
FROM ADMINISTRATIVE TRUST FUND . . .			15,380
2583 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM ADMINISTRATIVE TRUST FUND . . .			32,326
FROM COMMUNICATIONS WORKING			
CAPITAL TRUST FUND . . . . .			816
2584 DATA PROCESSING SERVICES			
SOUTHWOOD SHARED RESOURCE CENTER			
FROM ADMINISTRATIVE TRUST FUND . . .			401,087
FROM COMMUNICATIONS WORKING			
CAPITAL TRUST FUND . . . . .			22,111
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM TRUST FUNDS . . . . .			7,550,459
TOTAL POSITIONS . . . . .	74.00		
TOTAL ALL FUNDS . . . . .			7,550,459

STATE EMPLOYEE LEASING

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION  
APPROVED SALARY RATE 261,344

2585 SALARIES AND BENEFITS	POSITIONS	4.00	
FROM ADMINISTRATIVE TRUST FUND . . .			433,931
2586 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM ADMINISTRATIVE TRUST FUND . . .			1,680
TOTAL: STATE EMPLOYEE LEASING			
FROM TRUST FUNDS . . . . .			435,611
TOTAL POSITIONS . . . . .		4.00	
TOTAL ALL FUNDS . . . . .			435,611

PROGRAM: FACILITIES PROGRAM

FACILITIES MANAGEMENT

The funds provided in Specific Appropriations 2587 through 2599C, shall not be used for the purpose of paying any costs associated with repairs, maintenance, utilities, services, inspections, security, insurance, or grounds keeping for the leased aircraft hanger located at the Tallahassee Regional Airport, 3266 Capital Circle SW, Tallahassee, FL 32310.

APPROVED SALARY RATE	9,270,775		
2587 SALARIES AND BENEFITS	POSITIONS	288.50	
FROM SUPERVISION TRUST FUND . . . .			13,446,108
From the funds provided in Specific Appropriation 2587, \$314,365 and salary rate of 28,776 shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.			
2588 OTHER PERSONAL SERVICES			
FROM SUPERVISION TRUST FUND . . . .			17,000
2589 EXPENSES			
FROM SUPERVISION TRUST FUND . . . .			4,753,049
2590 OPERATING CAPITAL OUTLAY			
FROM SUPERVISION TRUST FUND . . . .			73,727
2591 SPECIAL CATEGORIES			
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW			
ENFORCEMENT - CAPITOL POLICE			
FROM SUPERVISION TRUST FUND . . . .			6,108,949
2592 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM SUPERVISION TRUST FUND . . . .			8,895,794
2593 SPECIAL CATEGORIES			
DEPARTMENT OF MANAGEMENT SERVICES			
PROVISIONS FOR FACILITIES SECURITY			
FROM SUPERVISION TRUST FUND . . . .			1,148,387
2593A SPECIAL CATEGORIES			
INTERIOR REFURBISHMENT - LEASE SPACE			
FROM SUPERVISION TRUST FUND . . . .			1,446,080
2593B SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL			

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

PROTECTION	
FROM SUPERVISION TRUST FUND . . . .	320,000
2593C SPECIAL CATEGORIES	
MASTER LEASE SPACE TENANT IMPROVEMENT FUNDS	
FROM OPERATING TRUST FUND . . . . .	577,845

Funds in Specific Appropriation 2593C shall be placed in reserve until the department submits to the chair of the Senate Budget Subcommittee on General Government Appropriations and the chair of the House Government Operations Appropriations Subcommittee an updated project plan that includes, but is not limited to, all expenditures related to the proposed projects and the associated funding sources. The plan shall also include: a prioritization of all outstanding requests by agencies for improvement projects in spaces leased under the Tallahassee area private sector master leases; identify all out-year projects required to improve and maintain the leased space for the duration of the 15-year leases; and provide an explanation of why improvements are required or not required for each fiscal year. No earlier than 14 days after submission of the plan to the legislative committees, the department may request the release of the funds pursuant to the provisions of chapter 216, Florida Statutes.

2594 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM SUPERVISION TRUST FUND . . . .	307,139
2595 SPECIAL CATEGORIES	
STATE UTILITY PAYMENTS	
FROM SUPERVISION TRUST FUND . . . .	19,348,977

The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2595, in the event utility costs exceed the amount appropriated.

2596 SPECIAL CATEGORIES	
DEFERRED-PAYMENT COMMODITY CONTRACTS	
FROM SUPERVISION TRUST FUND . . . .	1,907,550
2597 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
FROM SUPERVISION TRUST FUND . . . .	101,706
2598 SPECIAL CATEGORIES	
STATE CAPITOL - MAINTENANCE AND REPAIRS	
FROM SUPERVISION TRUST FUND . . . .	50,000
2599 DATA PROCESSING SERVICES	
SOUTHWOOD SHARED RESOURCE CENTER	
FROM SUPERVISION TRUST FUND . . . .	96,448
2599A FIXED CAPITAL OUTLAY	
COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT	
FROM SUPERVISION TRUST FUND . . . .	1,178,577
2599B FIXED CAPITAL OUTLAY	
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE - DMS MGD	
FROM SUPERVISION TRUST FUND . . . .	1,321,750
2599C FIXED CAPITAL OUTLAY	
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD	
FROM SUPERVISION TRUST FUND . . . .	5,800,579

Funds provided in Specific Appropriation 2599C, are for projects identified in the Department of Management Services' Capital Improvements Plan submitted October 2010 to the Executive Office of the Governor and the Legislature. The department may only depart from this plan when there is an unforeseen circumstance

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

involving a building, facility grounds, or parking garage that affects facility code compliance; life safety or environmental deficiencies; Americans with Disabilities Act compliance; mechanical, component or structural failures; or impacts a building's operations, integrity or habitability. In the event the department receives reimbursement for any of the projects in the plan, or if actual project costs are lower than the estimated costs shown in the plan, the department may use the funds to address deferred projects or projects that allow for additional occupancy of any non-occupied space that may exist in the Florida Facilities Pool.

2600 FIXED CAPITAL OUTLAY	
DEBT SERVICE	
FROM FLORIDA FACILITIES POOL	
CLEARING TRUST FUND . . . . .	38,239,062
TOTAL: FACILITIES MANAGEMENT	
FROM TRUST FUNDS . . . . .	105,138,727
TOTAL POSITIONS . . . . .	288.50
TOTAL ALL FUNDS . . . . .	105,138,727

BUILDING CONSTRUCTION

Funds provided in Specific Appropriations 2601 through 2606 from the Architects Incidental Trust Fund are based on an assessment against each fixed capital outlay appropriation in which the Department of Management Services serves as the owner-representative on behalf of the state. The assessments for appropriations made for the 2011-2012 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by chapter 91-193, Laws of Florida.

APPROVED SALARY RATE	528,835	
2601 SALARIES AND BENEFITS	POSITIONS	10.00
FROM ARCHITECTS INCIDENTAL TRUST		
FUND . . . . .		738,544
2602 EXPENSES		
FROM ARCHITECTS INCIDENTAL TRUST		
FUND . . . . .		122,047
2603 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM ARCHITECTS INCIDENTAL TRUST		
FUND . . . . .		46,341
2604 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM ARCHITECTS INCIDENTAL TRUST		
FUND . . . . .		23,411
2605 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM ARCHITECTS INCIDENTAL TRUST		
FUND . . . . .		3,724
2606 DATA PROCESSING SERVICES		
SOUTHWOOD SHARED RESOURCE CENTER		
FROM ARCHITECTS INCIDENTAL TRUST		
FUND . . . . .		12,053
TOTAL: BUILDING CONSTRUCTION		
FROM TRUST FUNDS . . . . .		946,120
TOTAL POSITIONS . . . . .	10.00	
TOTAL ALL FUNDS . . . . .		946,120

PROGRAM: SUPPORT PROGRAM

FEDERAL PROPERTY ASSISTANCE

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	APPROVED SALARY RATE	141,876	
2610	SALARIES AND BENEFITS POSITIONS	5.00	
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND . . . . .		244,802
2611	EXPENSES		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND . . . . .		63,231
2612	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND . . . . .		6,379
2613	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND . . . . .		2,349
2614	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM SURPLUS PROPERTY REVOLVING TRUST FUND . . . . .		1,692
2615	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER FROM SURPLUS PROPERTY REVOLVING TRUST FUND . . . . .		2,738
TOTAL: FEDERAL PROPERTY ASSISTANCE			
	FROM TRUST FUNDS . . . . .		321,191
	TOTAL POSITIONS . . . . .	5.00	
	TOTAL ALL FUNDS . . . . .		321,191
MOTOR VEHICLE AND WATERCRAFT MANAGEMENT			
	APPROVED SALARY RATE	333,595	
2616	SALARIES AND BENEFITS POSITIONS	6.00	
	FROM OPERATING TRUST FUND . . . . .		479,612
From the funds provided in Specific Appropriation 2616, \$9,599 and salary rate of 58,455 shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.			
2617	EXPENSES		
	FROM OPERATING TRUST FUND . . . . .		106,421
2618	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM OPERATING TRUST FUND . . . . .		4,332
2619	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND . . . . .		1,984
2620	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM OPERATING TRUST FUND . . . . .		3,047

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2621	SPECIAL CATEGORIES		
	PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES FROM OPERATING TRUST FUND . . . . .		750,000
2622	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER FROM OPERATING TRUST FUND . . . . .		169,174
TOTAL: MOTOR VEHICLE AND WATERCRAFT MANAGEMENT			
	FROM TRUST FUNDS . . . . .		1,514,570
	TOTAL POSITIONS . . . . .	6.00	
	TOTAL ALL FUNDS . . . . .		1,514,570
PURCHASING OVERSIGHT			
	APPROVED SALARY RATE	3,253,098	
2623	SALARIES AND BENEFITS POSITIONS	60.00	
	FROM GENERAL REVENUE FUND . . . . .		981,675
	FROM OPERATING TRUST FUND . . . . .		3,536,284
To improve vendor oversight and contract management, the department shall ensure that private prisons resolve any violations cited by the Department of Corrections related to security, infirmary, and contraband operations audits. The department must, through attrition of staff, hire managers and contract monitors with adult corrections expertise. The department must provide relevant training as recommended by the Department of Corrections to all current and future staff responsible for overseeing the private prisons, including training in prison safety and security procedures, inmate manipulation resistance, defensive tactics, and contraband detection and control.			
The Division of Purchasing shall submit a business case plan as defined in section 287.0571, Florida Statutes, for the competitive solicitation of the state purchasing system (known as MyFloridaMarketPlace) by August 15, 2011. The plan shall include a detailed cost benefit analysis of options as defined in section 287.0571, Florida Statutes, as well as a transition plan in the event a new vendor is selected. Upon approval of the business case plan by the Legislative Budget Commission, the department shall competitively solicit a contract for operation of the state purchasing system pursuant to section 287.057, Florida Statutes.			
From the funds provided in Specific Appropriation 2623, \$223,638 and salary rate of 163,272 in the Purchasing Oversight account of the Operating Trust Fund shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate and budget. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.			
From the funds provided in Specific Appropriation 2623, three positions, \$350,000, and salary rate of 271,658 shall be placed in reserve in the Purchasing Oversight account of the Operating Trust Fund. The department is authorized to submit budget amendments for the release of salary rate and funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate and funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate and budget, organizational placement, and the role and responsibilities for each position to be funded.			
2624	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		15,200
	FROM OPERATING TRUST FUND . . . . .		10,000
2625	EXPENSES		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	FROM GENERAL REVENUE FUND . . . . .	83,686	
	FROM OPERATING TRUST FUND . . . . .		299,904
2626	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	3,890	
	FROM OPERATING TRUST FUND . . . . .		15,859
2627	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	13,056	
	FROM OPERATING TRUST FUND . . . . .		91,267
2628	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	1,962	
	FROM OPERATING TRUST FUND . . . . .		12,203
2629	SPECIAL CATEGORIES		
	CONTRACTED LEGAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	23,169	
	FROM OPERATING TRUST FUND . . . . .		30,000
2630	SPECIAL CATEGORIES		
	WEB-BASED E-PROCUREMENT SYSTEM		
	FROM OPERATING TRUST FUND . . . . .		14,800,000
2632	SPECIAL CATEGORIES		
	ADMINISTRATIVE OVERHEAD		
	FROM GENERAL REVENUE FUND . . . . .	103,673	
2633	SPECIAL CATEGORIES		
	PRIVATE PRISONS - MAINTENANCE AND REPAIR		
	REIMBURSEMENT		
	FROM OPERATING TRUST FUND . . . . .		959,588
2634	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	4,727	
	FROM OPERATING TRUST FUND . . . . .		15,233
2635	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	5,708	
	FROM OPERATING TRUST FUND . . . . .		609,467
TOTAL:	PURCHASING OVERSIGHT		
	FROM GENERAL REVENUE FUND . . . . .	1,236,746	
	FROM TRUST FUNDS . . . . .		20,379,805
	TOTAL POSITIONS . . . . .	60.00	
	TOTAL ALL FUNDS . . . . .		21,616,551
OFFICE OF SUPPLIER DIVERSITY			
	APPROVED SALARY RATE	206,638	
2636	SALARIES AND BENEFITS	POSITIONS	6.00
	FROM OPERATING TRUST FUND . . . . .		317,274
From the funds provided in Specific Appropriation 2636, salary rate of 4,555 shall be placed in reserve for the purpose of addressing a department reported shortage in salary rate. The department is authorized to submit budget amendments for the release of salary rate for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how salary rate placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of salary rate, organizational placement, and the role and responsibilities for each position.			
2637	EXPENSES		
	FROM OPERATING TRUST FUND . . . . .		33,399

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2638	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM OPERATING TRUST FUND . . . . .		34,170
2639	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND . . . . .		3,177
2640	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM OPERATING TRUST FUND . . . . .		3,634
2641	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM OPERATING TRUST FUND . . . . .		13,912
TOTAL: OFFICE OF SUPPLIER DIVERSITY			
	FROM TRUST FUNDS . . . . .		405,566
	TOTAL POSITIONS . . . . .	6.00	
	TOTAL ALL FUNDS . . . . .		405,566
WORKFORCE PROGRAMS			
PROGRAM: HUMAN RESOURCE MANAGEMENT			
	APPROVED SALARY RATE	2,005,473	
2642	SALARIES AND BENEFITS	POSITIONS	32.00
	FROM STATE PERSONNEL SYSTEM TRUST		
	FUND . . . . .		2,687,693
From the funds provided in Specific Appropriation 2642, no less than 15 positions shall be assigned to the People First project team.			
Funds provided in Specific Appropriations 2642 through 2653 from the State Personnel System Trust Fund are based upon a human resources services assessment to state entities at the following rates:			
	FTE		\$355.94
	OPS		\$117.61
	Justice Administrative Commission		\$258.36
	State Court System		\$223.55
	County Health Department		\$258.36
2643	OTHER PERSONAL SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST		
	FUND . . . . .		10,000
2644	EXPENSES		
	FROM STATE PERSONNEL SYSTEM TRUST		
	FUND . . . . .		227,607
2645	OPERATING CAPITAL OUTLAY		
	FROM STATE PERSONNEL SYSTEM TRUST		
	FUND . . . . .		5,000
2646	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST		
	FUND . . . . .		45,151
2647	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE PERSONNEL SYSTEM TRUST		
	FUND . . . . .		82,177
2648	SPECIAL CATEGORIES		
	CONTRACTED LEGAL SERVICES		
	FROM STATE PERSONNEL SYSTEM TRUST		
	FUND . . . . .		100,000

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

2650	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM STATE PERSONNEL SYSTEM TRUST FUND . . . . .		14,799
2651	SPECIAL CATEGORIES		
	HUMAN RESOURCES SERVICES / STATEWIDE CONTRACT FROM STATE PERSONNEL SYSTEM TRUST FUND . . . . .		38,195,091
2653	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER FROM STATE PERSONNEL SYSTEM TRUST FUND . . . . .		24,879
TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT FROM TRUST FUNDS . . . . .			
			41,392,397
	TOTAL POSITIONS . . . . .	32.00	
	TOTAL ALL FUNDS . . . . .		41,392,397

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

APPROVED SALARY RATE 1,291,953

2654	SALARIES AND BENEFITS	POSITIONS	23.00
	FROM PRETAX BENEFITS TRUST FUND . . . . .		429,301
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND . . . . .		21,014
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		1,340,684
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND . . . . .		27,503

From the funds provided in Specific Appropriation 2654, \$13,817 shall be placed in reserve for the purpose of addressing a department reported shortage in budget. The department is authorized to submit budget amendments for the release of funds for review and approval by the Legislative Budget Commission in accordance with chapter 216, Florida Statutes. The budget amendments shall have a detailed plan of how funds placed in reserve will be used, including, but not be limited to, title, position number, pay plan, amount of budget, organizational placement, and the role and responsibilities for each position to be funded.

From the funds provided in Specific Appropriations 2654 through 2667, the Division of State Group Insurance shall develop health insurance plan alternatives for the state's health insurance offerings. The department shall provide a report by October 1, 2011, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives of the different plan alternatives and options for the state employee health insurance program.

2655	OTHER PERSONAL SERVICES		
	FROM PRETAX BENEFITS TRUST FUND . . . . .		2,500
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		2,500
2656	EXPENSES		
	FROM PRETAX BENEFITS TRUST FUND . . . . .		48,832
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND . . . . .		1,984
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		284,219
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND . . . . .		2,875
2657	OPERATING CAPITAL OUTLAY		
	FROM PRETAX BENEFITS TRUST FUND . . . . .		10,000
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		10,000

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

2658	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		49,019
2658A	SPECIAL CATEGORIES		
	POST PAYMENT CLAIMS AUDIT SERVICES FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		1,300,000
2659	SPECIAL CATEGORIES		
	CONTRACTED SERVICES FROM PRETAX BENEFITS TRUST FUND . . . . .		348,505
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		499,157

The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2658A in the event the contractor identifies claim overpayments that result in compensation that exceeds the amount appropriated.

From the funds provided in Specific Appropriation 2659, the department shall use certified or licensed professionals who are providing solicited services to other clients when contracting with benefit or actuarial consultants.

From the funds provided in Specific Appropriation 2659, \$205,741 in the State Employees' Health Insurance Trust Fund and \$174,252 in the Pretax Benefits Trust Fund shall be placed in reserve. The department is authorized to submit budget amendments for the release of funds in accordance with chapter 216, Florida Statutes. The budget amendments shall include a spending plan detailing the scope of services, deliverables, and estimated costs relating to the funds requested for release.

2660	SPECIAL CATEGORIES		
	ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		20,100,000

The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2660 in the event administrative service payments for health insurance exceed the amount of budget authority appropriated.

2661	SPECIAL CATEGORIES		
	PRESCRIPTION DRUG CLAIMS ADMINISTRATION FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		319,200
2662	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE FROM PRETAX BENEFITS TRUST FUND . . . . .		2,971
	FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND . . . . .		517
	FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		9,170
	FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND . . . . .		258
2663	SPECIAL CATEGORIES		
	CONTRACTED LEGAL SERVICES FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		50,000
2664	SPECIAL CATEGORIES		
	PAYMENT OF EMPLOYER CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNT CUSTODIAN FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND . . . . .		786,443
2665	SPECIAL CATEGORIES		

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CONTRACTED BANK SERVICES		
FROM STATE EMPLOYEES HEALTH		
INSURANCE TRUST FUND . . . . .	44,000	
2666 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM PRETAX BENEFITS TRUST FUND . .	4,390	
FROM STATE EMPLOYEES LIFE		
INSURANCE TRUST FUND . . . . .	306	
FROM STATE EMPLOYEES HEALTH		
INSURANCE TRUST FUND . . . . .	11,292	
FROM STATE EMPLOYEES DISABILITY		
INSURANCE TRUST FUND . . . . .	146	
2667 DATA PROCESSING SERVICES		
SOUTHWOOD SHARED RESOURCE CENTER		
FROM PRETAX BENEFITS TRUST FUND . .	21,883	
FROM STATE EMPLOYEES LIFE		
INSURANCE TRUST FUND . . . . .	4,615	
FROM STATE EMPLOYEES HEALTH		
INSURANCE TRUST FUND . . . . .	54,973	
FROM STATE EMPLOYEES DISABILITY		
INSURANCE TRUST FUND . . . . .	8,552	
TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION		
FROM TRUST FUNDS . . . . .	25,796,809	
		23.00
TOTAL POSITIONS . . . . .		
TOTAL ALL FUNDS . . . . .	25,796,809	
PROGRAM: RETIREMENT BENEFITS ADMINISTRATION		
APPROVED SALARY RATE	7,470,749	
2668 SALARIES AND BENEFITS	POSITIONS	194.00
FROM GENERAL REVENUE FUND . . . . .	476,496	
FROM OPERATING TRUST FUND . . . . .	9,899,657	
FROM OPTIONAL RETIREMENT PROGRAM		
TRUST FUND . . . . .	140,860	
FROM POLICE AND FIREFIGHTER'S		
PREMIUM TAX TRUST FUND . . . . .	773,473	
FROM RETIREE HEALTH INSURANCE		
SUBSIDY TRUST FUND . . . . .	41,450	

From the funds provided in Specific Appropriation 2668, the department shall expend available cash balances from the Police and Firefighter's Premium Tax Trust Fund prior to the use of general revenue funding.

Funds provided in Specific Appropriations 2668 through 2677 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2669 OTHER PERSONAL SERVICES		
FROM OPERATING TRUST FUND . . . . .	6,029	
FROM POLICE AND FIREFIGHTER'S		
PREMIUM TAX TRUST FUND . . . . .	100	
2670 EXPENSES		
FROM OPERATING TRUST FUND . . . . .	3,058,827	
FROM OPTIONAL RETIREMENT PROGRAM		
TRUST FUND . . . . .	13,633	
FROM POLICE AND FIREFIGHTER'S		
PREMIUM TAX TRUST FUND . . . . .	82,889	
FROM RETIREE HEALTH INSURANCE		
SUBSIDY TRUST FUND . . . . .	11,370	
2671 OPERATING CAPITAL OUTLAY		
FROM OPERATING TRUST FUND . . . . .	161,354	
FROM OPTIONAL RETIREMENT PROGRAM		
TRUST FUND . . . . .	4,000	
FROM POLICE AND FIREFIGHTER'S		

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APPROPRIATION

PREMIUM TAX TRUST FUND . . . . .		2,400
2672 SPECIAL CATEGORIES		
TRANSFER TO DIVISION OF ADMINISTRATIVE		
HEARINGS		
FROM OPERATING TRUST FUND . . . . .		22,314
2673 SPECIAL CATEGORIES		
CONTRACTED SERVICES		
FROM OPERATING TRUST FUND . . . . .		3,616,850
FROM OPTIONAL RETIREMENT PROGRAM		
TRUST FUND . . . . .		500
FROM POLICE AND FIREFIGHTER'S		
PREMIUM TAX TRUST FUND . . . . .		191,355
FROM RETIREE HEALTH INSURANCE		
SUBSIDY TRUST FUND . . . . .		30,000
2674 SPECIAL CATEGORIES		
OVERTIME		
FROM OPERATING TRUST FUND . . . . .		122,571
2675 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM OPERATING TRUST FUND . . . . .		66,308
2676 SPECIAL CATEGORIES		
CONTRACTED LEGAL SERVICES		
FROM OPERATING TRUST FUND . . . . .		159,872
2677 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT		
SERVICES - HUMAN RESOURCES SERVICES		
PURCHASED PER STATEWIDE CONTRACT		
FROM OPERATING TRUST FUND . . . . .		60,682
FROM OPTIONAL RETIREMENT PROGRAM		
TRUST FUND . . . . .		628
FROM POLICE AND FIREFIGHTER'S		
PREMIUM TAX TRUST FUND . . . . .		4,479
FROM RETIREE HEALTH INSURANCE		
SUBSIDY TRUST FUND . . . . .		249
2678 DATA PROCESSING SERVICES		
SOUTHWOOD SHARED RESOURCE CENTER		
FROM OPERATING TRUST FUND . . . . .		243,985
2679 PENSIONS AND BENEFITS		
DISABILITY BENEFITS TO JUSTICES AND JUDGES		
FROM GENERAL REVENUE FUND . . . . .	788,849	
2680 PENSIONS AND BENEFITS		
FLORIDA NATIONAL GUARD		
FROM GENERAL REVENUE FUND . . . . .	16,122,152	
2681 PENSIONS AND BENEFITS		
STATE OFFICERS AND EMPLOYEES (NON-		
CONTRIBUTORY)		
FROM GENERAL REVENUE FUND . . . . .	752,775	
2682 PENSIONS AND BENEFITS		
TEACHER'S SPECIAL PENSIONS		
FROM GENERAL REVENUE FUND . . . . .	2,168	
TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION		
FROM GENERAL REVENUE FUND . . . . .	18,142,440	
FROM TRUST FUNDS . . . . .		18,715,835
TOTAL POSITIONS . . . . .	194.00	
TOTAL ALL FUNDS . . . . .		36,858,275
PROGRAM: TECHNOLOGY PROGRAM		
TELECOMMUNICATIONS SERVICES		
APPROVED SALARY RATE	3,915,246	

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2683	SALARIES AND BENEFITS	POSITIONS	75.00
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		4,969,054
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		435,633
2684	OTHER PERSONAL SERVICES		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		74,268
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		84,290
2685	EXPENSES		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		719,130
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		515,781
2686	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTIONS TO COUNTIES - WIRELESS 911		
	TELEPHONE SYSTEMS		
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		70,190,273
2687	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTIONS TO SERVICE PROVIDERS -		
	WIRELESS 911 TELEPHONE SYSTEMS		
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		15,484,846
2688	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTIONS TO COUNTIES - NON-WIRELESS		
	E911		
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		50,030,674
2689	OPERATING CAPITAL OUTLAY		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		92,159
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		3,600
2690	SPECIAL CATEGORIES		
	CENTREX AND SUNCOM PAYMENTS		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		108,035,421
The department is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2690, in the event that payments for telecommunications services exceed the amount appropriated.			
2691	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		2,010,063
	FROM FEDERAL GRANTS TRUST FUND . . .		
			2,402,028
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		250,827
2692	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		13,591
2693	SPECIAL CATEGORIES		
	CONTRACTED LEGAL SERVICES		
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		92,159
2694	SPECIAL CATEGORIES		
	NTIA - BROADBAND SERVICES DEPLOYMENT-		
	AMERICAN RECOVERY AND REINVESTMENT ACT OF		
	2009		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	FROM FEDERAL GRANTS TRUST FUND . . .		2,512,693
From the funds provided in Specific Appropriation 2694, the department shall expedite the use of federal funds awarded and available as part of the State Broadband Data and Development Grant in order to advance broadband internet service throughout the state. In carrying out its authority granted in section 364.0135, Florida Statutes, relating to the promotion of broadband deployment, the department shall not expend in excess of 10 percent of grant funds for the cost of management and oversight of the grant.			
2695	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		25,632
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		855
2696	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		642,758
	FROM EMERGENCY COMMUNICATIONS		
	NUMBER E911 SYSTEM TRUST		4,992
TOTAL: TELECOMMUNICATIONS SERVICES			
	FROM TRUST FUNDS . . . . .		258,590,727
	TOTAL POSITIONS . . . . .		75.00
	TOTAL ALL FUNDS . . . . .		258,590,727
WIRELESS SERVICES			
	APPROVED SALARY RATE	796,762	
2697	SALARIES AND BENEFITS	POSITIONS	13.00
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		89,889
	FROM LAW ENFORCEMENT RADIO SYSTEM		
	TRUST FUND		1,073,753
2698	OTHER PERSONAL SERVICES		
	FROM LAW ENFORCEMENT RADIO SYSTEM		
	TRUST FUND		20,000
2699	EXPENSES		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		7,723
	FROM LAW ENFORCEMENT RADIO SYSTEM		
	TRUST FUND		265,540
2700	OPERATING CAPITAL OUTLAY		
	FROM LAW ENFORCEMENT RADIO SYSTEM		
	TRUST FUND		22,000
2701	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM LAW ENFORCEMENT RADIO SYSTEM		
	TRUST FUND		1,500,000
2701A	SPECIAL CATEGORIES		
	DOMESTIC SECURITY		
	FROM LAW ENFORCEMENT RADIO SYSTEM		
	TRUST FUND		1,014,115
2702	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM COMMUNICATIONS WORKING		
	CAPITAL TRUST FUND		514
	FROM LAW ENFORCEMENT RADIO SYSTEM		
	TRUST FUND		1,279

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

2704	SPECIAL CATEGORIES STATEWIDE LAW ENFORCEMENT RADIO SYSTEM CONTRACT PAYMENT FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND . . . . .	18,220,000
2705	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND . . . . . FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND . . . . .	768 4,042
2706	DATA PROCESSING SERVICES SOUTHWOOD SHARED RESOURCE CENTER FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND . . . . .	1,145
TOTAL:	WIRELESS SERVICES FROM TRUST FUNDS . . . . .	22,220,768
	TOTAL POSITIONS . . . . . 13.00 TOTAL ALL FUNDS . . . . .	22,220,768

PROGRAM: SOUTHWOOD SHARED RESOURCE CENTER

SOUTHWOOD SHARED RESOURCE CENTER

From the funds in Specific Appropriation 2707 through 2711, the Southwood Shared Resource Center (SSRC) shall implement the Plan for Standardization of Mainframe Software to Achieve Cost Savings and Operational Efficiencies that was submitted by the technical group comprised of subject matter experts from the SSRC and SSRC agency mainframe customers on November 1, 2010. If one of the affected agency mainframe customers is unable to comply with the implementation schedule that is included in the plan, the agency must submit a report to the Executive Office of the Governor, the chair of the Senate Budget Subcommittee on General Government Appropriations, and the chair of the House Government Operations Appropriations Subcommittee no later than August 1, 2011, explaining the specific issues preventing compliance and describing its plan and schedule for resolving the issues.

From funds in Specific Appropriations 2707 through 2711, the Southwood Shared Resource center shall develop a plan by December 31, 2011, to (1) consolidate the mainframe from the Department of Corrections with its existing mainframe platform and (2) standardize or replace existing mainframe software products to achieve cost savings and other operational efficiencies for mainframe services. In producing the plan, the SSRC shall identify specific software functions that can be performed more effectively through standardization or replacement, estimate the potential savings, and identify the timeframe for achieving the savings and other related benefits.

APPROVED SALARY RATE 6,267,792

2707	SALARIES AND BENEFITS POSITIONS 121.00 FROM WORKING CAPITAL TRUST FUND . . . . .	7,347,987
2708	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND . . . . .	30,000
2709	EXPENSES FROM WORKING CAPITAL TRUST FUND . . . . .	60,427
2710	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND . . . . .	385,364
2711	SPECIAL CATEGORIES CONTRACTED SERVICES FROM WORKING CAPITAL TRUST FUND . . . . .	14,798,383
2712	SPECIAL CATEGORIES	

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
APPROPRIATION

	RISK MANAGEMENT INSURANCE FROM WORKING CAPITAL TRUST FUND . . . . .	23,809
2713	SPECIAL CATEGORIES DATA PROCESSING CONTRACTS FOR DATA CENTER FROM WORKING CAPITAL TRUST FUND . . . . .	876,119
2714	SPECIAL CATEGORIES DEFERRED-PAYMENT COMMODITY CONTRACTS FROM WORKING CAPITAL TRUST FUND . . . . .	1,424,077
2715	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM WORKING CAPITAL TRUST FUND . . . . .	32,771
TOTAL:	SOUTHWOOD SHARED RESOURCE CENTER FROM TRUST FUNDS . . . . .	24,978,937
	TOTAL POSITIONS . . . . . 121.00 TOTAL ALL FUNDS . . . . .	24,978,937

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

PUBLIC EMPLOYEES RELATIONS

APPROVED SALARY RATE 1,716,297

2716	SALARIES AND BENEFITS POSITIONS 26.00 FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND . . . . .	1,350,652 1,234,606
2717	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND . . . . .	9,277 53,628
2718	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND . . . . .	27,094 354,664
2719	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND . . . . .	7,399 5,721
2720	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND . . . . .	35,070 32,500
2721	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND . . . . .	8,555 12,542
2722	SPECIAL CATEGORIES ADMINISTRATIVE OVERHEAD FROM GENERAL REVENUE FUND . . . . .	34,314
2723	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND . . . . .	6,181 5,306
2724	DATA PROCESSING SERVICES	

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
SOUTHWOOD SHARED RESOURCE CENTER			
FROM GENERAL REVENUE FUND . . . . .	8,388		
FROM PUBLIC EMPLOYEES RELATIONS			
COMMISSION TRUST FUND . . . . .		10,900	
TOTAL: PUBLIC EMPLOYEES RELATIONS			
FROM GENERAL REVENUE FUND . . . . .	1,486,930		
FROM TRUST FUNDS . . . . .		1,709,867	
TOTAL POSITIONS . . . . .	26.00		
TOTAL ALL FUNDS . . . . .		3,196,797	

PROGRAM: AGENCY FOR ENTERPRISE BUSINESS SERVICES

ENTERPRISE BUSINESS SERVICES

2724A LUMP SUM			
AGENCY FOR ENTERPRISE BUSINESS SERVICES			
POSITIONS	3.00		
FROM GENERAL REVENUE FUND . . . . .	300,000		

The funds and positions in Specific Appropriation 2724A are contingent upon Senate Bill 1738 or similar legislation, relating to the Agency for Enterprise Business Services, becoming a law.

PROGRAM: COMMISSION ON HUMAN RELATIONS

HUMAN RELATIONS

APPROVED SALARY RATE	2,017,764		
2725 SALARIES AND BENEFITS POSITIONS 48.50			
FROM GENERAL REVENUE FUND . . . . .	1,960,818		
FROM OPERATING TRUST FUND . . . . .		922,737	
2726 OTHER PERSONAL SERVICES			
FROM OPERATING TRUST FUND . . . . .		1,040	
2727 EXPENSES			
FROM OPERATING TRUST FUND . . . . .		229,326	
2728 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	1,736		
2729 SPECIAL CATEGORIES			
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
FROM GENERAL REVENUE FUND . . . . .	642,726		
2730 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	3,506		
FROM OPERATING TRUST FUND . . . . .		16,000	
2731 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	44,022		
FROM OPERATING TRUST FUND . . . . .		11,608	
2732 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	17,804		
FROM OPERATING TRUST FUND . . . . .		4,910	
2733 DATA PROCESSING SERVICES			
SOUTHWOOD SHARED RESOURCE CENTER			
FROM OPERATING TRUST FUND . . . . .		25,015	
TOTAL: HUMAN RELATIONS			
FROM GENERAL REVENUE FUND . . . . .	2,670,612		
FROM TRUST FUNDS . . . . .		1,210,636	

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
TOTAL POSITIONS . . . . .	48.50		
TOTAL ALL FUNDS . . . . .			3,881,248

ADMINISTRATIVE HEARINGS

PROGRAM: ADJUDICATION OF DISPUTES

APPROVED SALARY RATE	5,468,536		
2734 SALARIES AND BENEFITS POSITIONS 67.00			
FROM OPERATING TRUST FUND . . . . .			7,057,160
2735 OTHER PERSONAL SERVICES			
FROM OPERATING TRUST FUND . . . . .			20,091
2736 EXPENSES			
FROM OPERATING TRUST FUND . . . . .			1,096,029
2737 OPERATING CAPITAL OUTLAY			
FROM OPERATING TRUST FUND . . . . .			65,000
2738 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM OPERATING TRUST FUND . . . . .			188,914
2739 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM OPERATING TRUST FUND . . . . .			38,962
2740 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM OPERATING TRUST FUND . . . . .			24,819
TOTAL: PROGRAM: ADJUDICATION OF DISPUTES			
FROM TRUST FUNDS . . . . .			8,490,975
TOTAL POSITIONS . . . . .	67.00		
TOTAL ALL FUNDS . . . . .			8,490,975

PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS

APPROVED SALARY RATE	9,804,347		
2741 SALARIES AND BENEFITS POSITIONS 182.00			
FROM OPERATING TRUST FUND . . . . .			13,324,651
2742 OTHER PERSONAL SERVICES			
FROM OPERATING TRUST FUND . . . . .			17,836
2743 EXPENSES			
FROM OPERATING TRUST FUND . . . . .			2,886,118
2744 OPERATING CAPITAL OUTLAY			
FROM OPERATING TRUST FUND . . . . .			25,916
2745 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM OPERATING TRUST FUND . . . . .			994,049
2746 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM OPERATING TRUST FUND . . . . .			80,743
2747 SPECIAL CATEGORIES			
CONTRACTED LEGAL SERVICES			
FROM OPERATING TRUST FUND . . . . .			1,279
2748 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	FROM OPERATING TRUST FUND . . . . .		72,307
TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS			
	FROM TRUST FUNDS . . . . .	17,402,899	
	TOTAL POSITIONS . . . . .	182.00	
	TOTAL ALL FUNDS . . . . .	17,402,899	
TOTAL: MANAGEMENT SERVICES, DEPARTMENT OF			
	FROM GENERAL REVENUE FUND . . . . .	23,836,728	
	FROM TRUST FUNDS . . . . .	557,201,899	
	TOTAL POSITIONS . . . . .	1,238.00	
	TOTAL ALL FUNDS . . . . .	581,038,627	
	TOTAL APPROVED SALARY RATE . . . . .	59,112,336	
MILITARY AFFAIRS, DEPARTMENT OF			
PROGRAM: READINESS AND RESPONSE			
DRUG INTERDICTION AND PREVENTION			
2749	EXPENSES		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	75,000	
	FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . .	305,000	
2750	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . .	200,000	
2751	SPECIAL CATEGORIES		
	PROJECTS, CONTRACTS AND GRANTS		
	FROM FEDERAL GRANTS TRUST FUND . . . . .	6,600,000	
2752	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . .	10,000	
2753	SPECIAL CATEGORIES		
	MAINTENANCE AND OPERATIONS CONTRACTS		
	FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . .	10,000	
2753A	FIXED CAPITAL OUTLAY		
	REHABILITATION OF COUNTER DRUG TRAINING ACADEMY CAMP BLANDING TRAINING SITE - STARKE, FLORIDA		
	FROM FEDERAL LAW ENFORCEMENT TRUST FUND . . . . .	200,000	
TOTAL: DRUG INTERDICTION AND PREVENTION			
	FROM TRUST FUNDS . . . . .	7,400,000	
	TOTAL ALL FUNDS . . . . .	7,400,000	
MILITARY READINESS AND RESPONSE			
	APPROVED SALARY RATE	3,190,310	
2754	SALARIES AND BENEFITS		
	POSITIONS	92.00	
	FROM GENERAL REVENUE FUND . . . . .	3,348,594	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND . . . . .	1,110,372	
2755	OTHER PERSONAL SERVICES		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND . . . . .	18,172	
2756	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	4,690,563	
	FROM CAMP BLANDING MANAGEMENT		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	TRUST FUND . . . . .		90,000
2756A AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - WOUNDED WARRIOR PROJECT		
	FROM GENERAL REVENUE FUND . . . . .	3,250,000	
	The Department of Military of Affairs shall contract with the Wounded Warrior Project to assist the organization with the transition of wounded service members back into society.		
2757	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	162,810	
2758	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .	15,000	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND . . . . .		113,678
2759	SPECIAL CATEGORIES		
	NATIONAL GUARD TUITION ASSISTANCE		
	FROM GENERAL REVENUE FUND . . . . .	1,781,900	
2760	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	333,500	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND . . . . .		25,000
2761	SPECIAL CATEGORIES		
	MAINTENANCE AND OPERATIONS CONTRACTS		
	FROM GENERAL REVENUE FUND . . . . .	171,000	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND . . . . .		25,000
2762	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CAMP BLANDING MANAGEMENT TRUST FUND . . . . .		99,428
2763	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	24,348	
	FROM CAMP BLANDING MANAGEMENT TRUST FUND . . . . .		8,219
2763A	FIXED CAPITAL OUTLAY		
	FLORIDA READINESS CENTERS REVITALIZATION PLAN - STATEWIDE		
	FROM GENERAL REVENUE FUND . . . . .	15,000,000	
TOTAL: MILITARY READINESS AND RESPONSE			
	FROM GENERAL REVENUE FUND . . . . .	28,777,715	
	FROM TRUST FUNDS . . . . .		1,489,869
	TOTAL POSITIONS . . . . .	92.00	
	TOTAL ALL FUNDS . . . . .		30,267,584
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	2,907,482	
2764	SALARIES AND BENEFITS		
	POSITIONS	53.00	
	FROM GENERAL REVENUE FUND . . . . .	3,884,601	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		321,498
2765	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	54,533	
2766	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	708,311	

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2767	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	33,126	
2768	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND . . . . .	25,000	
2769	SPECIAL CATEGORIES		
	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND . . . . .	25,000	
2770	SPECIAL CATEGORIES		
	LEGAL SERVICES CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	5,000	
2772	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	30,200	
2773	SPECIAL CATEGORIES		
	MAINTENANCE AND OPERATIONS CONTRACTS		
	FROM GENERAL REVENUE FUND . . . . .	22,000	
2774	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	211,423	
2774A	SPECIAL CATEGORIES		
	WORKER'S COMPENSATION FOR STATE ACTIVE		
	DUTY - FLORIDA NATIONAL GUARD		
	FROM GENERAL REVENUE FUND . . . . .	238,576	
2775	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	17,404	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,548
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	5,255,174	
	FROM TRUST FUNDS . . . . .		323,046
	TOTAL POSITIONS . . . . .	53.00	
	TOTAL ALL FUNDS . . . . .		5,578,220
FEDERAL/STATE COOPERATIVE AGREEMENTS			
	APPROVED SALARY RATE	7,600,387	
2776	SALARIES AND BENEFITS		
	POSITIONS	228.00	
	FROM FEDERAL GRANTS TRUST FUND . . .		10,201,023
2777	OTHER PERSONAL SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .		87,000
2778	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	221,540	
	FROM FEDERAL GRANTS TRUST FUND . . .		12,126,031
2779	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . .		385,987
2780	FOOD PRODUCTS		
	FROM FEDERAL GRANTS TRUST FUND . . .		450,000
2780A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FEDERAL GRANTS TRUST FUND . . .		100,000
2781	SPECIAL CATEGORIES		
	LABORATORY SERVICES		
	FROM FEDERAL GRANTS TRUST FUND . . .		70,000

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
2782	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	443,150	
	FROM FEDERAL GRANTS TRUST FUND . . .		6,980,000
2782A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WAGES CONTRACTING WITH		
	MILITARY AFFAIRS		
	FROM GENERAL REVENUE FUND . . . . .	2,000,000	
From the funds in Specific Appropriation 2782A, \$1,250,000 of nonrecurring general revenue funds is provided for the Forward March Program, and \$750,000 of nonrecurring general revenue funds is provided for the About Face Program.			
2783	SPECIAL CATEGORIES		
	ENGINEERING CONSULTANTS		
	FROM FEDERAL GRANTS TRUST FUND . . .		30,000
2784	SPECIAL CATEGORIES		
	MAINTENANCE AND OPERATIONS CONTRACTS		
	FROM FEDERAL GRANTS TRUST FUND . . .		920,000
2785	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM FEDERAL GRANTS TRUST FUND . . .		85,867
2785A	FIXED CAPITAL OUTLAY		
	PLAN NEW ARMORY - EGLIN AIR FORCE BASE,		
	FT. WALTON		
	FROM FEDERAL GRANTS TRUST FUND . . .		832,000
2785B	FIXED CAPITAL OUTLAY		
	WEST PALM BEACH ARMED FORCES RESERVE		
	CENTER - PARKING EXPANSION AND SECURITY		
	FENCE - DESIGN AND BUILD		
	FROM FEDERAL GRANTS TRUST FUND . . .		3,412,000
TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS			
	FROM GENERAL REVENUE FUND . . . . .	2,664,690	
	FROM TRUST FUNDS . . . . .		35,679,908
	TOTAL POSITIONS . . . . .	228.00	
	TOTAL ALL FUNDS . . . . .		38,344,598
TOTAL: MILITARY AFFAIRS, DEPARTMENT OF			
	FROM GENERAL REVENUE FUND . . . . .	36,697,579	
	FROM TRUST FUNDS . . . . .		44,892,823
	TOTAL POSITIONS . . . . .	373.00	
	TOTAL ALL FUNDS . . . . .		81,590,402
	TOTAL APPROVED SALARY RATE . . . . .	13,698,179	
PUBLIC SERVICE COMMISSION			
PROGRAM: COMMISSIONERS AND ADMINISTRATIVE SERVICES			
PUBLIC SERVICE COMMISSIONERS			
	APPROVED SALARY RATE	1,498,559	
2786	SALARIES AND BENEFITS		
	POSITIONS	18.00	
	FROM REGULATORY TRUST FUND . . . . .		2,021,750
2787	EXPENSES		
	FROM REGULATORY TRUST FUND . . . . .		328,046
2788	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND . . . . .		6,000
2789	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	FROM REGULATORY TRUST FUND . . . . .	6,859	
2790	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND . . . . .	5,550	
2791	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM REGULATORY TRUST FUND . . . . .	6,531	
TOTAL:	PUBLIC SERVICE COMMISSIONERS		
	FROM TRUST FUNDS . . . . .	2,374,736	
	TOTAL POSITIONS . . . . .	18.00	
	TOTAL ALL FUNDS . . . . .	2,374,736	
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE	3,445,170	
2792	SALARIES AND BENEFITS POSITIONS	68.00	
	FROM REGULATORY TRUST FUND . . . . .	4,575,872	
	From the funds provided in Specific Appropriation 2792, the commission shall eliminate six positions, \$391,655, and salary rate of 282,934 that are allocated to the Office of Public Information.		
2793	OTHER PERSONAL SERVICES		
	FROM REGULATORY TRUST FUND . . . . .	117,258	
2794	EXPENSES		
	FROM REGULATORY TRUST FUND . . . . .	1,152,947	
2795	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND . . . . .	200,000	
2796	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM REGULATORY TRUST FUND . . . . .	72,055	
	From the funds provided in Specific Appropriation 2796, the Public Service Commission may purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances as provided for in section 287.14(3), Florida Statutes.		
2797	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM REGULATORY TRUST FUND . . . . .	263,067	
2798	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND . . . . .	24,667	
2799	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM REGULATORY TRUST FUND . . . . .	29,388	
2800	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM REGULATORY TRUST FUND . . . . .	70,555	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM TRUST FUNDS . . . . .	6,505,809	
	TOTAL POSITIONS . . . . .	68.00	
	TOTAL ALL FUNDS . . . . .	6,505,809	

LEGAL SERVICES

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
	APPROVED SALARY RATE	1,837,445	
2801	SALARIES AND BENEFITS POSITIONS	30.00	
	FROM REGULATORY TRUST FUND . . . . .		2,303,656
2802	OTHER PERSONAL SERVICES		
	FROM REGULATORY TRUST FUND . . . . .		17,000
2803	EXPENSES		
	FROM REGULATORY TRUST FUND . . . . .		382,008
2804	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND . . . . .		4,100
2805	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM REGULATORY TRUST FUND . . . . .		37,955
2806	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND . . . . .		9,866
2807	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM REGULATORY TRUST FUND . . . . .		12,337
TOTAL:	LEGAL SERVICES		
	FROM TRUST FUNDS . . . . .		2,766,922
	TOTAL POSITIONS . . . . .	30.00	
	TOTAL ALL FUNDS . . . . .		2,766,922
PROGRAM: UTILITY REGULATION AND CONSUMER ASSISTANCE			
UTILITY REGULATION			
	APPROVED SALARY RATE	6,959,371	
2808	SALARIES AND BENEFITS POSITIONS	149.00	
	FROM REGULATORY TRUST FUND . . . . .		9,648,249
2809	OTHER PERSONAL SERVICES		
	FROM REGULATORY TRUST FUND . . . . .		66,330
2810	EXPENSES		
	FROM REGULATORY TRUST FUND . . . . .		1,521,881
2811	OPERATING CAPITAL OUTLAY		
	FROM REGULATORY TRUST FUND . . . . .		52,000
2812	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM REGULATORY TRUST FUND . . . . .		181,968
2813	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM REGULATORY TRUST FUND . . . . .		49,024
2814	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM REGULATORY TRUST FUND . . . . .		58,416
2815	SPECIAL CATEGORIES		
	STATE OPERATIONS - AMERICAN RECOVERY AND		
	REINVESTMENT ACT OF 2009		
	FROM REGULATORY TRUST FUND . . . . .		350,000
TOTAL:	UTILITY REGULATION		
	FROM TRUST FUNDS . . . . .		11,927,868

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APPROPRIATION			
TOTAL POSITIONS . . . . .	149.00		
TOTAL ALL FUNDS . . . . .		11,927,868	
AUDITING AND PERFORMANCE ANALYSIS			
APPROVED SALARY RATE	1,462,324		
2816 SALARIES AND BENEFITS POSITIONS	31.00		
FROM REGULATORY TRUST FUND . . . . .		1,957,717	
2817 EXPENSES			
FROM REGULATORY TRUST FUND . . . . .		430,580	
2818 OPERATING CAPITAL OUTLAY			
FROM REGULATORY TRUST FUND . . . . .		4,100	
2819 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM REGULATORY TRUST FUND . . . . .		12,955	
2820 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM REGULATORY TRUST FUND . . . . .		10,484	
2821 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM REGULATORY TRUST FUND . . . . .		12,337	
TOTAL: AUDITING AND PERFORMANCE ANALYSIS			
FROM TRUST FUNDS . . . . .		2,428,173	
TOTAL POSITIONS . . . . .	31.00		
TOTAL ALL FUNDS . . . . .		2,428,173	
TOTAL: PUBLIC SERVICE COMMISSION			
FROM TRUST FUNDS . . . . .		26,003,508	
TOTAL POSITIONS . . . . .	296.00		
TOTAL ALL FUNDS . . . . .		26,003,508	
TOTAL APPROVED SALARY RATE . . . . .	15,202,869		

REVENUE, DEPARTMENT OF			
PROGRAM: ADMINISTRATIVE SERVICES PROGRAM			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
APPROVED SALARY RATE	13,227,777		
2822 SALARIES AND BENEFITS POSITIONS	259.00		
FROM GENERAL REVENUE FUND . . . . .	9,719,865		
FROM FEDERAL GRANTS TRUST FUND . . . . .		5,754,855	
FROM OPERATING TRUST FUND . . . . .		2,279,834	
2823 OTHER PERSONAL SERVICES			
FROM OPERATING TRUST FUND . . . . .		73,740	
2824 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	365,530		
FROM FEDERAL GRANTS TRUST FUND . . . . .		461,726	
FROM OPERATING TRUST FUND . . . . .		1,346,164	
2825 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	6,929		
FROM OPERATING TRUST FUND . . . . .		117,985	
2826 SPECIAL CATEGORIES			
TRANSFER TO DIVISION OF ADMINISTRATIVE			
HEARINGS			
FROM FEDERAL GRANTS TRUST FUND . . . . .		1,368,025	
FROM OPERATING TRUST FUND . . . . .		783,296	

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APPROPRIATION			
2827 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .		198,161	
FROM FEDERAL GRANTS TRUST FUND . . . . .			281,028
FROM OPERATING TRUST FUND . . . . .			1,053,170
2828 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .		93,815	
FROM FEDERAL GRANTS TRUST FUND . . . . .			11,208
FROM OPERATING TRUST FUND . . . . .			103,605
2829 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .		1,494,942	
FROM FEDERAL GRANTS TRUST FUND . . . . .			162,218
FROM OPERATING TRUST FUND . . . . .			254,939
2830 DATA PROCESSING SERVICES			
SOUTHWOOD SHARED RESOURCE CENTER			
FROM GENERAL REVENUE FUND . . . . .		1,174	
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND . . . . .		11,880,416	
FROM TRUST FUNDS . . . . .			14,051,793
TOTAL POSITIONS . . . . .	259.00		
TOTAL ALL FUNDS . . . . .			25,932,209
PROGRAM: PROPERTY TAX OVERSIGHT PROGRAM			
COMPLIANCE DETERMINATION			
APPROVED SALARY RATE	5,434,843		
2831 SALARIES AND BENEFITS POSITIONS	125.00		
FROM GENERAL REVENUE FUND . . . . .	7,273,893		
2832 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .		11,455	
2833 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .		858,574	
2834 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .		16,012	
2835 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .		263,161	
2836 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .		159,225	
2837 DATA PROCESSING SERVICES			
SOUTHWOOD SHARED RESOURCE CENTER			
FROM GENERAL REVENUE FUND . . . . .		26,327	
TOTAL: COMPLIANCE DETERMINATION			
FROM GENERAL REVENUE FUND . . . . .		8,608,647	
TOTAL POSITIONS . . . . .	125.00		
TOTAL ALL FUNDS . . . . .			8,608,647
COMPLIANCE ASSISTANCE			
APPROVED SALARY RATE	2,373,761		
2838 SALARIES AND BENEFITS POSITIONS	49.00		
FROM GENERAL REVENUE FUND . . . . .	3,247,945		
FROM CERTIFICATION PROGRAM TRUST			

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APPROPRIATION	
FUND . . . . .	204,841
2839 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	9,715
2840 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	91,445
2841 AID TO LOCAL GOVERNMENTS	
AERIAL PHOTOGRAPHY AND MAPPING	
FROM GENERAL REVENUE FUND . . . . .	500,000
FROM CERTIFICATION PROGRAM TRUST	
FUND . . . . .	876,266

From the funds in Specific Appropriation 2841, \$500,000 in nonrecurring general revenue is provided to the Department of Revenue to fund aerial photography and mapping for counties with a population of 50,000 or less.

2842 SPECIAL CATEGORIES	
PROPERTY APPRAISER AND TAX COLLECTOR	
CERTIFICATION PROGRAM	
FROM CERTIFICATION PROGRAM TRUST	
FUND . . . . .	485,000
2843 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM GENERAL REVENUE FUND . . . . .	195,901
2844 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	73,690
2844A SPECIAL CATEGORIES	
FISCALLY CONSTRAINED COUNTIES -	
CONSERVATION LANDS	
FROM GENERAL REVENUE FUND . . . . .	537,260
2844B SPECIAL CATEGORIES	
FISCALLY CONSTRAINED COUNTIES	
FROM GENERAL REVENUE FUND . . . . .	25,000,000
TOTAL: COMPLIANCE ASSISTANCE	
FROM GENERAL REVENUE FUND . . . . .	29,655,956
FROM TRUST FUNDS . . . . .	1,566,107
TOTAL POSITIONS . . . . .	49.00
TOTAL ALL FUNDS . . . . .	31,222,063

PROGRAM: CHILD SUPPORT ENFORCEMENT PROGRAM

CASE PROCESSING

APPROVED SALARY RATE	27,139,606
2845 SALARIES AND BENEFITS	931.00
POSITIONS	
FROM GENERAL REVENUE FUND . . . . .	11,511,774
FROM CHILD SUPPORT ENFORCEMENT	
APPLICATION AND PROGRAM REVENUE	
TRUST FUND . . . . .	858,750
FROM FEDERAL GRANTS TRUST FUND . . . . .	24,821,286
2846 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	10,059
FROM CHILD SUPPORT ENFORCEMENT	
APPLICATION AND PROGRAM REVENUE	
TRUST FUND . . . . .	28,862
FROM FEDERAL GRANTS TRUST FUND . . . . .	321,396
2847 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	3,412,541
FROM CHILD SUPPORT ENFORCEMENT	
APPLICATION AND PROGRAM REVENUE	
TRUST FUND . . . . .	7,014

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APPROPRIATION	
FROM FEDERAL GRANTS TRUST FUND . . . . .	6,799,601
2848 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	17,193
FROM FEDERAL GRANTS TRUST FUND . . . . .	67,000
2849 SPECIAL CATEGORIES	
CHILD SUPPORT ENFORCEMENT ANNUAL FEE	
FROM GENERAL REVENUE FUND . . . . .	1,980,000
FROM OPERATING TRUST FUND . . . . .	1,049,598
2850 SPECIAL CATEGORIES	
PURCHASE OF SERVICES - CHILD SUPPORT	
ENFORCEMENT	
FROM GENERAL REVENUE FUND . . . . .	5,717,093
FROM CHILD SUPPORT INCENTIVE TRUST	
FUND . . . . .	9,812,606
FROM FEDERAL GRANTS TRUST FUND . . . . .	25,186,229

2851 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM GENERAL REVENUE FUND . . . . .	130,679
FROM FEDERAL GRANTS TRUST FUND . . . . .	253,668
2852 DATA PROCESSING SERVICES	
CHILDREN AND FAMILIES DATA CENTER	
FROM GENERAL REVENUE FUND . . . . .	1,435,585
FROM FEDERAL GRANTS TRUST FUND . . . . .	2,868,071
2853 DATA PROCESSING SERVICES	
NORTHWOOD SHARED RESOURCE CENTER	
FROM GENERAL REVENUE FUND . . . . .	367,440
FROM FEDERAL GRANTS TRUST FUND . . . . .	713,702
TOTAL: CASE PROCESSING	
FROM GENERAL REVENUE FUND . . . . .	24,582,364
FROM TRUST FUNDS . . . . .	72,787,783
TOTAL POSITIONS . . . . .	931.00
TOTAL ALL FUNDS . . . . .	97,370,147

REMITTANCE AND DISTRIBUTION

APPROVED SALARY RATE	2,413,762
2854 SALARIES AND BENEFITS	79.00
POSITIONS	
FROM GENERAL REVENUE FUND . . . . .	1,275,510
FROM CHILD SUPPORT ENFORCEMENT	
APPLICATION AND PROGRAM REVENUE	
TRUST FUND . . . . .	28,555
FROM FEDERAL GRANTS TRUST FUND . . . . .	2,533,705
2855 OTHER PERSONAL SERVICES	
FROM GENERAL REVENUE FUND . . . . .	8,298
FROM CHILD SUPPORT ENFORCEMENT	
APPLICATION AND PROGRAM REVENUE	
TRUST FUND . . . . .	8,720
FROM FEDERAL GRANTS TRUST FUND . . . . .	33,036
2856 EXPENSES	
FROM GENERAL REVENUE FUND . . . . .	163,556
FROM CHILD SUPPORT ENFORCEMENT	
APPLICATION AND PROGRAM REVENUE	
TRUST FUND . . . . .	786
FROM FEDERAL GRANTS TRUST FUND . . . . .	330,532
2857 OPERATING CAPITAL OUTLAY	
FROM GENERAL REVENUE FUND . . . . .	5,859
FROM FEDERAL GRANTS TRUST FUND . . . . .	13,761
2858 SPECIAL CATEGORIES	
TRANSFER GENERAL REVENUE TO CHILD SUPPORT	
ENFORCEMENT	
FROM GENERAL REVENUE FUND . . . . .	2,241,987

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2859	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND . . . . .	4,401,513	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND . . . . .		9,069,997
	FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND . . . . .		1,618,998
	FROM FEDERAL GRANTS TRUST FUND . . . . .		22,584,361
2860	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	11,292	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		21,919
2861	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
	FROM CHILD SUPPORT INCENTIVE TRUST FUND . . . . .		750,000
2862	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND . . . . .	1,357,858	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		2,609,950
2863	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	349,949	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		679,721
TOTAL:	REMITTANCE AND DISTRIBUTION		
	FROM GENERAL REVENUE FUND . . . . .	9,815,822	
	FROM TRUST FUNDS . . . . .		40,284,041
	TOTAL POSITIONS . . . . .	79.00	
	TOTAL ALL FUNDS . . . . .		50,099,863
ESTABLISHMENT			
	APPROVED SALARY RATE	22,056,221	
2864	SALARIES AND BENEFITS	659.00	
	POSITIONS		
	FROM GENERAL REVENUE FUND . . . . .	10,224,790	
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .		283,078
	FROM FEDERAL GRANTS TRUST FUND . . . . .		20,493,757
2865	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	54,935	
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .		36,844
	FROM FEDERAL GRANTS TRUST FUND . . . . .		178,158
2866	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	1,649,405	
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .		2,411
	FROM FEDERAL GRANTS TRUST FUND . . . . .		3,298,071
2867	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	11,585	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		90,988
2868	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND . . . . .	5,795,928	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND . . . . .		10,061,036

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	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .		710,773
	FROM FEDERAL GRANTS TRUST FUND . . . . .		22,887,554
	From the funds in Specific Appropriation 2868, up to \$85,000 from the Child Support Enforcement Application and Program Revenue Trust Fund and \$165,000 from the Federal Grants Trust Fund may be used by the Department of Revenue to fund the child support guideline review, which will be conducted by the Office of Economic and Demographic Research. From the funds provided for this purpose, the department shall reimburse the Office of Economic and Demographic Research for contractual costs incurred to conduct the review of the child support guidelines schedule. The review is in accordance with the federal Family Support Act of 1988, to ensure appropriate determination of child support award amounts and shall include development of a percent-of-obligor income and/or modified percent-of-obligor income model for Florida and estimated cost-savings and benefits to citizens and other entities of the proposed model. A final report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011. The Office of Economic and Demographic Research may contract with a state university or a nationally recognized organization for the purpose of collecting and analyzing the economic data necessary for the review.		
2869	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .		93,082
	FROM FEDERAL GRANTS TRUST FUND . . . . .		180,690
2870	DATA PROCESSING SERVICES		
	CHILDREN AND FAMILIES DATA CENTER		
	FROM GENERAL REVENUE FUND . . . . .		1,193,607
	FROM FEDERAL GRANTS TRUST FUND . . . . .		2,276,941
2871	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .		67,990
	FROM FEDERAL GRANTS TRUST FUND . . . . .		131,980
2872	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .		329,744
	FROM FEDERAL GRANTS TRUST FUND . . . . .		640,478
2873	DATA PROCESSING SERVICES		
	NORTHWEST REGIONAL DATA CENTER (NWRDC)		
	FROM GENERAL REVENUE FUND . . . . .		219,609
	FROM FEDERAL GRANTS TRUST FUND . . . . .		426,299
2874	DATA PROCESSING SERVICES		
	NORTHWOOD SHARED RESOURCE CENTER (NSRC)		
	DEPRECIATION FEDERAL SHARE BILLINGS		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		188,787
TOTAL:	ESTABLISHMENT		
	FROM GENERAL REVENUE FUND . . . . .		19,640,675
	FROM TRUST FUNDS . . . . .		61,887,845
	TOTAL POSITIONS . . . . .	659.00	
	TOTAL ALL FUNDS . . . . .		81,528,520
COMPLIANCE			
	APPROVED SALARY RATE	20,735,572	
2875	SALARIES AND BENEFITS	627.00	
	POSITIONS		
	FROM GENERAL REVENUE FUND . . . . .		10,305,436
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .		233,875
	FROM FEDERAL GRANTS TRUST FUND . . . . .		19,796,753
2876	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .		10,001

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	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .	88,774	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	191,755	
2877	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	2,430,535	
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .	3,125	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	4,818,414	
2878	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	8,544	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	83,644	
2879	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND . . . . .	4,000,855	
	FROM CHILD SUPPORT INCENTIVE TRUST FUND . . . . .	6,513,518	
	FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND . . . . .	371,449	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	12,183,277	
2880	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	88,488	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	171,771	
TOTAL: COMPLIANCE			
	FROM GENERAL REVENUE FUND . . . . .	16,843,859	
	FROM TRUST FUNDS . . . . .	44,456,355	
	TOTAL POSITIONS . . . . .	627.00	
	TOTAL ALL FUNDS . . . . .	61,300,214	
PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM			
TAX PROCESSING			
	APPROVED SALARY RATE	13,484,269	
2881	SALARIES AND BENEFITS POSITIONS	426.50	
	FROM GENERAL REVENUE FUND . . . . .	17,323,909	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	3,028,758	
	FROM OPERATING TRUST FUND . . . . .	3,178,002	
2882	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND . . . . .	22,157	
2883	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	591,166	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	824,254	
	FROM OPERATING TRUST FUND . . . . .	3,083,172	
2884	AID TO LOCAL GOVERNMENTS		
	EMERGENCY DISTRIBUTIONS		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND . . . . .	16,367,042	
2885	AID TO LOCAL GOVERNMENTS		
	INMATE SUPPLEMENTAL DISTRIBUTION		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND . . . . .	592,958	
2886	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	40,988	
	FROM FEDERAL GRANTS TRUST FUND . . . . .	5,377	
	FROM OPERATING TRUST FUND . . . . .	140,466	
2887	SPECIAL CATEGORIES		

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	ADMINISTRATION OF UNEMPLOYMENT COMPENSATION TAX		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		387,700
2888	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	642,346	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		268,642
	FROM OPERATING TRUST FUND . . . . .		722,581
2889	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM OPERATING TRUST FUND . . . . .		97,049
2890	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	117,374	
	FROM OPERATING TRUST FUND . . . . .		64,740
TOTAL: TAX PROCESSING			
	FROM GENERAL REVENUE FUND . . . . .	18,715,783	
	FROM TRUST FUNDS . . . . .		28,782,898
	TOTAL POSITIONS . . . . .	426.50	
	TOTAL ALL FUNDS . . . . .		47,498,681
TAXPAYER AID			
	APPROVED SALARY RATE	5,112,545	
2891	SALARIES AND BENEFITS POSITIONS	128.00	
	FROM GENERAL REVENUE FUND . . . . .	6,532,609	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		145,401
	FROM OPERATING TRUST FUND . . . . .		376,047
2892	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND . . . . .		3,798
2893	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	888,571	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		312,822
	FROM OPERATING TRUST FUND . . . . .		683,133
2894	OPERATING CAPITAL OUTLAY		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		2,161
	FROM OPERATING TRUST FUND . . . . .		54,485
2895	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	297,651	
	FROM FEDERAL GRANTS TRUST FUND . . . . .		126,315
	FROM OPERATING TRUST FUND . . . . .		138,216
2896	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM OPERATING TRUST FUND . . . . .		39,000
2897	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	47,166	
	FROM OPERATING TRUST FUND . . . . .		26,017
TOTAL: TAXPAYER AID			
	FROM GENERAL REVENUE FUND . . . . .	7,765,997	
	FROM TRUST FUNDS . . . . .		1,907,395
	TOTAL POSITIONS . . . . .	128.00	
	TOTAL ALL FUNDS . . . . .		9,673,392
COMPLIANCE DETERMINATION			
	APPROVED SALARY RATE	50,143,165	
2898	SALARIES AND BENEFITS POSITIONS	1,156.00	

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	FROM GENERAL REVENUE FUND . . . . .	37,953,703	
	FROM FEDERAL GRANTS TRUST FUND . . .		8,589,253
	FROM OPERATING TRUST FUND . . . . .		15,565,626
2899	OTHER PERSONAL SERVICES		
	FROM OPERATING TRUST FUND . . . . .		11,147
2900	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	274,424	
	FROM FEDERAL GRANTS TRUST FUND . . .		2,329,249
	FROM OPERATING TRUST FUND . . . . .		8,999,580
2901	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	1,350	
	FROM FEDERAL GRANTS TRUST FUND . . .		13,845
	FROM OPERATING TRUST FUND . . . . .		218,788
2902	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	1,255,053	
	FROM FEDERAL GRANTS TRUST FUND . . .		652,281
	FROM OPERATING TRUST FUND . . . . .		1,442,984
2903	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM OPERATING TRUST FUND . . . . .		249,900
2904	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	302,233	
	FROM OPERATING TRUST FUND . . . . .		166,705
2905	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT		
	SERVICES - HUMAN RESOURCES SERVICES		
	PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND . . . . .	7,890	
2906	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	50,333	
TOTAL:	COMPLIANCE DETERMINATION		
	FROM GENERAL REVENUE FUND . . . . .	39,844,986	
	FROM TRUST FUNDS . . . . .		38,239,358
	TOTAL POSITIONS . . . . .	1,156.00	
	TOTAL ALL FUNDS . . . . .		78,084,344
COMPLIANCE RESOLUTION			
	APPROVED SALARY RATE	18,894,914	
2907	SALARIES AND BENEFITS		
	POSITIONS	528.50	
	FROM GENERAL REVENUE FUND . . . . .	15,763,661	
	FROM FEDERAL GRANTS TRUST FUND . . .		3,975,537
	FROM OPERATING TRUST FUND . . . . .		9,336,171
2908	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	6,292	
	FROM OPERATING TRUST FUND . . . . .		6,606
2909	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	2,017,572	
	FROM FEDERAL GRANTS TRUST FUND . . .		974,041
	FROM OPERATING TRUST FUND . . . . .		2,053,688
2910	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	22,218	
	FROM FEDERAL GRANTS TRUST FUND . . .		6,318
	FROM OPERATING TRUST FUND . . . . .		59,342
2911	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		

SECTION 6 - GENERAL GOVERNMENT  
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	FROM GENERAL REVENUE FUND . . . . .	653,207	
	FROM FEDERAL GRANTS TRUST FUND . . .		310,497
	FROM OPERATING TRUST FUND . . . . .		433,371
2912	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - COLLECTION AGENCIES		
	FROM OPERATING TRUST FUND . . . . .		114,051
2913	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	137,933	
	FROM OPERATING TRUST FUND . . . . .		76,084
TOTAL:	COMPLIANCE RESOLUTION		
	FROM GENERAL REVENUE FUND . . . . .	18,600,883	
	FROM TRUST FUNDS . . . . .		17,345,706
	TOTAL POSITIONS . . . . .	528.50	
	TOTAL ALL FUNDS . . . . .		35,946,589
PROGRAM: INFORMATION SERVICES PROGRAM			
INFORMATION TECHNOLOGY			
	APPROVED SALARY RATE	7,618,911	
2914	SALARIES AND BENEFITS		
	POSITIONS	175.00	
	FROM GENERAL REVENUE FUND . . . . .	4,885,846	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,636,589
	FROM OPERATING TRUST FUND . . . . .		4,022,365
2915	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	172,260	
	FROM OPERATING TRUST FUND . . . . .		29,252
2916	EXPENSES		
	FROM GENERAL REVENUE FUND . . . . .	4,702	
	FROM FEDERAL GRANTS TRUST FUND . . .		212,063
	FROM OPERATING TRUST FUND . . . . .		2,063,030
2917	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND . . . . .	2,233	
	FROM FEDERAL GRANTS TRUST FUND . . .		227,029
	FROM OPERATING TRUST FUND . . . . .		517,752
2918	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	688	
	FROM FEDERAL GRANTS TRUST FUND . . .		1,977,349
	FROM OPERATING TRUST FUND . . . . .		2,040,174
2919	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND . . . . .	3,002	
	FROM FEDERAL GRANTS TRUST FUND . . .		11,232
	FROM OPERATING TRUST FUND . . . . .		12,506
2920	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND . . . . .	74,714	
	FROM OPERATING TRUST FUND . . . . .		139,709
2921	DATA PROCESSING SERVICES		
	SOUTHWOOD SHARED RESOURCE CENTER		
	FROM GENERAL REVENUE FUND . . . . .	706,882	
	FROM OPERATING TRUST FUND . . . . .		1,783,079
2922	DATA PROCESSING SERVICES		
	NORTHWEST REGIONAL DATA CENTER (NWRDC)		
	FROM GENERAL REVENUE FUND . . . . .	141,067	
	FROM OPERATING TRUST FUND . . . . .		241,927
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND . . . . .	5,991,394	

SECTION 6 - GENERAL GOVERNMENT			
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APPROPRIATION			
FROM TRUST FUNDS . . . . .			14,914,056
TOTAL POSITIONS . . . . .	175.00		
TOTAL ALL FUNDS . . . . .			20,905,450
TOTAL: REVENUE, DEPARTMENT OF			
FROM GENERAL REVENUE FUND . . . . .	211,946,782		
FROM TRUST FUNDS . . . . .		336,223,337	
TOTAL POSITIONS . . . . .	5,143.00		
TOTAL ALL FUNDS . . . . .		548,170,119	
TOTAL APPROVED SALARY RATE . . . . .	188,635,346		
STATE, DEPARTMENT OF			
PROGRAM: OFFICE OF THE SECRETARY AND			
ADMINISTRATIVE SERVICES			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
APPROVED SALARY RATE	4,623,216		
2923 SALARIES AND BENEFITS POSITIONS	86.00		
FROM GENERAL REVENUE FUND . . . . .	4,527,027		
FROM FEDERAL GRANTS TRUST FUND . . . . .		1,025,811	
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .		431,138	
FROM RECORDS MANAGEMENT TRUST FUND . . . . .		81,938	
2924 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	587,294		
FROM FEDERAL GRANTS TRUST FUND . . . . .		10,453	
2925 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	1,250		
2926 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	28,640		
2926A SPECIAL CATEGORIES			
LITIGATION EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	500,000		
2927 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	41,678		
2928 SPECIAL CATEGORIES			
TRANSFER TO DEPARTMENT OF MANAGEMENT			
SERVICES - HUMAN RESOURCES SERVICES			
PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	31,203		
FROM FEDERAL GRANTS TRUST FUND . . . . .		4,846	
FROM GRANTS AND DONATIONS TRUST			
FUND . . . . .		336	
2929 DATA PROCESSING SERVICES			
OTHER DATA PROCESSING SERVICES			
FROM GENERAL REVENUE FUND . . . . .	15,000		
2930 DATA PROCESSING SERVICES			
NORTHWOOD SHARED RESOURCE CENTER			
FROM GENERAL REVENUE FUND . . . . .	675,612		
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES			
FROM GENERAL REVENUE FUND . . . . .	6,407,704		
FROM TRUST FUNDS . . . . .		1,554,522	
TOTAL POSITIONS . . . . .	86.00		
TOTAL ALL FUNDS . . . . .		7,962,226	

PROGRAM: ELECTIONS

SECTION 6 - GENERAL GOVERNMENT			
SPECIFIC			
APPROPRIATION			
ELECTIONS			
APPROVED SALARY RATE	2,024,832		
2931 SALARIES AND BENEFITS POSITIONS	54.00		
FROM GENERAL REVENUE FUND . . . . .	1,033,241		
FROM FEDERAL GRANTS TRUST FUND . . . . .			1,842,721
2932 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	87,150		
FROM FEDERAL GRANTS TRUST FUND . . . . .			300,000
2933 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	839,672		
FROM FEDERAL GRANTS TRUST FUND . . . . .			608,335
2933A AID TO LOCAL GOVERNMENTS			
SPECIAL ELECTIONS			
FROM GENERAL REVENUE FUND . . . . .	1,600,000		
2934 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	73,086		
FROM FEDERAL GRANTS TRUST FUND . . . . .			3,125
2935 SPECIAL CATEGORIES			
VOTING SYSTEMS ASSISTANCE			
FROM FEDERAL GRANTS TRUST FUND . . . . .			525,000
2936 SPECIAL CATEGORIES			
STATEWIDE VOTER REGISTRATION SYSTEM - HELP			
AMERICA VOTE ACT (HAVA)			
FROM FEDERAL GRANTS TRUST FUND . . . . .			2,794,815
2937 SPECIAL CATEGORIES			
CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	283,541		
FROM FEDERAL GRANTS TRUST FUND . . . . .			300,058
2938 SPECIAL CATEGORIES			
ASSISTANCE FOR INDIVIDUALS WITH			
DISABILITIES			
FROM FEDERAL GRANTS TRUST FUND . . . . .			800,000
2939 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	91,021		
2939A SPECIAL CATEGORIES			
TRANSFER TO GRANTS AND DONATIONS TRUST			
FUND			
FROM GENERAL REVENUE FUND . . . . .	207,522		
2940 SPECIAL CATEGORIES			
ELECTION FRAUD PREVENTION			
FROM GENERAL REVENUE FUND . . . . .	445,379		
2941 SPECIAL CATEGORIES			
GRANTS AND AIDS - FEDERAL ELECTION			
ACTIVITIES (HELP AMERICA VOTE ACT)			
FROM FEDERAL GRANTS TRUST FUND . . . . .			2,000,000

Funds in Specific Appropriation 2941 shall be distributed to county supervisors of elections to be used for election administration activities such as voter education; pollworker training; standardizing elections results reporting; or other federal election administrative activities as approved by the Department of State.

County supervisors of elections will receive funds only after providing the Department of State a detailed description of the programs that will be implemented. Funds distributed to county supervisors of elections require a certification from the county that matching funds will be provided in an amount equal to fifteen percent of the amount to be received from the state.

SECTION 6 - GENERAL GOVERNMENT  
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To be eligible, a county must segregate federal funds and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Funds shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended. Supervisors of elections shall report to the Department of State any unspent funds remaining at June 30, 2012.

2942	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND . . . . .	9,469		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		7,259	
2943	DATA PROCESSING SERVICES			
	NORTHWOOD SHARED RESOURCE CENTER			
	FROM FEDERAL GRANTS TRUST FUND . . . . .		40,122	
TOTAL: ELECTIONS				
	FROM GENERAL REVENUE FUND . . . . .	4,670,081		
	FROM TRUST FUNDS . . . . .		9,221,435	
	TOTAL POSITIONS . . . . .	54.00		
	TOTAL ALL FUNDS . . . . .		13,891,516	
PROGRAM: HISTORICAL RESOURCES				
HISTORICAL RESOURCES PRESERVATION AND EXHIBITION				
	APPROVED SALARY RATE	1,920,354		
2944	SALARIES AND BENEFITS	POSITIONS	52.00	
	FROM GENERAL REVENUE FUND . . . . .		1,128,011	
	FROM FEDERAL GRANTS TRUST FUND . . . . .			329,985
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			1,330,886
2945	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	29,317		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		500,251	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		1,329,752	
2946	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .	231,165		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		569,300	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		932,672	
2947	OPERATING CAPITAL OUTLAY			
	FROM FEDERAL GRANTS TRUST FUND . . . . .		15,625	
2948	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND . . . . .	96,275		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		189,307	
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .		236,162	
2949	SPECIAL CATEGORIES			
	GRANTS AND AIDS - HISTORIC PRESERVATION GRANTS			
	FROM GENERAL REVENUE FUND . . . . .	1,100,000		
	FROM FEDERAL GRANTS TRUST FUND . . . . .		118,250	

A portion of the funds in Specific Appropriation 2949 shall be allocated as follows:

Historic Hampton House - Miami.....	100,000
Government House Interpretive Film and Exhibit - St. Augustine.....	200,000
Government House Museum Renovations - St. Augustine.....	200,000
Town of Eatonville Historic Preservation.....	100,000

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2950	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND . . . . .	31,674		
	FROM FEDERAL GRANTS TRUST FUND . . . . .			14,906
2951	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND . . . . .	12,387		
	FROM FEDERAL GRANTS TRUST FUND . . . . .			2,499
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			10,448
2952	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .			34,746
2952A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY HISTORIC PROJECT - HOLOCAUST DOCUMENTATION AND EDUCATION CENTER RAIL CAR RENOVATION			
	FROM GENERAL REVENUE FUND . . . . .	250,000		
TOTAL: HISTORICAL RESOURCES PRESERVATION AND EXHIBITION				
	FROM GENERAL REVENUE FUND . . . . .	2,878,829		
	FROM TRUST FUNDS . . . . .			5,614,789
	TOTAL POSITIONS . . . . .	52.00		
	TOTAL ALL FUNDS . . . . .			8,493,618
PROGRAM: CORPORATIONS				
COMMERCIAL RECORDINGS AND REGISTRATIONS				
	APPROVED SALARY RATE	3,693,674		
2953	SALARIES AND BENEFITS	POSITIONS	108.00	
	FROM GENERAL REVENUE FUND . . . . .		5,155,421	
2954	EXPENSES			
	FROM GENERAL REVENUE FUND . . . . .		2,028,884	
2955	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND . . . . .		25,920	
2956	SPECIAL CATEGORIES			
	CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND . . . . .		332,539	
2957	SPECIAL CATEGORIES			
	RICO ACT - ALIEN CORPORATIONS			
	FROM GENERAL REVENUE FUND . . . . .		322,797	
2958	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND . . . . .		29,469	
2959	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND . . . . .		45,062	
TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS				
	FROM GENERAL REVENUE FUND . . . . .	7,940,092		
	TOTAL POSITIONS . . . . .	108.00		
	TOTAL ALL FUNDS . . . . .			7,940,092
PROGRAM: LIBRARY AND INFORMATION SERVICES				
LIBRARY, ARCHIVES AND INFORMATION SERVICES				

SECTION 6 - GENERAL GOVERNMENT  
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APPROVED SALARY RATE	3,069,440		
2960 SALARIES AND BENEFITS POSITIONS	80.00		
FROM GENERAL REVENUE FUND . . . . .	1,359,227		
FROM FEDERAL GRANTS TRUST FUND . . .		1,559,161	
FROM RECORDS MANAGEMENT TRUST FUND .		1,286,473	
2961 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	73,251		
FROM FEDERAL GRANTS TRUST FUND . . .		217,195	
FROM RECORDS MANAGEMENT TRUST FUND .		52,412	
2962 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	1,772,106		
FROM FEDERAL GRANTS TRUST FUND . . .		327,985	
FROM RECORDS MANAGEMENT TRUST FUND .		635,866	
2962A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY COOPERATIVES			
FROM GENERAL REVENUE FUND . . . . .	1,000,000		
2963 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY GRANTS			
FROM GENERAL REVENUE FUND . . . . .	21,300,000		
FROM FEDERAL GRANTS TRUST FUND . . .		2,792,039	
2964 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	24,960		
FROM FEDERAL GRANTS TRUST FUND . . .		40,498	
FROM RECORDS MANAGEMENT TRUST FUND .		9,740	
2965 SPECIAL CATEGORIES CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	126,764		
FROM FEDERAL GRANTS TRUST FUND . . .		494,687	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		100,000	
FROM RECORDS MANAGEMENT TRUST FUND .		187,059	
2966 SPECIAL CATEGORIES LIBRARY RESOURCES			
FROM GENERAL REVENUE FUND . . . . .	484,388		
FROM FEDERAL GRANTS TRUST FUND . . .		3,167,945	
2967 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	57,967		
2968 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	19,512		
FROM FEDERAL GRANTS TRUST FUND . . .		10,760	
FROM RECORDS MANAGEMENT TRUST FUND .		10,033	
TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES			
FROM GENERAL REVENUE FUND . . . . .	26,218,175		
FROM TRUST FUNDS . . . . .		10,891,853	
TOTAL POSITIONS . . . . .	80.00		
TOTAL ALL FUNDS . . . . .		37,110,028	

PROGRAM: CULTURAL AFFAIRS

CULTURAL AFFAIRS

APPROVED SALARY RATE	1,241,924		
2969 SALARIES AND BENEFITS POSITIONS	36.00		
FROM GENERAL REVENUE FUND . . . . .	600,575		
FROM FEDERAL GRANTS TRUST FUND . . .		546,778	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		684,116	

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2970 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND . . . . .	14,163		
FROM FEDERAL GRANTS TRUST FUND . . .		27,117	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		81,244	
2971 EXPENSES			
FROM GENERAL REVENUE FUND . . . . .	244,791		
FROM FEDERAL GRANTS TRUST FUND . . .		174,325	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		682,214	
2972 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ARTS GRANTS			
FROM FEDERAL GRANTS TRUST FUND . . .		297,200	
2973 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND . . . . .	675		
2973A SPECIAL CATEGORIES GRANTS AND AIDS - CULTURE BUILDS FLORIDA			
FROM GENERAL REVENUE FUND . . . . .	500,000		
2973B SPECIAL CATEGORIES GRANTS AND AIDS - CULTURAL AND MUSEUM GRANTS			
FROM GENERAL REVENUE FUND . . . . .	2,150,000		
From the funds in Specific Appropriation 2973B, \$100,000 shall be used for the Junior Museum of Bay County, and \$50,000 shall be used for the Jones High School Historical Society, Inc., Museum in Orlando.			
2974 SPECIAL CATEGORIES CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND . . . . .	91,089		
FROM FEDERAL GRANTS TRUST FUND . . .		40,000	
FROM GRANTS AND DONATIONS TRUST FUND . . . . .		300,000	
2974A SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES			
FROM GENERAL REVENUE FUND . . . . .	350,000		
Funds provided in Specific Appropriation 2974A are provided for the Florida Humanities Council.			
2975 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND . . . . .	11,421		
2976 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
FROM GENERAL REVENUE FUND . . . . .	13,051		
FROM FEDERAL GRANTS TRUST FUND . . .		2,192	
TOTAL: CULTURAL AFFAIRS			
FROM GENERAL REVENUE FUND . . . . .	3,975,765		
FROM TRUST FUNDS . . . . .		2,835,186	
TOTAL POSITIONS . . . . .	36.00		
TOTAL ALL FUNDS . . . . .		6,810,951	
TOTAL: STATE, DEPARTMENT OF			
FROM GENERAL REVENUE FUND . . . . .	52,090,646		
FROM TRUST FUNDS . . . . .		30,117,785	
TOTAL POSITIONS . . . . .	416.00		
TOTAL ALL FUNDS . . . . .		82,208,431	
TOTAL APPROVED SALARY RATE . . . . .	16,573,440		
TOTAL OF SECTION 6			

SECTION 6 - GENERAL GOVERNMENT  
SPECIFIC  
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FROM GENERAL REVENUE FUND . . . . .	630,855,983
FROM TRUST FUNDS . . . . .	3,357,426,240
TOTAL POSITIONS . . . . .	18,678.75
TOTAL ALL FUNDS . . . . .	3,988,282,223

SECTION 7 - JUDICIAL BRANCH

The moneys contained herein are appropriated from the named funds to the State Courts System as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay.

STATE COURT SYSTEM

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

APPROVED SALARY RATE	5,848,635
2977 SALARIES AND BENEFITS POSITIONS	97.00
FROM STATE COURTS REVENUE TRUST FUND . . . . .	7,681,688
2978 OTHER PERSONAL SERVICES	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	90,059
2979 EXPENSES	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	731,728
2980 OPERATING CAPITAL OUTLAY	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	19,371
2981 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	332,179
2982 SPECIAL CATEGORIES	
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	15,000
Funds in Specific Appropriation 2982 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.	
2983 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	42,584
2984 SPECIAL CATEGORIES	
SUPREME COURT LAW LIBRARY	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	248,018
2985 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM STATE COURTS REVENUE TRUST FUND . . . . .	22,925
TOTAL: COURT OPERATIONS - SUPREME COURT	
FROM TRUST FUNDS . . . . .	9,183,552
TOTAL POSITIONS . . . . .	97.00

SECTION 7 - JUDICIAL BRANCH  
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APPROPRIATION

TOTAL ALL FUNDS . . . . .	9,183,552
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EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,879,510

2986 SALARIES AND BENEFITS POSITIONS	174.50	
FROM ADMINISTRATIVE TRUST FUND . . . . .		329,325
FROM STATE COURTS REVENUE TRUST FUND . . . . .		9,233,403
FROM COURT EDUCATION TRUST FUND . . . . .		1,193,909
FROM FEDERAL GRANTS TRUST FUND . . . . .		1,228,540

From the funds in Specific Appropriation 2986, \$96,624 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.

From the funds in Specific Appropriation 2986, the Office of State Courts Administrator will make recommendations by January 2, 2012, to the chair of the Senate Budget Committee and the chair of the House Appropriations Committee on resolving civil disputes in a timely manner and reducing legal costs to the state court system through the use of financial and other incentives.

From the funds in Specific Appropriation 2986, the Office of the State Courts Administrator shall work with the Clerk of Courts Operation Corporation to jointly develop and recommend by November 1, 2011, to the chair of the Senate Budget Committee and the chair of the House of Representatives Appropriations Committee appropriate Article V revenue streams to be directed to the State Courts Revenue Trust Fund and the Clerk of Court Trust Fund to eliminate problems with cash flow in both funds and to ensure revenue streams are adequate to support appropriations.

2987 OTHER PERSONAL SERVICES	
FROM ADMINISTRATIVE TRUST FUND . . . . .	225,104
FROM STATE COURTS REVENUE TRUST FUND . . . . .	271,886
FROM COURT EDUCATION TRUST FUND . . . . .	105,540
FROM FEDERAL GRANTS TRUST FUND . . . . .	115,003

From the funds in Specific Appropriation 2987, \$35,905 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.

2988 EXPENSES	
FROM ADMINISTRATIVE TRUST FUND . . . . .	284,688
FROM STATE COURTS REVENUE TRUST FUND . . . . .	1,446,470
FROM COURT EDUCATION TRUST FUND . . . . .	1,862,087
FROM FEDERAL GRANTS TRUST FUND . . . . .	511,971
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	142,355

From the funds in Specific Appropriation 2988, \$87,191 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.

2989 OPERATING CAPITAL OUTLAY	
FROM ADMINISTRATIVE TRUST FUND . . . . .	50,000
FROM STATE COURTS REVENUE TRUST FUND . . . . .	494,329
FROM COURT EDUCATION TRUST FUND . . . . .	10,000
FROM FEDERAL GRANTS TRUST FUND . . . . .	111,376

2990 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM ADMINISTRATIVE TRUST FUND . . . . .	151,000
FROM STATE COURTS REVENUE TRUST FUND . . . . .	256,190
FROM COURT EDUCATION TRUST FUND . . . . .	158,448

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FROM FEDERAL GRANTS TRUST FUND . . .	400,195
FROM GRANTS AND DONATIONS TRUST FUND . . . . .	102,000
From the funds in Specific Appropriation 2990, \$26,900 is provided from the State Courts Revenue Trust Fund for the creation of an Innocence Commission to study the causes of wrongful conviction and subsequent incarceration.	
2991 SPECIAL CATEGORIES FLORIDA CASES SOUTHERN 2ND REPORTER FROM STATE COURTS REVENUE TRUST FUND . . . . .	589,570
2992 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM STATE COURTS REVENUE TRUST FUND . . . . .	40,017
2993 SPECIAL CATEGORIES COMPUTER SUBSCRIPTION SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .	181,450
2994 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM ADMINISTRATIVE TRUST FUND . . . FROM STATE COURTS REVENUE TRUST FUND . . . . . FROM COURT EDUCATION TRUST FUND . . FROM FEDERAL GRANTS TRUST FUND . . .	216 33,078 4,040 4,127
2995 SPECIAL CATEGORIES STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM FEDERAL GRANTS TRUST FUND . . .	908,000
2996 DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM ADMINISTRATIVE TRUST FUND . . . FROM STATE COURTS REVENUE TRUST FUND . . . . . FROM FEDERAL GRANTS TRUST FUND . . .	150,000 1,450,294 80,000
TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES FROM TRUST FUNDS . . . . .	22,124,611
TOTAL POSITIONS . . . . .	174.50
TOTAL ALL FUNDS . . . . .	22,124,611

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2997 SPECIAL CATEGORIES  
DUE PROCESS CONTINGENCY FUND

POSITIONS	22.00
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The positions authorized in Specific Appropriation 2997 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - APPELLATE COURTS

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APPROVED SALARY RATE	28,143,009
2998 SALARIES AND BENEFITS POSITIONS	433.00
FROM ADMINISTRATIVE TRUST FUND . . .	1,681,521
FROM STATE COURTS REVENUE TRUST FUND . . . . .	35,207,929
2999 OTHER PERSONAL SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .	66,767
3000 EXPENSES FROM ADMINISTRATIVE TRUST FUND . . . FROM STATE COURTS REVENUE TRUST FUND . . . . .	95,194 3,070,036
3001 OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND . . . FROM STATE COURTS REVENUE TRUST FUND . . . . .	27,000 142,614
3002 SPECIAL CATEGORIES COMPENSATION TO RETIRED JUDGES FROM STATE COURTS REVENUE TRUST FUND . . . . .	51,790
3003 SPECIAL CATEGORIES CONTRACTED SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .	822,645
3004 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM STATE COURTS REVENUE TRUST FUND . . . . .	93,728
3005 SPECIAL CATEGORIES DISTRICT COURT OF APPEAL LAW LIBRARY FROM STATE COURTS REVENUE TRUST FUND . . . . .	162,797
3006 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM ADMINISTRATIVE TRUST FUND . . . FROM STATE COURTS REVENUE TRUST FUND . . . . .	2,175 97,117
3007 DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .	171,100
TOTAL: COURT OPERATIONS - APPELLATE COURTS FROM TRUST FUNDS . . . . .	41,692,413
TOTAL POSITIONS . . . . .	433.00
TOTAL ALL FUNDS . . . . .	41,692,413

PROGRAM: TRIAL COURTS

COURT OPERATIONS - CIRCUIT COURTS

APPROVED SALARY RATE	191,071,773
3008 SALARIES AND BENEFITS POSITIONS	2,947.00
FROM GENERAL REVENUE FUND . . . . .	23,732,636
FROM ADMINISTRATIVE TRUST FUND . . .	71,114
FROM STATE COURTS REVENUE TRUST FUND . . . . .	220,374,165
FROM FEDERAL GRANTS TRUST FUND . . .	6,008,323

From the funds in Specific Appropriation 3008, the state courts system

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shall implement the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, for the ten trial court divisions by January 1, 2012. The ten divisions are defined pursuant to subsection 28.36 (3), Florida Statutes.

3009	OTHER PERSONAL SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .	38,000
	FROM FEDERAL GRANTS TRUST FUND . . . . .	125,748
3010	EXPENSES FROM ADMINISTRATIVE TRUST FUND . . . . .	3,928
	FROM STATE COURTS REVENUE TRUST FUND . . . . .	9,135,354
	FROM FEDERAL GRANTS TRUST FUND . . . . .	110,616
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .	23,750
3011	OPERATING CAPITAL OUTLAY FROM STATE COURTS REVENUE TRUST FUND . . . . .	1,050,662
3012	SPECIAL CATEGORIES CIVIL TRAFFIC INFRACTION HEARING OFFICERS FROM STATE COURTS REVENUE TRUST FUND . . . . .	1,339,864
3013	SPECIAL CATEGORIES GRANTS AND AIDS - CHILD ADVOCACY CENTERS FROM STATE COURTS REVENUE TRUST FUND . . . . .	138,240
3014	SPECIAL CATEGORIES COMPENSATION TO RETIRED JUDGES FROM STATE COURTS REVENUE TRUST FUND . . . . .	2,130,834
	FROM GRANTS AND DONATIONS TRUST FUND . . . . .	51,250
3015	SPECIAL CATEGORIES CONTRACTED SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .	1,269,534
3016	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM STATE COURTS REVENUE TRUST FUND . . . . .	1,354,661
3017	SPECIAL CATEGORIES STATEWIDE GRAND JURY - EXPENSES FROM STATE COURTS REVENUE TRUST FUND . . . . .	143,310
3018	SPECIAL CATEGORIES MEDIATION/ARBITRATION SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .	3,307,332
3019	SPECIAL CATEGORIES STATE COURTS DUE PROCESS COSTS FROM ADMINISTRATIVE TRUST FUND . . . . .	1,104,930
	FROM STATE COURTS REVENUE TRUST FUND . . . . .	19,962,266
3020	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM STATE COURTS REVENUE TRUST FUND . . . . .	640,262
	FROM FEDERAL GRANTS TRUST FUND . . . . .	32,111
3021	SPECIAL CATEGORIES	

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	GRANTS AND AIDS - DRUG COURTS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM FEDERAL GRANTS TRUST FUND . . . . .		12,483,000
3022	SPECIAL CATEGORIES STATE OPERATIONS - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FROM FEDERAL GRANTS TRUST FUND . . . . .		1,750,224
3023	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .		97,902
	TOTAL: COURT OPERATIONS - CIRCUIT COURTS FROM GENERAL REVENUE FUND . . . . .	23,732,636	
	FROM TRUST FUNDS . . . . .		282,747,380
	TOTAL POSITIONS . . . . .	2,947.00	
	TOTAL ALL FUNDS . . . . .		306,480,016
	COURT OPERATIONS - COUNTY COURTS APPROVED SALARY RATE . . . . .	54,968,832	
3024	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND . . . . .	644.00	23,856,767
	FROM STATE COURTS REVENUE TRUST FUND . . . . .		51,173,792
3025	EXPENSES FROM STATE COURTS REVENUE TRUST FUND . . . . .		3,217,164
3026	SPECIAL CATEGORIES ADDITIONAL COMPENSATION FOR COUNTY JUDGES FROM STATE COURTS REVENUE TRUST FUND . . . . .		75,000
3027	SPECIAL CATEGORIES CONTRACTED SERVICES FROM STATE COURTS REVENUE TRUST FUND . . . . .		204,000
3028	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM STATE COURTS REVENUE TRUST FUND . . . . .		108,341
3029	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM STATE COURTS REVENUE TRUST FUND . . . . .		141,407
	TOTAL: COURT OPERATIONS - COUNTY COURTS FROM GENERAL REVENUE FUND . . . . .	23,856,767	
	FROM TRUST FUNDS . . . . .		54,919,704
	TOTAL POSITIONS . . . . .	644.00	
	TOTAL ALL FUNDS . . . . .		78,776,471
	PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS APPROVED SALARY RATE . . . . .	306,608	
3030	SALARIES AND BENEFITS POSITIONS FROM STATE COURTS REVENUE TRUST FUND . . . . .	5.00	397,081
3031	EXPENSES		

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FROM STATE COURTS REVENUE TRUST	
FUND . . . . .	148,612
3032 OPERATING CAPITAL OUTLAY	
FROM STATE COURTS REVENUE TRUST	
FUND . . . . .	1,638
3033 SPECIAL CATEGORIES	
CONTRACTED SERVICES	
FROM STATE COURTS REVENUE TRUST	
FUND . . . . .	190,475
3034 SPECIAL CATEGORIES	
RISK MANAGEMENT INSURANCE	
FROM STATE COURTS REVENUE TRUST	
FUND . . . . .	1,759
3035 SPECIAL CATEGORIES	
LITIGATION EXPENSES	
FROM STATE COURTS REVENUE TRUST	
FUND . . . . .	181,294

Funds in Specific Appropriation 3035 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process.

3036 SPECIAL CATEGORIES	
TRANSFER TO DEPARTMENT OF MANAGEMENT	
SERVICES - HUMAN RESOURCES SERVICES	
PURCHASED PER STATEWIDE CONTRACT	
FROM STATE COURTS REVENUE TRUST	
FUND . . . . .	1,093

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS	
FROM TRUST FUNDS . . . . .	921,952
TOTAL POSITIONS . . . . .	5.00
TOTAL ALL FUNDS . . . . .	921,952

TOTAL: STATE COURT SYSTEM	
FROM GENERAL REVENUE FUND . . . . .	47,589,403
FROM TRUST FUNDS . . . . .	411,589,612
TOTAL POSITIONS . . . . .	4,322.50
TOTAL ALL FUNDS . . . . .	459,179,015
TOTAL APPROVED SALARY RATE . . . . .	289,218,367

TOTAL OF SECTION 7	
FROM GENERAL REVENUE FUND . . . . .	47,589,403
FROM TRUST FUNDS . . . . .	411,589,612
TOTAL POSITIONS . . . . .	4,322.50
TOTAL ALL FUNDS . . . . .	459,179,015

SECTION 8. SALARY AND BENEFITS - FISCAL YEAR 2011-2012

Statement of Purpose:

This section provides instructions for implementing the Fiscal Year 2011-2012 salary and benefit adjustments provided in this act. All allocations, distributions and uses of these funds are to be made in strict accordance with the provisions of this act.

(1) EMPLOYEE AND OFFICER COMPENSATION

The elected officers, full-time members of commissions and designated employees shall be paid at the annual rate shown for the 2011-2012 fiscal year; however, these salaries may be reduced on a voluntary

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basis.	
	7/1/11
=====	
Governor.....	\$ 130,273
Lieutenant Governor.....	124,851
Chief Financial Officer.....	128,972
Attorney General.....	128,972
Agriculture, Commissioner of.....	128,972
Supreme Court Justice.....	157,976
Judges-District Courts of Appeal.....	150,077
Judges-Circuit Courts.....	142,178
Judges-County Courts.....	134,280
State Attorneys.....	150,077
Public Defenders.....	150,077
Commissioner-Public Service Commission.....	130,036
Public Employees Relations Commission Chair.....	95,789
Public Employees Relations Commission Commissioners.....	45,362
Commissioner - Parole and Probation.....	90,724
Criminal Conflict and Civil Regional Counsels.....	98,000

None of the officers, commission members, or employees whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

(a) State Life Insurance

For the coverage period July 1, 2011, through June 30, 2012, funds are provided in each agency's budget to continue paying the state share of the current State Life Insurance Program. The Department of Management Services shall continue the optional life insurance program based on premiums paid by employees only.

(b) State Disability Insurance

Funds are provided in each agency's budget to continue paying the state share of the current State Disability Insurance Program.

(c) State Health Insurance Plans and Benefits

1. For the period July 1, 2011, through June 30, 2012, the Department of Management Services shall continue within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a State-contracted Health Maintenance Organization Standard Plan, and a State-contracted Health Maintenance Organization High Deductible Health Plan. The State-contracted Health Maintenance Organization High Deductible Health Plan may be offered by each of the Health Maintenance Organizations under contract with the Department of Management Services for the 2012 Plan Year.

2. For the period July 1, 2011, through June 30, 2012, the benefits provided under the State Group Health Insurance Standard Plan, the State Group Health Insurance High Deductible Health Plan, the State-contracted Health Maintenance Organization Standard Plan, and the State-contracted Health Maintenance Organization High Deductible Health Plan, as appropriate, shall be those benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, current Health Maintenance Organization contracts, and other such health insurance benefits as approved by the Legislature in subparagraph 3.

3. The State Group Health Insurance High Deductible Health Plan and the State-contracted Health Maintenance Organization High Deductible Health Plan shall continue to include an integrated Health Savings Account. Such plans and accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The state shall make a monthly contribution to an employee's health savings account as authorized in section 110.123(12), Florida Statutes.

(d) State Health Insurance Premiums for the Period July 1, 2011, through

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June 30, 2012.

1. State Paid Premiums

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the state share of the State Group Health Insurance Program premiums to the executive, legislative and judicial branch agencies shall continue at \$499.80 per month for individual coverage and \$1,063.34 per month for family coverage.

b. Funds are provided in each state agency and university's budget to continue paying the State Group Health Insurance Program premiums for the fiscal year.

c. The agencies shall continue to pay premiums on behalf of employees with enhanced benefits, including those employees participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, and those employees filling positions with "agency pay all status".

i. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the state share of the State Group Health Insurance Premiums to the executive, legislative and judicial branch agencies for employees with enhanced benefits, excluding Spouse Program participants, shall continue at \$541.46 per month for individual coverage and \$1,213.34 per month for family coverage.

ii. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the state share of the State Group Health Insurance Premiums to the executive, legislative, and judicial branch agencies for each employee participating in the Spouse Program shall be \$606.68 per month for family coverage.

2. Premiums Paid by Employees

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premiums for the standard plans shall continue at \$50 per month for individual coverage and \$180 per month for family coverage.

b. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the high deductible health plans shall continue at \$15 per month for individual coverage and \$64.30 per month for family coverage.

c. i. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the standard plans and high deductible health plans shall continue to be \$8.34 per month for individual coverage and \$30 per month for family coverage. This subparagraph applies to those employees filling positions with "agency pay all" benefits.

ii. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the standard plans and the high deductible health plans shall be \$15 per month for each employee participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, either as a "spouse" or "dependent spouse."

3. Premiums Paid by Medicare Participants

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the monthly premiums for Medicare participants participating in the State Group Health Insurance Standard Plan shall continue to be \$305.82 for "one eligible", \$881.80 for "one under/one over", and \$611.64 for "both eligible."

b. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the monthly premiums for Medicare participants participating in the State Group Health Insurance High Deductible Plan shall continue to be \$230.52 for "one eligible", \$722.16 for "one under/one over", and \$461.04 for "both eligible."

c. Effective July 1, 2011, for the coverage period beginning August 1,

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2011, the monthly premiums for Medicare participants enrolled in a State-contracted Health Maintenance Organization Standard Plan or a State-contracted Health Maintenance Organization High Deductible Health Plan shall be equal to the negotiated monthly premium for the selected State-contracted Health Maintenance Organization.

4. Premiums paid by "Early Retirees"

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, an "early retiree" participating in the State Group Health Insurance Standard plan shall pay a monthly premium equal to 100 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

b. Effective July 1, 2011, for the coverage period beginning August 1, 2011, an "early retiree" participating in the State Group Health Insurance High Deductible Plan shall pay a monthly premium equal to \$473.12 for single coverage and \$1,044.32 for family coverage.

5. Premiums Paid by COBRA Participants

a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, a COBRA participant participating in the State Group Health Insurance Program shall continue to pay a monthly premium equal to 102 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan on July 1, 2011.

e) Under the State Employees' Prescription Drug Program, the following shall apply:

1. Supply limits shall continue as provided in section 110.12315, Florida Statutes.

2. For the period July 1, 2011, through June 30, 2012, co-payments for the State Group Health Insurance Standard Plan shall be as follows:

- a. \$7 co-payment for generic drugs with card;
- b. \$30 for preferred brand name drug with card;
- c. \$50 nonpreferred brand name drug with card;
- d. \$14 for generic mail order drug;
- e. \$60 for preferred brand name mail order drug;
- f. \$100 for nonpreferred brand name mail order drug.

3. For the period July 1, 2011, through June 30, 2012, coinsurance for the State Group Health Insurance High Deductible Plan shall continue as provided in section 112.12315(7), Florida Statutes.

4. Effective July 1, 2011, and notwithstanding the provisions of subparagraph 2, to the contrary, for the purpose of encouraging an individual to change from brand name drugs to generic drugs, the department may continue to waive co-payments for a six months supply of a generic statin or a generic proton pump inhibitor.

5. The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

6. The Department of Management Services shall maintain a listing of certain maintenance drugs that must be filled through mail order. Effective July 1, 2011, those drugs on the list may be filled three times in a retail pharmacy; thereafter, any covered prescriptions must be filled through mail order.

(f) For the period July 1, 2011, through June 30, 2012, the co-payments and coinsurance for prescription drugs with state-contracted health maintenance organizations shall be identical to the copayments and coinsurance established under the State Employees' Prescription Drug Program.

(g) The HMO and PPO pharmacy plans shall provide coverage for smoking cessation prescription drugs; however, members shall be responsible for appropriate copayments and deductibles when applicable. The smoking cessation prescription drug benefit shall be limited to up to a six

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month supply within any plan year and a maximum lifetime benefit of no more than nine months supplied.

(3) OTHER BENEFITS

(a) The following items shall be implemented in accordance with the provisions of this act and with the applicable negotiated collective bargaining agreement:

1. The state shall provide up to six (6) credit hours of tuition-free courses per term at a state university, state college or community college to full-time employees on a space available basis as authorized by law.

2. The state shall continue to reimburse, at current levels, for replacement of personal property.

3. The state shall continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

4. Each state agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for employees who are required to be a member of the Florida Bar as a condition of employment.

(b) All state branches, departments, and agencies which have established or approved personnel policies for the payment of accumulated and unused annual leave, shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

(c) Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payments for unused annual leave credits accrued on the member's last anniversary date shall be prorated at 1/12th of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

(4) PAY ADDITIVES AND OTHER INCENTIVE PROGRAMS

The following pay additives and other incentive programs are authorized for the 2011-2012 fiscal year from existing agency resources consistent with provisions of sections 110.2035 and 216.251, Florida Statutes, the applicable administrative rules promulgated by the Department of Management Services, and negotiated collective bargaining agreements:

(a) Each agency is authorized to continue to pay, at the levels in effect on June 30, 2007, on-call fees and shift differentials as necessary to perform normal operations of the agency.

(b) Each agency that had a training program in existence on June 30, 2006, which included granting pay additives to participating employees, is authorized to continue such training program for the 2011-2012 fiscal year. Such additives shall be granted under the provisions of the law, administrative rules, and collective bargaining agreements.

(c) The Department of Corrections may continue to grant hazardous duty pay additives, as necessary, to those employees assigned to the Department of Corrections institutions' Rapid Response Teams (including the baton, shotgun, and chemical agent teams) and the Correctional Emergency Response Teams.

(d) The Fish and Wildlife Conservation Commission may continue to grant temporary special duty pay additives to law enforcement officers who perform additional duties as K-9 handlers, as regional recruiters/media coordinators and as breath test operators/inspectors.

(e) The Fish and Wildlife Conservation Commission and the Department of Highway Safety and Motor Vehicles are authorized to grant critical market pay additives to employees residing in and assigned to Lee County, Collier County, or Monroe County, at the levels that the employing agency granted salary increases for similar purposes prior to July 1, 2006. These pay additives shall be granted only during the time in which the employee resides in, and is assigned to duties within,

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those counties. In no instance may the employee receive an adjustment to the employee's base rate of pay and a critical market pay additive based on the employee residing in and being assigned in the specified counties.

(f) The Department of Transportation is authorized to continue its training program for employees in the field of transportation engineering under the same guidelines established for the training program prior to June 30, 2006.

(g) The Department of Transportation is authorized to continue its training program for employees in the areas of right-of-way acquisition, relocation benefits administration, right-of-way property management, real estate appraisal, and business valuation under the same guidelines established for the training program prior to June 30, 2006.

(h) The Department of Transportation, or successor agency, is authorized to continue to grant a pay additive of \$75 per pay period for law enforcement officers assigned to the Office of Motor Carrier Compliance who maintain certification by the Commercial Vehicle Safety Alliance.

(i) Each agency is authorized to continue to grant temporary special duties pay additives to employees assigned additional duties as a result of another employee being absent from work, pursuant to the Family Medical Leave Act or authorized military leave. The notification process described in section 110.2035(6)(c), Florida Statutes, does not apply to additives authorized in this paragraph.

j) Each agency is authorized to grant merit pay increases based on the employee's exemplary performance as evidenced by a performance evaluation conducted pursuant to chapter 60L-35, Florida Administrative Code, or a similar performance evaluation applicable to other pay plans.

(k) Contingent upon the availability of funds and at the agency head's discretion, each agency is authorized to grant a temporary special duties pay additive, of up to 15 percent of the employee's base rate of pay, to each employee temporarily deployed to a facility or area closed due to emergency conditions from another area of the state that is not closed.

5) COLLECTIVE BARGAINING

(a) All collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the Florida Nurses Association relating to wages and other economic issues shall be resolved herein pursuant to the instructions provided under Item "(1) EMPLOYEE AND OFFICER COMPENSATION", Item "(3) OTHER BENEFITS", and Item "(4) PAY ADDITIVES AND OTHER INCENTIVE PROGRAMS."

(b) All collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the Florida Nurses Association relating to insurance benefits shall be resolved herein pursuant to the instructions provided under Item "(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE" and the relevant provisions of any legislation enacted to implement this act.

SECTION 9. The unexpended balance or \$2,400,000, whichever is less, from the funds provided in Specific Appropriation 20 of chapter 2010-152, Laws of Florida, for the University of North Florida Science & Humanities Building Phase II and the Disability Resource Center shall revert immediately and are appropriated to the University of North Florida for the Dining, Administrative and Academic Building.

SECTION 10. Pursuant to section 1010.62, Florida Statutes, and section 11(d) and (f), Art. VII of the State Constitution, the following fixed capital outlay projects may be constructed, acquired, and financed by a university or university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors.

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UF University Athletic Association (UAA) projects  
FSU Research and Development Facility - Number Four  
FSU Italian Study Center  
FSU Free Electron Laser Laboratory  
USF Tennis Complex  
UCF Strategic Land and Property Purchase  
UCF Brighthouse Networks Tower Expansion  
UCF Academic Center  
UCF Athletics Facilities Expansion  
FIU Department of Health/FIU Public Health Building

SECTION 11. Pursuant to section 1013.74 and section 1013.78, Florida Statutes, the following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operation.

UF - Minor Projects for UF Facilities  
UF/HSC - Minor Projects for HSC Facilities  
UF/IPAS - Minor Projects for IPAS Facilities  
UF - Clinical Translational Research Building Expansion  
FSU - Minor Projects for FSU Facilities  
FSU - Free Electron Laser Laboratory  
FSU - Fine Arts Research Building  
FSU - School of Visual Arts Annex  
FSU - College of Motion Picture/Telev./Recording Arts Studio  
USF - Sun Dome Arena Renovation, Academic Classroom  
USF - Center for Advanced Medical Learning & Simulation  
USF - Dali Museum Acquisition  
UWF - School of Allied Health & Life Sciences  
UCF - MMAE Lab/Mechanical, Material & Aerospace Engineering  
UCF - Pegasus Health  
UCF - Biology Field Research Center  
FIU - Mixed Use Auxiliary Building  
FIU - Building #MB03 (former Miami Beach Women's Club)  
NCF - Robertson Hall Renovation/Remodeling

SECTION 12. Pursuant to section 1013.40, Florida Statutes, the specified Florida College System colleges are authorized to acquire or construct the following facilities from non-PECO sources, which could require general revenue funds for operation and maintenance. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Education must be received before any funds may be expended to acquire the property.

1. Brevard College - Construct Dental Clinic from local funds at the State Board of Education approved Cocoa Campus.
2. Brevard College - Construct STEM Annex Building from local funds at the State Board of Education approved Cocoa Campus.
3. Broward College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Cypress Creek Special Purpose Center.
4. Broward College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Southwest Broward Center.
5. Indian River State College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Main Campus.
6. Indian River State College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Chastain Center.

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7. Indian River State College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Mueller Center.

8. State College of Florida, Manatee-Sarasota - Acquire land/facilities and construct/remodel, renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Lakewood Ranch Center.

9. Miami Dade College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Hialeah Campus.

10. Miami Dade College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved InterAmerican Campus.

11. Polk State College - Construct Chain of Lakes academic facility from local funds at the State Board of Education approved Winter Haven Campus.

12. St. Petersburg College - Acquire land/facilities and construct/remodel/renovate facilities of classrooms, labs, offices, support space and parking for the State Board of Education approved Clearwater Campus.

13. Santa Fe College - Construct Fine Arts Facility from local funds at the State Board of Education approved Northwest (Main) Campus.

14. Santa Fe College - Construct Bio Tech Lab Addition from local funds at the State Board of Education approved Perry (Alachua) Special Purpose Center.

15. Valencia College - Construct academic and support facilities from local funds at the State Board of Education approved Southeast Campus.

16. Valencia College - Construct Corporate Training Facility from local funds at the State Board of Education approved West Campus.

SECTION 13. The unexpended balance of funds provided to the Department of Education in Specific Appropriations 28 through 148 from the Federal Grants Trust Fund and the Federal Rehabilitation Trust Fund for grants funded by the American Recovery and Reinvestment Act of 2009 in chapter 2010-152, Laws of Florida, are hereby reverted and reappropriated for Fiscal Year 2011-2012 for the purpose of the original appropriation within the Department of Education. If it is determined that any entity designated to receive an appropriation from State Fiscal Stabilization Funds is ineligible to receive such funds in accordance with the American Recovery and Reinvestment Act of 2009, the Executive Office of the Governor may adjust allocations from state funds and State Fiscal Stabilization Funds among eligible recipients, based upon the recommendation of the Department of Education, or Board of Governors as appropriate, in a manner that ensures the combined total of state funds and State Fiscal Stabilization Funds remains consistent with the intent of the General Appropriations Act. Any such adjustments shall be subject to the notice and objection requirements of section 216.177, Florida Statutes.

SECTION 14. The unexpended balance or \$12,000,000, whichever is less, of General Revenue funds provided in Section 33 of chapter 2010-155, Laws of Florida, for the Florida's Bright Futures Scholarship Program is hereby reverted.

SECTION 15. The unexpended balance of \$14,096,091 of General Revenue funds provided in Specific Appropriation 79 of Chapter 2010-152, Laws of Florida, for Class Size Reduction is hereby reverted. This section is effective upon becoming a law.

SECTION 16. The unexpended balance of funds provided pursuant to budget amendment EOG #B2011-0146 for the Florida Education Finance Program (FEFP) Supplement for Education Jobs is hereby reverted and

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reappropriated for Fiscal Year 2011-2012 to the Department of Education for the same purpose.

SECTION 17. The unexpended balance of funds provided pursuant to budget amendment EOG #B2011-0204 for Race to the Top Strategic Education Initiatives is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the Department of Education for the same purpose.

SECTION 18. The unexpended balance of funds provided pursuant to budget amendment EOG #B2011-0203 for the Partnership for Assessment of Readiness for Colleges and Careers is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the Department of Education for the same purpose.

SECTION 19. The unexpended balance of funds provided in Specific Appropriation 108 of chapter 2010-152, Laws of Florida, for Adult Basic Education Federal Flow-Through Funds is hereby reverted and reappropriated for Fiscal Year 2011-12 to the Department of Education for the same purpose. This section is effective upon becoming a law.

SECTION 20. There is appropriated \$3,898,959 in nonrecurring funds from the Administrative Trust Fund to the Department of Education from Florida Comprehensive Assessment Test (FCAT) Liquidated Damages for the 2010-2011 Fiscal Year to be provided to public schools for costs associated with delayed FCAT results. This section is effective upon becoming law.

SECTION 21. The sum of \$29,751,856 from general revenue funds provided in Specific Appropriations 242 and 259-269, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 22. The sum of \$3,346,001 from general revenue funds provided in Specific Appropriations 310, 324, 340, and 373, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 23. The sum of \$16,325,682 from general revenue funds provided in Specific Appropriations 395, 396, and 401, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 24. The sum of \$693,982 from general revenue funds provided in Specific Appropriations 539, 563, and 564, of chapter 2010-152, Laws of Florida, shall revert immediately.

SECTION 25. There is appropriated to the Agency for Persons with Disabilities \$29,704,026 in nonrecurring funds from the General Revenue Fund, \$6,845,352 in nonrecurring funds from the Social Services Block Grant Trust Fund, and \$129,742,863 in nonrecurring funds from the Operations and Maintenance Trust Fund to cover Fiscal Year 2010-2011 Home and Community Based Services Waiver costs. This section shall take effect upon becoming law.

SECTION 26. The unexpended balance of funds provided pursuant to Specific Appropriation 371 of chapter 2010-152, Laws of Florida, for the Homeless Prevention and Rapid Re-Housing Program in the American Recovery and Reinvestment Act of 2009 is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the Department of Children and Family Services for the same purpose.

SECTION 27. There is appropriated \$53,204 in nonrecurring funds from the General Revenue Fund to the Department of Health for the Jessie Trice Cancer Center for Fiscal Year 2010-11. This section shall take effect immediately upon becoming law.

SECTION 28. There is appropriated \$34,015 in nonrecurring funds from the General Revenue Fund to the Department of Health for the S.W. Alachua County Primary and Community Health Care Clinic for Fiscal Year 2010-11. This section shall take effect immediately upon becoming law.

SECTION 29. The sum of \$44,200,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Clerks of Court Trust Fund within the Justice Administrative Commission. Specific Appropriation 813 of chapter 2010-152, Laws of Florida, is reduced by \$5,900,000. Specific Appropriation 817 of chapter 2010-152, Laws of Florida, is reduced by \$100,000. The Clerk of Court approved unit costs required

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under section 28.36, Florida Statutes, for the Fiscal Year 2010-11 are contained in the document entitled "2010-2011 and 2011-2012 Clerk of Court Unit Cost Budgets" dated May 3, 2011, and on file with the Secretary of the Senate. This document is hereby incorporated by reference into the 2011-12 General Appropriations Act. This section is effective upon becoming law.

SECTION 30. The sum of \$38,900,000 in nonrecurring funds from the General Revenue Fund is appropriated to the State Courts Revenue Trust Fund within the state court system. This section is effective upon becoming law.

SECTION 31. The nonrecurring sum of \$750,000 from the Hotel and Restaurant Trust Fund shall be transferred by non-operating transfer from the Department of Business and Professional Regulation to the Office of Tourism, Trade and Economic Development, to contract with the Florida Restaurant and Lodging Association, Inc., to continue the tourism marketing campaign begun in 2010 in the aftermath of the Deepwater Horizon Oil Spill. This campaign shall be conducted throughout the state and the southeastern United States, pursuant to a plan approved and monitored by the office, for promoting tourism in those areas of the state affected by the oil spill and eliminating the damaging public perception stemming from that event.

SECTION 32. From the funds provided in Specific Appropriation 1741 of chapter 2007-72, Laws of Florida, to the Department of Environmental Protection for the implementation of projects identified in phase I of the Lake Okeechobee Protection Plan identified in section 373.4595(3)(b), Florida Statutes; the development of the Phase II Technical Plan identified in section 373.4595(3)(b), Florida Statutes; and the acquisition of lands needed for restoration, \$17,955,000 shall revert immediately to the Save Our Everglades Trust Fund in the Department of Environmental Protection.

SECTION 33. Effective June 30, 2011, in order to prevent a trust fund deficit, the amount of funds provided in Specific Appropriation 1686B of chapter 2010-152, Laws of Florida, for transfer to the Florida Forever Trust Fund from the Water Management Lands Trust Fund necessary to be reduced in order to balance the trust fund shall revert immediately.

SECTION 34. The sums from unexpended funds in the Specific Appropriations/Laws of Florida listed, provided to the Department of Environmental Protection for the following beach projects shall revert immediately.

A. The sum of \$263,659 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects.

B. The sum of \$1,001,793 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects.

C. The sum of \$23,214 from unexpended funds in Specific Appropriation 1695 of chapter 2009-81, Laws of Florida, provided to the Department of Environmental Protection for statewide beach projects.

D. The sum of \$481,706 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for South Lake Worth Inlet in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

E. The sum of \$1,000,000 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection for South Lake Worth Inlet in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year.

F. The sum of \$724,857 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Captiva/Sanibel Island Beach Nourishment in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

G. The sum of \$390,674 from unexpended funds in Specific Appropriation

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1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Brevard County Beach Restoration (Mid-Reach) in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

H. The sum of \$7,841 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for Collier County Beach Nourishment in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year.

I. The sum of \$292,234 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Collier County Beach Nourishment in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

J. The sum of \$511,083 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for South Boca Raton Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

K. The sum of \$58,173 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Venice Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

L. The sum of \$1,266,283 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Perdido Key Beach Restoration Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

M. The sum of \$102,907 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Mid-town Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

N. The sum of \$39,842 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for Mid-town Beach Nourishment Project in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

O. The sum of \$359,429 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Ft. Pierce Shore Protection Project in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

P. The sum of \$151,963 from unexpended funds in Specific Appropriation 1748 of chapter 2008-152, Laws of Florida, provided to the Department of Environmental Protection Ft. Pierce Shore Protection Project in the Beach Management Funding Assistance Program for the 2008-2009 fiscal year.

Q. The sum of \$68,734 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for South Siesta Key Beach Restoration in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year.

R. The sum of \$72,726 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Siesta Key Beach Restoration in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

S. The sum of \$34,719 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Siesta Key Beach Restoration in the

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Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

T. The sum of \$64,586 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Brevard County Beach Restoration in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

U. The sum of \$370,885 from unexpended funds in Specific Appropriation 1834 of chapter 2007-72, Laws of Florida, provided to the Department of Environmental Protection for Brevard County North/South Reach Beach Restoration in the Beach Management Funding Assistance Program for the 2007-2008 fiscal year.

V. The sum of \$76,834 from unexpended funds in Specific Appropriation 1696 of chapter 2005-70, Laws of Florida, provided to the Department of Environmental Protection for Hillsboro Beach PEMS Demonstration in the Beach Management Funding Assistance Program for the 2005-2006 fiscal year.

W. The sum of \$118,898 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South Marco Island Beach Nourishment in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

X. The sum of \$768,334 from unexpended funds in Specific Appropriation 1796 of chapter 2006-25, Laws of Florida, provided to the Department of Environmental Protection for South End Palm Beach Restoration Reach 8 in the Beach Management Funding Assistance Program for the 2006-2007 fiscal year.

From the total sum of funds reverted from this section there is hereby appropriated \$2,564,438 in nonrecurring funds from the General Revenue Fund and \$5,686,935 in nonrecurring funds from the Ecosystem Management and Restoration Trust Fund for the purpose of providing funds to the Department of Environmental Protection's Beach Management Funding Assistance Program for Fiscal Year 2011-2012. These funds are in addition to the funds provided in Specific Appropriation 1653A.

All funds shall be allocated to the top 12 individual projects on the department's Beach Restoration and Nourishment Projects List. Additionally, pursuant to section 161.143(5)(a), Florida Statutes, 10 percent of the amount appropriated will be used for the three highest ranked projects on the department's separate inlet management list. Further, post-construction monitoring required by state and federal permits shall receive 10 percent of the total amount appropriated for beach nourishment projects in the order presented in the department's submission.

SECTION 35. The unexpended balance of funds appropriated in Specific Appropriation 2064A of Chapter 2004-268, Laws of Florida, from the General Revenue Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Punta Gorda Wastewater Plant Deep Injection Wells..... 750,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 36. The unexpended balance of funds appropriated in Specific Appropriation 1717A of Chapter 2005-70, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Loxahatchee Slough Pump Station Facilities..... 500,000  
Stone Island Central Sewer System Expansion..... 582,975  
Village of El Portal Seawall / Canal Bank Stabilization..... 575,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section

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shall take effect upon becoming law.

SECTION 37. The unexpended balance of funds appropriated in Specific Appropriation 1821 of Chapter 2006-25, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Canaveral - Northside Stormwater Management.....	1,000,000
Loxahatchee Slough Restoration (M-Canal Widening).....	1,000,000
Opa-locka NW 128th St. Drainage Improvements.....	620,000
Spanish Creek Hydrologic Restoration.....	150,000
Stone Island Central Sewer System Expansion.....	100,000
Tampa - Dale Mabry (U.S. 92/S.R. 600) Flood Protections.....	500,000
Tsala Apopka Tussock Spoil Site Access.....	150,000
Wares Creek Maintenance / Navigational Dredging Project (Bradenton Contribution).....	500,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 38. The unexpended balance of funds appropriated in Specific Appropriation 1859 of Chapter 2007-72, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Dale Mabry (US 92/S.R. 600) Flood Protection - Tampa.....	800,000
Davenport Wastewater Program Ph III.....	250,000
Daytona Beach Reclaimed Water Reservoir and Recharge Basin..	400,000
Green Cove Springs South Wastewater Treatment Plant Improvements and Sewer Pipe Relining and Replacement.....	250,000
Wakulla Springs Aquifer Protection Project.....	250,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 39. The unexpended balance of funds appropriated in Specific Appropriation 1772C of Chapter 2008-152, Laws of Florida, from the Ecosystem Management and Restoration Trust Fund, provided to the Department of Environmental Protection for the following water projects shall immediately revert.

Coral Gables City 2 Sanitary Sewer Pump Station Rehabilitation.....	250,000
Fort Myers Northern 10 Mile Canal Treatment System.....	300,000
Fort Walton Beach Reuse Water System Expansion.....	200,000
Hendry County Airport Sears Stormwater Implementation.....	200,000
Hillsborough County Lake Meade Drainage Improvements.....	100,000
Hillsborough County Trapnell at Ray Ann/Nesmith Drainage Improvements.....	100,000
Homestead Flood Control Improvement Project.....	500,000
Jacksonville Lincoln Villas Septic Tank Phase Out Project Phase II.....	300,000
Jacksonville Lower Eastside Drainage Improvement Phase III..	100,000
Miami Stormwater Master Plan Implementation.....	1,000,000
North Tampa Closed Basins Water Management.....	300,000
Opa locka Cairo Lane Stormwater Drainage and Street Improvements.....	100,000
Orange County Little Wekiva River Water Quality Improvement Initiative.....	1,000,000
Pasco County Duck Slough BMP Implementation.....	250,000
Plant City Eastside Canal Stormwater Management Master Plan.	500,000
St. Johns County Sixteen Mile Creek Stormwater Treatment Facility.....	100,000

The Department of Environmental Protection shall terminate any grant agreement which authorizes the disbursement of such funds. This section shall take effect upon becoming law.

SECTION 40. The unexpended balance from Specific Appropriation 1772C of chapter 2008-152, Laws of Florida, provided to the Fort Myers East

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Reclamation Facility in the amount of \$500,000 from the Ecosystem Management and Restoration Trust Fund shall revert immediately and is reappropriated for Fiscal Year 2011-2012 to the City of Fort Myers Downtown Detention Basin project.

SECTION 41. The unexpended balance of budget authority granted to the Department of Environmental Protection in Fiscal Year 2010-11 and remaining on June 30, 2011, for the expenditure of funds paid by BP to Florida for Natural Resource Damage Assessment, shall revert on June 30, 2011, and such authority is hereby reappropriated from the Florida Coastal Protection Trust Fund effective July 1, 2011, for Fiscal Year 2011-2012.

SECTION 42. The unexpended balance of funds appropriated in Specific Appropriation 1821 of chapter 2006-25, Laws of Florida, for the Vernon Sewer System Upgrade provided to the Department of Environmental Protection, shall revert immediately and is appropriated for the 2011-2012 fiscal year for costs incurred prior to July 1, 2006, related to the project.

SECTION 43. There is hereby appropriated the nonrecurring sum of \$250,000 from the Administrative Trust Fund in the Department of Financial Services for Fiscal Year 2010-2011. The Department of Financial Services shall use the funds to implement the contribution changes to the Florida Retirement System into the Florida Accounting Information Resource System. This section is effective upon becoming law.

SECTION 44. The unexpended balance of funds appropriated in sections 109 and 110, chapter 2010-152, Laws of Florida, provided to the Department of Financial Services, is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the department for strengthening domestic security support by the State Fire Marshal.

SECTION 45. The unexpended balance of funds provided in Specific Appropriation 2182A of chapter 2010-152, Laws of Florida, and distributed to the Department of Financial Services in budget amendment EOG #B2011-0014 is hereby reverted and reappropriated for Fiscal Year 2011-2012 to the department for its original purpose.

SECTION 46. There is hereby appropriated \$2,500,000 in nonrecurring funds from the State Risk Management Trust Fund in the Department of Financial Services for Fiscal Year 2010-2011. The Division of Risk Management shall use the funds for the purchase of excess insurance related to state buildings and facilities. This section shall take effect upon this act becoming law.

SECTION 47. The Board of Governors of the Citizens Property Insurance Corporation shall annually submit a copy its approved procurement policy to the Office of Insurance Regulation. The policy shall be submitted to the office no later than February 1 of each year.

SECTION 48. There is hereby appropriated \$1,375,000 in nonrecurring funds from the Operating Trust Fund in the Department of the Lottery for Fiscal Year 2010-2011. The department shall use the funds for the online games contract. This section shall take effect upon this act becoming law.

SECTION 49. The unexpended balance of fixed capital outlay funds appropriated to the Department of Management Services in Specific Appropriation 2814A of chapter 2008-152, Laws of Florida, for construction of the First District Court of Appeal Courthouse shall immediately revert and be transferred to the Workers' Compensation Administration Trust Fund within the Department of Financial Services. This section shall take effect upon this act becoming law.

SECTION 50. The unexpended balance of funds provided to the Department of Management Services in line item 2182A of chapter 2010-152, Laws of Florida, for the Florida Interoperability Network Sustainment and Maintenance, and Mutual Aid Build-out, Reg. 5, Signaling, Software upgrade shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 51. The unexpended balance of funds provided to the Department

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of Management Services in section 116 of chapter 2010-152, Laws of Florida, for the Florida Interoperability Network Grant Program shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 52. The unexpended balance of funds provided to the Department of Management Services in section 115 of chapter 2010-152, Laws of Florida, for the Public Safety Interoperability Communications Grant Program shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 53. The unexpended balance of funds provided to the Department of Management Services pursuant to budget amendment EOG #B2011-0027 for the Public Safety Interoperability Communications Grant Program shall hereby revert and is reappropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 54. The sum of \$2,000,000 from the unexpended balance of funds provided in Specific Appropriation 2243 of chapter 2010-152, Laws of Florida, from the Child Care and Development Block Grant Trust Fund for statewide quality enhancements shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 55. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendments EOG #B2010-0029, EOG #B2010-0283 and EOG #B2010-0498 for the Early Learning Information System, and reverted and appropriated to the Agency for Workforce Innovation pursuant to Section 51 of chapter 2010-152, Laws of Florida, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 56. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to Specific Appropriation 2161C of chapter 2009-81, Laws of Florida, and reverted and appropriated to the Agency for Workforce Innovation pursuant to Section 54 of chapter 2010-152, Laws of Florida, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 57. The unexpended balance of funds provided in Specific Appropriation 2248 of chapter 2010-152, Laws of Florida, and subsequently allocated and realigned by budget amendments EOG #B2011-0026, EOG #B2011-0344, EOG #B2011-0611, and EOG #B2011-0612 for the Early Learning Information System shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 58. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0158 for the State Early Childhood Advisory Council shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 59. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0085 for a National Emergency Grant for on-the-job training and other employment-related assistance activities, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 60. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0086 for an American Recovery and Reinvestment Act (ARRA) of 2009 grant award to conduct a Health Care Pilot project on improving the health care awareness of farm workers through training and outreach, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 61. The unexpended balance of funds provided to the Agency for Workforce Innovation pursuant to budget amendment EOG #B2011-0090 for a National Emergency Grant to respond to workers in Florida dislocated as a result of the Deepwater Horizon Oil Spill shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce

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Innovation for the same purpose.

SECTION 62. The unexpended balance of funds provided in Specific Appropriation 2226 of chapter 2010-152, Laws of Florida, and subsequently allocated by budget amendments EOG #B2011-0025, EOG #B2011-0154, EOG #B2011-0345, and EOG #B2011-0610, and funds remaining unallocated in that specific appropriation, for the Unemployment Compensation Claims and Benefits Replacement Project shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Agency for Workforce Innovation for the same purpose.

SECTION 63. The unexpended balance of funds provided in Specific Appropriation 1615A of Chapter 2010-152, Laws of Florida shall revert immediately and is appropriated for Fiscal Year 2011-2012 for operational services of the Regional Hurricane Shelter/Community Health Center, Pasco County.

SECTION 64. The unexpended balance of funds provided in Section 64 of Chapter 2010-152, Laws of Florida, (which funds were originally appropriated in Specific Appropriation 1540A of Chapter 2008-152, Laws of Florida) shall revert immediately and is appropriated for Fiscal Year 2011-2012 for the nonrecurring operational needs of the Regional Hurricane Shelter/Community Health Center, Pasco County.

SECTION 65. The unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management for domestic security projects in Specific Appropriation 2182A of Chapter 2010-152, Law of Florida, and subsequently distributed to the Department of Community Affairs, Division of Emergency Management pursuant to budget amendment EOG #B2011-0014 and the unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management pursuant to Section 63 of Chapter 2010-152, Laws of Florida shall revert immediately and is appropriated Fiscal Year 2011-2012 to the Department of Community Affairs, Division of Emergency Management for the same purpose. The agency is authorized to reallocate appropriations between any of the funded projects approved by the Domestic Security Oversight Council.

SECTION 66. The unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management in Specific Appropriation 1572 of Chapter 2010-152 Laws of Florida and subsequently distributed to the Department of Community Affairs, Division of Emergency Management pursuant to budget amendments EOG #B2011-0030 and EOG #B2011-0492 and the unexpended balance of funds provided to the Department of Community Affairs, Division of Emergency Management pursuant to budget amendment EOG #B2011-0355 and Section 67 of chapter 2010-152, Laws of Florida, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the Department of Community Affairs, Division of Emergency Management for the same purpose.

SECTION 67. The sum of \$663,973 from the unexpended balance of funds at the Florida Housing Finance Corporation shall be returned to the General Revenue Fund to satisfy the Florida Housing Finance Corporation's outstanding obligation, as of December 31, 2010, to pay the service charge to general revenue pursuant to section 420.5061, Florida Statutes.

SECTION 68. The sum of \$6,100,000 in nonrecurring funds is appropriated in the Grants and Aids - Public Safety Enhancements Category from the Highway Safety Operating Trust Fund in the Department of Highway Safety and Motor Vehicles for Fiscal Year 2010-2011 for the purpose of funding a federal grant from the National Highway Traffic Safety Administration through the Florida Department of Transportation. This section shall become effective upon becoming law.

SECTION 69. The unexpended balance of funds appropriated in Section 76 of chapter 2010-152, Laws of Florida, to the Tampa Bay Area Regional Transportation Authority shall revert immediately and is appropriated in Fiscal Year 2011-2012 for the same purpose.

SECTION 70. The unexpended balance of funds provided pursuant to chapter 2010-152, section 78, Laws of Florida, and approved budget amendment: EOG #2009-0082, dated April 15, 2009, for the Transportation Infrastructure - American Recovery and Reinvestment Act of 2009 (088825)

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appropriation category in the Department of Transportation, shall revert immediately and is appropriated for Fiscal Year 2011-2012 to the department for the same purpose.

SECTION 71. From the funds appropriated in Specific Appropriation 2125 of chapter 2010-152, Laws of Florida, for the Office of Tourism, Trade and Economic Development for Transportation Projects, and approved budget amendment EOG #2010-W0034, \$20,000,000 shall revert immediately and is appropriated to the Department of Transportation from the State Transportation Trust Fund for the purpose of funding work program transportation projects.

SECTION 72. The unexpended balance of funds provided in Specific Appropriation 2182B of Chapter 2010-153, Laws of Florida, shall revert and is reappropriated for Fiscal Year 2011-2012. Funds may be released by the Legislative Budget Commission, pursuant to notice and review provisions in section 216.177, Florida Statutes, to adjust agency data processing categories in accordance with revised utilization estimates associated with consolidations of enterprise information technology resources into primary data centers.

SECTION 73. The unexpended balance of funds appropriated pursuant to Chapter 2010-282, Laws of Florida to the Florida Energy and Climate Commission remaining unspent on June 30, 2011, for the Florida Energy STAR Residential HVAC Rebate Program and the Solar Energy Incentives Program, is reverted and is appropriated for the 2011-12 fiscal year to the Commission for the purpose of the original appropriation.

SECTION 74. The unexpended balance of funds provided to the Agency for Enterprise Information Technology in Specific Appropriation 2174A of Chapter 2008-152, Laws of Florida, for the Information Security Planning Session-sustainment, and the Sustainment Costs for Monitoring Center and Security Tools, and subsequently allocated by budget amendment EOG #B2009-0014 in the 2008-2009 fiscal year; and reverted and appropriated to the Agency for Enterprise Information Technology in the 2009-2010 fiscal year pursuant to Section 83 of Chapter 2009-081, Laws of Florida; and reverted and appropriated to the Agency for Enterprise Information Technology in the 2010-11 fiscal year pursuant to Section 131 of Chapter 2010-152, Laws of Florida, is hereby reverted and is appropriated for the 2011-2012 fiscal year to the Agency for Enterprise Information Technology for the same purpose.

SECTION 75. The unexpended balance of funds provided to the Agency for Enterprise Information Technology in Specific Appropriation 2096A of Chapter 2009-81, Laws of Florida, for the Sustainment Costs for Monitoring Center and Security Tools, and Information Technology Security Incident Response Program, and subsequently allocated by budget amendment EOG #B2010-0014, ; and reverted and appropriated to the Agency for Enterprise Information Technology in the 2010-11 fiscal year pursuant to Section 132 of Chapter 2010-152, Laws of Florida is hereby reverted and is appropriated for the 2011-2012 fiscal year to the Agency for Enterprise Information Technology for the same purpose.

SECTION 76. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0599 as submitted on April 15, 2011, by the Governor on behalf of the Agency for Health Care Administration and the Department of Elder Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 77. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0591 as submitted on April 12, 2011, by the Governor on behalf of the Agency for Health Care Administration for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 78. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0606 as submitted on April 19, 2011, by the Governor on behalf of the Agency for Health Care Administration for approval by the

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Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 79. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0365 as submitted on March 2, 2011, by the Governor on behalf of the Agency for Persons with Disabilities for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 80. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0600 as submitted on April 15, 2011, by the Governor on behalf of the Agency for Persons with Disabilities for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 81. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0611 as submitted by the Governor on behalf of the Agency for Workforce Innovation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 82. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2012-0023 as submitted by the Governor on behalf of the Agency for Workforce Innovation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2011-2012 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 83. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0610 as submitted by the Governor on behalf of the Agency for Workforce Innovation for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 84. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0467 as submitted on March 2, 2011, by the Governor on behalf of the Department of Agriculture and Consumer Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 85. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0525 as submitted on March 2, 2011, by the Governor on behalf of the Department of Agriculture and Consumer Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 86. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0434 as submitted on March 2, 2011, by the Governor on behalf of the Department of Children and Families for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 87. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0568 as submitted on March 24, 2011, by the Governor on behalf of the Department of Children and Families for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This

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section is effective upon becoming law.

SECTION 88. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendments EOG #B2011-0473 and #B2011-0474 as submitted on March 2, 2011, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budgets for Fiscal Year 2010-2011 consistent with the amendments. This section is effective upon becoming law.

SECTION 89. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0595 as submitted on April 13, 2011, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 90. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0389 as submitted on March 2, 2011, by the Governor on behalf of the Department of Elder Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 91. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0583 as submitted on April 5, 2011, by the Governor on behalf of the Department of Elder Affairs for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 92. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0409 as submitted on March 2, 2011, by the Governor on behalf of the Department of Financial Services for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 93. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0439 as submitted on March 2, 2011, by the Governor on behalf of the Fish and Wildlife Conservation Commission for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 94. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0516 as submitted on March 2, 2011, by the Governor on behalf of the Office of Tourism, Trade and Economic Development for a Quick Action Closing Fund project for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with this amendment. This section shall become effective upon becoming law.

SECTION 95. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0463 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 96. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0507 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

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SECTION 97. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0509 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 98. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0364 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 99. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0452 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 100. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0592 as submitted on March 2, 2011, by the Governor on behalf of the Department of Health for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 101. Specific Appropriation 785C of chapter 2010-152, Laws of Florida, is reduced by \$1,129,712. Specific Appropriation 786B of chapter 2010-152, Laws of Florida, is reduced by \$1,345,456. Specific Appropriation 786F of chapter 2010-152, Laws of Florida, is reduced by \$2,500,992. Specific Appropriation 786G of chapter 2010-152, Laws of Florida, is reduced by \$2,948,445. Specific Appropriation 786I of chapter 2010-152, Laws of Florida, is reduced by \$952,054. Specific Appropriation 787A of chapter 2010-152, Laws of Florida, is reduced by \$211,940. The sum of \$952,054 in general revenue is appropriated to the Justice Administrative Commission for Child Dependency and Civil Conflict Case Costs in fiscal year 2010-2011. The sum of \$8,136,545 in general revenue is appropriated to the Justice Administrative Commission for Criminal Conflict Case Costs in fiscal year 2010-2011. This section is effective upon becoming law.

SECTION 102. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendments EOG #B2011-0413 as submitted on March 2, 2011, by the Governor on behalf of the Department of Juvenile Justice for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 103. The unexpended balance of funds appropriated for domestic security and American Recovery and Reinvestment Act of 2009 issues in section 122, 124, 125, 126, and 127 of chapter 2010-152, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to EOG #B2011-0005, is hereby reverted and reappropriated for Fiscal Year 2011-2012 for the purpose of the original appropriation within the Department of Law Enforcement.

SECTION 104. The unexpended balance of funds provided to the Department of Law Enforcement for domestic security issues in Specific Appropriation 2182A of chapter 2010-152, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to budget amendment EOG #B2011-0014, is hereby reverted and reappropriated for Fiscal Year 2011-12 for the purpose of the original appropriation within the Department of Law Enforcement.

SECTION 105. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0279 as submitted on March 2, 2011, by the Governor on behalf of

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the Department of Law Enforcement for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

The sum of \$913,500 is appropriated from the Federal Grants Trust Fund to the Florida Department of Law Enforcement in the Law Enforcement Standards Compliance budget entity to ensure accuracy and scientific reliability of evidentiary breath tests associated with the department's Alcohol Testing Program as provided in Chapters 316, 322 and 327, F.S. This section will take effect immediately upon becoming law and any unexpended balance will revert and be reappropriated for FY 2011-2012.

SECTION 106. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0423 as submitted on March 2, 2011, by the Governor on behalf of the Department of Revenue for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 107. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0466 as submitted on March 2, 2011, by the Governor on behalf of the Department of Revenue for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 108. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2011-0479 as submitted on March 2, 2011, by the Governor on behalf of the Department of Revenue for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2010-2011 consistent with the amendment. This section is effective upon becoming law.

SECTION 109. The Legislature hereby adopts by reference Budget Amendment EOG #02011-0079 as submitted on March 2, 2011, by the Governor on behalf of the Department of Transportation for approval by the Legislative Budget Commission. The department is authorized to award a department employee \$5,000 in accordance with the savings sharing programs authorized in section 110.1245, Florida Statutes.

SECTION 110. Pursuant to section 215.32(2)(b)4.a., Florida Statutes, \$528,631,109 from the unobligated cash balance amounts specified from the following trust funds shall be transferred as designated for Fiscal Year 2011-12:

\$378,631,109 to be transferred to the General Revenue Fund:

AGENCY FOR HEALTH CARE ADMINISTRATION	
Health Care Trust Fund.....	12,000,000
Grants and Donations Trust Fund.....	30,000,000
DEPARTMENT OF HEALTH	
Medical Quality Assurance Trust Fund.....	16,000,000
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Ecosystem Management and Restoration Trust Fund.....	12,100,000
Inland Protection Trust Fund.....	5,500,000
Land Acquisition Trust Fund.....	21,000,000
Solid Waste Management Trust Fund.....	500,000
Water Management Lands Trust Fund.....	10,000,000
Water Quality Assurance Trust Fund.....	2,000,000
FISH AND WILDLIFE CONSERVATION COMMISSION	
Invasive Plant Control Trust Fund.....	6,500,000
PUBLIC SERVICE COMMISSION	
Regulatory Trust Fund.....	3,000,000
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION	
Alcoholic Beverages and Tobacco Trust Fund.....	275,240
Division of Florida Condominiums, Timeshares and Mobile Homes Trust Fund.....	5,800,000
Hotels and Restaurants Trust Fund.....	8,400,000
Professional Regulation Trust Fund.....	4,800,000
Pari-Mutuel Trust Fund.....	974,992

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DEPARTMENT OF FINANCIAL SERVICES	
Anti-Fraud Trust Fund.....	12,400,000
Financial Institutions Regulatory Trust Fund.....	500,000
Insurance Regulatory Trust Fund.....	8,500,000
Regulatory Trust Fund.....	1,834,768
DEPARTMENT OF MANAGEMENT SERVICES	
Architects Incidental Trust Fund.....	1,000,000
Bureau of Aircraft Trust Fund.....	215,000
Law Enforcement Radio Trust Fund.....	3,500,000
Operating/Purchasing Trust Fund.....	5,800,000
DEPARTMENT OF LEGAL AFFAIRS	
Elections Commission Trust Fund.....	1,300,000
JUSTICE ADMINISTRATION COMMISSION	
State Attorneys Revenue Trust Fund.....	2,000,000
STATE COURTS	
State Courts Revenue Trust Fund.....	4,700,000
DEPARTMENT OF COMMUNITY AFFAIRS	
Local Government Housing Trust Fund.....	133,187,355
State Housing Trust Fund.....	56,343,754
Emergency Management Preparedness and Assistance Trust Fund	3,500,000
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES	
Highway Safety Operating Trust Fund.....	5,000,000

For transfer to State School Trust Fund:

DEPARTMENT OF TRANSPORTATION	
State Transportation Trust Fund.....	150,000,000

Funds specified above from each trust fund shall be transferred in four equal installments on a quarterly basis during the fiscal year, except as noted:

1. Funds from the Local Government Housing Trust Fund, shall be transferred by June 30, 2012.
2. Funds from the Pari-Mutuel Wagering Trust Fund and the Alcoholic Beverages and Tobacco Trust Fund shall be transferred in April 2012.
3. The transfer of funds from the State Transportation Trust fund to the State School Trust Fund for Fiscal Year 2011-2012 shall occur in September and December of 2011, and in January and April of 2012.

SECTION 111. The Chief Financial Officer is hereby authorized to transfer \$214,500,000 to the budget stabilization fund for Fiscal Year 2011-2012 as required by section 215.32(2)(c), Florida Statutes.

SECTION 112. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or specific appropriations contained in this act.

SECTION 113. Except as otherwise provided herein, this act shall take effect July 1, 2011, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2011, then it shall operate retroactively to July 1, 2011.

TOTAL THIS GENERAL APPROPRIATION ACT	
FROM GENERAL REVENUE FUND . . . . .	23,182,748,671
FROM TRUST FUNDS . . . . .	46,493,890,488
TOTAL POSITIONS . . . . .	122,235.75
TOTAL ALL FUNDS . . . . .	69,676,639,159
TOTAL APPROVED SALARY RATE . . . . .	4,987,462,959

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2011, and ending June 30, 2012, to pay salaries, and other expenses, capital outlay – buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report on **SB 2000** was adopted. **SB 2000** was passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—31

Mr. President	Fasano	Norman
Alexander	Flores	Oelrich
Altman	Gaetz	Richter
Benacquisto	Garcia	Ring
Bennett	Gardiner	Simmons
Bogdanoff	Hays	Siplin
Dean	Jones	Storms
Detert	Latvala	Thrasher
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	
Evers	Negron	

Nays—8

Braynon	Montford	Smith
Hill	Rich	Sobel
Joyner	Sachs	

**MOTIONS**

On motion by Senator Thrasher, the rules were waived and time of recess was extended until 11:59 p.m.

By direction of the President the following Conference Committee Report was read:

**CONFERENCE COMMITTEE REPORT ON SB 2002**

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2002, same being:

An act implementing the 2011-2012 General Appropriations Act.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*

*s/ David Simmons*  
*s/ Christopher L. "Chris" Smith*  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Chair  
*s/ Ben Albritton*  
Gary Aubuchon, At Large  
Leonard L. Bembry  
Mack Bernard  
*s/ Jeffrey "Jeff" Brandes*  
*s/ Douglas Vaughn "Doug" Broxson*  
Charles S. "Chuck" Chestnut IV, At Large  
*s/ Fredrick W. "Fred" Costello*  
*s/ Daniel Davis*  
Chris Dorworth  
Clay Ford  
James C. "Jim" Frishe  
Joseph A. "Joe" Gibbons  
Eduardo "Eddy" Gonzalez  
James W. "J.W." Grant  
*s/ Doug Holder*  
*s/ Mike Horner*  
*s/ Dorothy L. Hukill, At Large*  
Mia L. Jones  
Martin David "Marty" Kiar  
*s/ John Legg, At Large*  
Debbie Mayfield  
*s/ Seth McKeel, At Large*  
*s/ Peter Nehr*  
Jeanette M. Nunez  
Mark S. Pafford  
*s/ W. Keith Perry*  
Scott Plakon  
*s/ Stephen L. Precourt*  
*s/ Lake Ray*  
Betty Reed  
Hazelle P. "Hazel" Rogers  
Darryl Ervin Rouson, At Large  
Ron Saunders, At Large  
Irving "Irv" Slosberg  
*s/ Jimmie T. Smith*  
Darren Soto  
*s/ W. Gregory "Greg" Steube*  
Will W. Weatherford, At Large  
*s/ Trudi K. Williams*  
Ritch Workman

*s/ Janet H. Adkins*  
*s/ Larry Ahern*  
*s/ Frank Artiles*  
*s/ Dennis K. Baxley*  
Lori Berman  
Michael Bileca  
*s/ Jason T. Brodeur*  
*s/ Matthew H. "Matt" Caldwell*  
Daphne D. Campbell  
*s/ Marti Coley*  
Richard Corcoran  
*s/ Steve Crisafulli*  
*s/ Jose Felix Diaz*  
Brad Drake  
*s/ Erik Fresen*  
*s/ Matt Gaetz*  
*s/ Richard "Rich" Glorioso*  
Tom Goodson  
*s/ Gayle B. Harrell*  
*s/ Ed Hooper*  
*s/ Matt Hudson*  
*s/ Clay Ingram*  
John Patrick Julien  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ Charles McBurney*  
*s/ Larry Metz*  
*s/ Bryan Nelson*  
*s/ H. Marlene O'Toole*  
*s/ Jimmy Patronis*  
*s/ Ray Pilon*  
Elizabeth W. Porter  
William L. "Bill" Proctor, At Large  
Kenneth L. "Ken" Roberson  
*s/ Patrick Rooney, Jr.*  
Franklin Sands, At Large  
Robert C. "Rob" Schenck, At Large  
William D. Snyder, At Large  
Kelli Stargel  
*s/ Carlos Trujillo*  
Alan B. Williams  
John Wood  
*s/ Dana D. Young*

Managers on the part of the House

The Conference Committee Amendment for SB 2002, 1st Eng., implementing the 2011-2012 General Appropriations Act, provides for the following:

- INTENT. This section provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2011-12.
- FEFP. Incorporates Florida Education Finance Program workpapers by reference for the purpose of displaying the calculations used by the Legislature.
- EDUCATION FCO. Amends s. 216.292 to authorize transfer of unused Fixed Capital Outlay appropriations from one public schools category to another.
- EDUCATION/READY TO WORK. Authorizes funds from the Workers' Compensation Administration Trust Fund to be used for the Ready to Work Program.
- EDUCATION/CARRY FORWARD. Authorizes a university board of trustees to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legis-

lately approved fixed capital outlay projects authorized for the establishment of a new campus.

- **DEPARTMENT OF CHILDREN AND FAMILY SERVICES/FORENSIC MENTAL HEALTH.** Amends s. 394.908, F.S. to authorize the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity.

- **DEPARTMENT OF HEALTH/NITROGEN.** Provides requirements to govern the completion of Phases 2 and 3 of the Department of Health's Florida Onsite Sewage Nitrogen Strategies Study. Prohibits state agencies from implementing regulations with higher standards than those currently in place until Phase 2 and Phase 3 of the department's Florida Onsite Sewage Nitrogen Reduction Strategies Study is completed.

- **DEPARTMENT OF CHILDREN AND FAMILY SERVICES/ORGANIZATIONAL FLEXIBILITY.** Amends Section 1, ch. 2007-174, Laws of Florida, to extend for one year the repeal date of language that provides the Department of Children and Families flexibility in its organizational structure.

- **FAMU CRESTVIEW CENTER.** Provides authority for the Department of Health to transfer funding to the Florida Agricultural and Mechanical University for the Crestview Center through the budget amendment process.

- **MEDICAID HOSPITAL REIMBURSEMENT PLAN.** Adopts by reference the document used to display the calculations used by the Legislature in making appropriations for the Low Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.

- **MEDICAID PROGRAM HOSPITAL INPATIENT AND OUTPATIENT PROVISO.** Amends the third and tenth paragraphs of proviso in Specific Appropriation 177 and the second paragraph of proviso of Specific Appropriation 182 of the 2011-2012 General Appropriations Act.

- **ONSITE SEWAGE DISPOSAL SYSTEMS.** Prohibits the Department of Health from implementing the onsite sewage treatment and disposal program described in s. 381.0065, Florida Statutes, until the department submits a plan to the Legislative Budget Commission and the plan is approved.

- **DOC/DJJ/IMPACT COSTS PAID TO LOCAL GOVT.** Provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

- **DOC/CJIC ESTIMATE/NEW POSITIONS AND FUNDING.** Amends s. 216.262, F.S. to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue during the 2011-2012 fiscal year for the Department of Corrections if the actual inmate population of the department exceeds the inmate population projections of the February 2011 Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month. The additional positions and appropriations must be approved by the Legislative Budget Commission.

- **DLA/PAY SALARIES WITH EXCESS CASH.** Authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specified Attorney General cases to the Operating Trust Fund to pay salaries and benefits.

- **DEPARTMENT OF LEGAL AFFAIRS.** Authorizes DLA to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to

specific appropriations made in general appropriations acts in prior years.

- **MUNICIPALITIES/REPAY GEN. FUND.** Amends s. 932.7055, F.S. to extend for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

- **DJJ/MEDICARE RATES.** Provides limitation on DJJ reimbursements for health care services to 110 percent of Medicare allowable rates.

- **COURT TRUST FUND REPAYMENT.** Provides that the state court system is relieved of loan repayment obligations made from Mediation and Arbitration and Court Education Trust Fund during 2010-11 FY

- **STATE COURTS REVENUE TF/LOAN REQUEST.** Authorizes Chief Justice to secure a trust fund loan during the 2011-12 FY if revenues are insufficient in the State Courts Revenue Trust Fund to fund appropriations.

- **CLERK TRUST FUND.** Notwithstanding section 28.2455, F.S., to allow funds remaining in the Clerks of Court Trust Fund to be available for clerks of court for fiscal year 2011-2012 expenditures

- **COUNTY COURT FUNDING.** Amends s. 29.008, F.S. to provide that counties are exempt from the requirement to increase expenditures by 1.5 percent for court-related functions.

- **STATE AGENCY LAW ENFORCEMENT RADIO SYSTEM.** Provides that funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the Department of Management Services to fund mutual aid build out maintenance and sustainment.

- **FLORIDA CATASTROPHIC STORM RISK MANAGEMENT CENTER.** Provides for a study of factors affecting costs and availability, of property and casualty insurance in Florida.

- **MYFLORIDA.COM PORTAL.** Authorizes the Department of Management Services to use interest earnings from the Communications Working Capital Trust Fund as the funding source for its responsibilities related to the MyFlorida.com portal.

- **CITRUS ADVERTISING TRUST FUND.** Amends s. 253.034, F.S., to provide that funds derived from the sale of property by the Department of Citrus located in Lakeland, Florida, are authorized to be deposited into the Citrus Advertising Trust Fund.

- **CITRUS BOX TAX RATE.** Limits the tax on grapefruit, tangerines, and fresh oranges at the rate in effect on May 1, 2011; the tax rate on oranges in processed form shall not exceed 25 cents per box.

- **CITRUS COMMISSION EXECUTIVE DIRECTOR TERM.** Provides that the Executive Director of the Citrus Commission shall serve a 4-year term, except for the initial term of the Executive Director shall end on June 30, 2011.

- **LAND ACQUISITION TRUST FUND.** Allows revenues from the trust fund to be used for Total Maximum Daily Loads programs within the Department of Environmental Protection.

- **WATER MANAGEMENT LANDS TRUST FUND.** Provides for the allocation of moneys from the Water Management Lands Trust Fund to pay debt service on bonds issued before 2/1/09, by the South Water Management District and the St. Johns Water Management District; continues to provide for \$8M to be transferred to the General Revenue Fund; and provides the remaining funds be distributed to the Suwannee River Water Management District, of which \$500,000 may be used for minimum flows and levels.

- **ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND/BEACHES.** Authorizes the use of revenues in the Ecosystem Management and Restoration Trust Fund for funding of activities to preserve and repair the state's beaches.

- **DACS for GITF SPENDING FOR CH. 570 PROGRAMS.** Amends s. 570.20, F.S., to extend for another year the authorization for funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to be appropriated for programs operated by the department which are related to the programs authorized by chapter 570, F.S.
- **DEP/WASTE TIRE/LITTER.** Requires the Department of Environmental Protection to award \$2,400,000 of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.
- **DACS for AGRICULTURE PROMOTION CONTRACTS.** Provides that, notwithstanding s. 287.057, F.S., (governing procurement of commodities or contractual services), the Department of Agriculture and Consumer Services, at its discretion, is authorized to extend, revise, and renew current contracts or agreements created or entered into, pursuant to chapter 2006-25, Laws of Florida (the 2006-2007 GAA), in order to provide consistency and continuity in agriculture promotion throughout the state.
- **STATE OWNED LANDS.** Provides that the acquisition and disposition of state-owned lands are exempt from appraisal requirements if the proceeds of such conveyance will be used to purchase state-owned lands for preservation, conservation, and recreation purposes. Requires agencies to submit a list of state-owned lands to Board of Trustees of the Internal Improvement Trust Fund that are available for lease or are surplus lands. Proceeds from the sale of such lands will be deposited into the Florida Forever Trust Fund and used to acquire state-owned lands for preservation, conservation, or recreation purposes.
- **FEDERAL GRANTS TRUST FUND.** Amends s. 379.204, F.S. to authorize the Fish and Wildlife Conservation Commission to transfer cash balance originating from hunting and finishing license fees in other trust funds into the Federal Grants Trust Fund for the purpose of supporting cash flow.
- **DOT/ADOPTED WORKPLAN.** Amends s. 339.135(4)(a)(3), F.S. to provide Legislative intent to minimize the impacts of reduced revenues.
- **DOT/OTTED ROAD FUND/WORK PROGRAM/AIRPORT PROJECTS.** Amends s. 339.135(5), F.S. Provides that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$15,000,000 for the purpose of funding economic development transportation projects. Provides that the transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2011, in the Department of Transportation's 5-year work program. Requires Department of Transportation to fund airport development projects specified in the General Appropriations Act.
- **DOT/STTF/GENERAL REVENUE FUND.** Amends s. 339.08, F.S. to provide that STTF funds may be transferred to General Revenue or the State School Trust Fund.
- **DOT/STTF/ADMIN COSTS.** Amends s. 339.08, F.S. to authorize funds in the Department of Transportation's State Transportation Trust Fund (STTF) to be used to pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.
- **VEHICLES.** Provides that the ownership of all vehicles currently used by the Office of Motor Carrier Compliance shall be transferred to DHSMV effective July 1, 2011 without payment of any titling or registration fees.
- **AWL/ONE-STOP DELIVERY SYSTEM.** Amends s. 445.009, F.S. to provide that a participant in an adult or youth work experience activity administered pursuant to chapter 445 shall be deemed an employee of the state for purposes of workers' compensation coverage. Provides that in determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.
- **CENTURY COMMISSION/TRAVEL AND PER DIEM.** Re-enacts s. 163.3247, F.S. to carry forward amendment made during 2010 session which removed authorization for members of the commission to receive per diem and travel expenses while in performance of duties.
- **CENTURY COMMISSION/DISTRIBUTION OF TAXES.** Re-enacts s. 201.15, F.S. to carry forward amendment made during 2010 session which removed language distributing certain taxes to the Century Commission.
- **STATE COMPREHENSIVE ENHANCED TRANSPORTATION SYSTEM TAX/TRANSFER.** Amends s. 206.608, F.S. to assist the Department of Transportation in adopting a work program balanced to revenues by giving the department the flexibility to use State Comprehensive Enhanced Transportation System Tax proceeds that are deposited into the State Transportation Trust Fund outside the district in which were collected.
- **HIGHWAY SAFETY OPERATING TRUST FUND TRANSFER.** Notwithstanding 320.204 to delay transfer from Highway Safety Operating Trust fund to the FDOT Transportation Disadvantaged Trust Fund
- **PASSENGER RAIL FUNDING.** Notwithstanding s. 341.303(6)(a) to provide legislative discretion as to the placement of passenger rail funding with the FDOT budget.
- **TRANSFER OF OMCC EMPLOYEES TO HSMV.** Provides that incumbent employees transferred from the Office of Motor Carrier Compliance to the Department of Highway Safety and Motor Vehicles who are exempt from career service to be placed in career service upon transfer. Legislative intent that incumbent employees retain current status unless otherwise provided in GAA.
- **TOLL FACILITIES REVOLVING TRUST FUND.** Authorizes grants of up to \$3 million from the trust fund for expressway projects.
- **RISK MANAGEMENT TRANSFERS.** Authorizes the Executive Office of the Governor to transfer funds in order to align the budget authority granted to pay each department's risk management insurance.
- **HUMAN RESOURCE SERVICES TRANSFER.** Authorizes the Executive Office of the Governor to transfer funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2010-2011 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resources management services.
- **HEALTH SAVINGS ACCOUNTS.** Sets rates for health savings accounts at the current levels for FY 2011-2012.
- **STATE EMPLOYEE HEALTH INSURANCE.** Provides that the state contribution to the State Group Insurance Program will be the difference between the costs and the employee contributions.
- **EMPLOYEE ASSIGNMENTS.** Amends s. 112.24, F.S. to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177, F.S.
- **LEGISLATIVE SALARIES.** Provides that legislative salaries will remain at the same level in effect on July 1, 2010.

- **CAPITAL COLLATERAL REGISTRY.** Provides that in the event that HB 5011 fails to become law, the Justice Administrative Commission will maintain the registry of attorneys qualified for appointment for capital collateral defense.
- **TRUST FUND SWEEPS TO GENERAL REVENUE.** Amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund or State School Trust Fund from trust funds in the 2011-2012 General Appropriations Act.
- **LAWTON CHILES ENDOWMENT FUND.** reenacts s. 215.5601, F.S. relating to investment objectives of endowment. In 2008 session, language was added to indicate that the investment objective shall be long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. The following sentence was also added: "Withdrawals other than specified regular cash outflow shall be considered reductions in contributed principal for the purposes of this subsection."
- **STATE DEBT/BEST INTEREST OF STATE.** Provides that, in order to implement the issuance of new debt authorized in the 2011-2012 General Appropriations Act, and pursuant to the requirements of s. 215.98, F.S., the Legislature determines that the authorization and issuance of debt for the 2011-2012 fiscal year should be implemented and is in the best interest of the state and necessary to address a critical state emergency.
- **STATE EMPLOYEE TRAVEL.** Provides that funds appropriated for travel by state employees shall be limited to travel for activities that are critical to each state agency's mission. Prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training or other administrative functions unless agency head approves in writing. Requires agency head to consider use of teleconferencing and electronic communication to meet needs of activity before approving travel.
- **DATA CENTERS/TRANSFERS.** Provides that the Governor is authorized to transfer funds appropriated in any appropriation category used to pay for data processing in the General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department.
- **DATA PROCESSING/TRANSFERS.** Provides that an agency may transfer funds from the data processing appropriation categories to another appropriation category for the purpose of supporting and managing its computer resources until such time as the agency's data processing function is transferred to the Southwood Shared Resource Center, the Northwood Shared Resource Center, or the Northwest Regional Data Center.
- **SUNCOM.** Provides that the Governor is authorized to transfer funds appropriated in the appropriations category "expenses" between agencies in order to allocate a reduction relating to SUNCOM Services.
- **PHARMACY COPAYMENTS.** Amends s. 110.12315, F.S., to modify copayments consistent with decisions that have been made in the GAA.
- **MULTIPLE AGENCY LEASES.** Requires the Department of Management Services to use the services of a tenant broker to renegotiate all private lease agreements more than 150,000 square feet and authorizes the use of savings to generate additional savings.
- **RENEGOTIATION OF PRIVATE LEASE AGREEMENTS.** Requires the Department of Management Services and state agencies to seek to renegotiate private lease agreements of more than 2,000 square feet expiring before June 30, 2013.
- **STATE TERM CONTRACT/MMCAP.** Requires the DMS to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) agreement as a state term contract.
- **FLORIDA DISCOUNT DRUG CARD PROGRAM.** Requires AHCA to competitively reprocur a Florida Discount Drug Card Program to provide market competitive discounts and return money to the state on a per prescription basis. Discounts will be available to

Florida residents without income restrictions. Revenues deposited into Grants and Donations Trust Fund to reduce cost of Medicaid pharmacy purchases.

- **PRIDE.** Requires agencies to submit report regarding purchases which could have been made from Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE), but were made from another vendor.
- **VETOED ITEMS.** Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.
- **PRECEDENCE OF SUBSTANTIVE LAW.** Provides for a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.
- **SEVERABILITY CLAUSE.**
- **EFFECTIVE DATES.** Provides that, except as otherwise expressly provided in this act, this act shall take effect July 1, 2011; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2011.

**Conference Committee Amendment (182684)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2011-2012 fiscal year.*

Section 2. *In order to implement Specific Appropriations 6, 7, 8, 68, and 69 of the 2011-2012 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2011-2012 fiscal year in the document entitled "Public School Funding-The Florida Education Finance Program," dated May 3, 2011, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.*

Section 3. In order to implement Specific Appropriations 15A and 15B of the 2011-2012 General Appropriations Act, paragraph (c) of subsection (3) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection provisions of s. 216.177:

(c) The transfer of appropriations for fixed capital outlay from the Survey Recommended Needs-Public Schools appropriation category to the Maintenance, Repair, Renovation and Remodeling appropriation category. The allocation of transferred funds ~~must shall~~ be in accordance with s. ~~1013.62 4013.64(1)~~. This paragraph expires July 1, ~~2012 2011~~.

Section 4. *Notwithstanding ss. 440.50 and 1010.87, Florida Statutes, for the 2011-2012 fiscal year, funds provided in Specific Appropriation 98 of the 2011-2012 General Appropriations Act from the Workers' Compensation Administration Trust Fund shall be used for the Ready to Work Program created under s. 1004.99, Florida Statutes. This section expires July 1, 2012.*

Section 5. *In order to implement Specific Appropriation 119 of the 2011-2012 General Appropriations Act and notwithstanding any other law, for the 2011-2012 fiscal year only, a university board of trustees may expend reserve or carry-forward balances from prior year operational and programmatic appropriations for legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.*

Section 6. In order to implement Specific Appropriations 310 through 339 of the 2011-2012 General Appropriations Act, paragraphs (b) and (c) of subsection (3) of section 394.908, Florida Statutes, are amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity in the funding of substance abuse and mental health services for the department's districts and regions and to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be used:

(3)

(b) Notwithstanding paragraph (a) and for the 2011-2012 ~~2010-2011~~ fiscal year only, funds appropriated for forensic mental health treatment services shall be allocated to the areas of the state having the greatest demand for services and treatment capacity. This paragraph expires July 1, 2012 ~~2011~~.

(c) Notwithstanding paragraph (a) and for the 2011-2012 ~~2010-2011~~ fiscal year only, additional funds appropriated for substance abuse and mental health services from funds available through the Community-Based Medicaid Administrative Claiming Program shall be allocated as provided in the 2010-2011 General Appropriations Act and in proportion to contributed provider earnings. This paragraph expires July 1, 2012 ~~2011~~.

Section 7. *In order to implement Specific Appropriation 465 of the 2011-2012 General Appropriations Act, and for the 2011-2012 fiscal year only, the following requirements govern the completion of Phase 2 and Phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study:*

(1) *The Department of Health's underlying contract for the study remains in full force and effect and funding for completion of Phase 2 and Phase 3 is through the Department of Health.*

(2) *The Department of Health, the Department of Health's Research Review and Advisory Committee, and the Department of Environmental Protection shall work together to provide the necessary technical oversight of the completion of Phase 2 and Phase 3 of the project.*

(3) *Management and oversight of the completion of Phase 2 and Phase 3 must be consistent with the terms of the existing contract. However, the main focus and priority to be completed during Phase 3 shall be developing, testing, and recommending cost-effective passive technology design criteria for nitrogen reduction.*

(4) *The systems installed at homesites are experimental in nature and shall be installed with significant field testing and monitoring. The Department of Health is specifically authorized to allow installation of these experimental systems. Notwithstanding any other law, before Phase 3 of the study is completed, a state agency may not adopt or implement a rule or policy that:*

(a) *Mandates, establishes, or implements more restrictive nitrogen-reduction standards to existing or new onsite sewage treatment systems or modification of such systems; or*

(b) *Directly or indirectly requires the use of performance-based treatment systems or similar technology, such as through an administrative order developed by the Department of Environmental Protection as part of a basin management action plan adopted pursuant to s. 403.067, Florida Statutes. However, the implementation of more restrictive nitrogen-reduction standards for onsite systems may be required through a basin management action plan if such plan is phased in after completion of Phase 3.*

Section 8. Effective June 29, 2011, in order to implement Specific Appropriations 259 through 357 of the 2011-2012 General Appropriations Act, subsection (3) of section 1 of chapter 2007-174, Laws of Florida, is amended to read:

Section 1. Flexibility for the Department of Children and Family Services.—

(3) This section expires July 1, 2012 ~~June 30, 2008~~.

Section 9. *In order to implement Specific Appropriations 171 and 177 through 179 and 182 of the 2011-2012 General Appropriations Act, the calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs for the 2011-2012 fiscal year in the document entitled "Medicaid Supplemental Hospital Funding*

*Programs" dated May 3, 2011, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs.*

Section 10. *In order to implement Specific Appropriation 536 of the 2011-2012 General Appropriations Act, notwithstanding s. 216.177, Florida Statutes, requiring only 3 days' notice to the Legislature for the release of funds, budget amendments recommending the release of funds must be provided at least 14 days before the effective date of the action and are subject to the objection procedures in s. 216.177(2)(b), Florida Statutes.*

Section 11. *In order to implement Specific Appropriation 177 of the 2011-2012 General Appropriations Act, and for the 2011-2012 fiscal year only, the third and tenth paragraph of proviso following the appropriation is repealed and replaced with:*

*Funds in Specific Appropriation 177 reflect a reduction of \$173,477,299 from the General Revenue Fund, \$220,252,391 from the Medical Care Trust Fund, and \$1,199,158 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement for inpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, before including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary; however, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but may not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals, as defined in s. 395.602, Florida Statutes, are excluded from this reduction.*

*From the funds in Specific Appropriation 177, \$239,417,562 from the Grants and Donations Trust Fund and \$303,972,274 from the Medical Care Trust Fund are provided for public hospitals, including any leased public hospital determined to be covered under the state's sovereign immunity; teaching hospitals, as defined in s. 408.07 or s. 395.805, Florida Statutes, which have 70 or more full-time equivalent resident physicians; hospitals that have graduate medical education positions that do not otherwise qualify; and designated trauma hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.*

Section 12. *In order to implement Specific Appropriation 182 of the 2011-2012 General Appropriations Act, and for the 2011-2012 fiscal year only, the second paragraph of proviso following the appropriation is repealed and replaced with:*

*Funds in Specific Appropriation 182 reflect a reduction of \$43,572,721 from the General Revenue Fund, \$55,321,338 from the Medical Care Trust Fund, and \$151,174 from the Refugee Assistance Trust Fund as a result of implementing a reduction in outpatient hospital reimbursement rates. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent*

and rural hospitals as defined in s. 395.602, Florida Statutes, are excluded from this reduction.

Section 13. In order to implement Specific Appropriations 459 through 469 of the 2011-2012 General Appropriations Act, before the implementation of the onsite sewage treatment and disposal system evaluation program described in s. 381.0065(5)(a), Florida Statutes, the Department of Health shall submit a plan for approval by the Legislative Budget Commission which includes an estimate of agency workload and funding needs. The department may not expend funds in furtherance of the evaluation program before the plan is approved by the commission.

Section 14. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 605, 616, 628, and 1135 of the 2011-2012 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying costs that are incurred by a municipality or county and are associated with opening or operating a facility under the authority of the respective department. The amount paid for any facility may not exceed 1 percent of the cost to construct the facility, less building impact fees imposed by the municipality or county. This section expires July 1, 2012.

Section 15. In order to implement Specific Appropriations 570 through 688A and 726 through 759 of the 2011-2012 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter relating to ~~an~~ increasing the number of authorized positions, and for the 2011-2012 ~~2010-2011~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 21, 2011 ~~19-2010~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to ~~the authority granted in~~ this subsection ~~are shall be~~ subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2012 ~~2011~~.

Section 16. In order to implement Specific Appropriations 1253, 1267, 1274, 1295, and 1305 of the 2011-2012 General Appropriations Act, the Department of Legal Affairs may transfer cash remaining after required disbursements for Attorney General case numbers 09-CV-51614, 16-2008-CA-01-3142CV-C, and CACE08022328 from FLAIR account 41-74-2-601001-41100100-00-181076-00 to the Operating Trust Fund to pay salaries and benefits. This section expires July 1, 2012.

Section 17. In order to implement Specific Appropriations 1289 and 1290 of the 2011-2012 General Appropriations Act, the Department of Legal Affairs may expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years. This section expires July 1, 2012.

Section 18. In order to implement Specific Appropriations 1192 and 1198 of the 2011-2012 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2011-2012 ~~2010-2011~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipi-

ality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund before ~~prior to~~ October 1, 2001. This paragraph expires July 1, 2012 ~~2011~~.

Section 19. (1) In order to implement Specific Appropriations 1069, 1070, 1074, 1075, 1115, 1116, 1120, 1121, 1123, 1126, 1127, 1130, 1131, 1132, 1141, and 1146 of the 2011-2012 General Appropriations Act, the Department of Juvenile Justice must comply with the following reimbursement limitations:

(a) Payments to a hospital or a health care provider may not exceed 110 percent of the Medicare allowable rate for any health care services provided if no contract exists between the department and the hospital or the health care provider providing services at a hospital;

(b) The department may continue to make payments for health care services at the currently contracted rates through the current term of the contract if a contract has been executed between the department and a hospital or a health care provider providing services to a hospital; however, payments may not exceed 110 percent of the Medicare allowable rate after the current term of the contract expires or after the contract is renewed during the 2011-2012 fiscal year;

(c) Payments may not exceed 110 percent of the Medicare allowable rate under a contract executed on or after July 1, 2011, between the department and a hospital or health care provider providing services at a hospital;

(d) Notwithstanding paragraphs (a), (b), and (c), the department may pay up to 125 percent of the Medicare allowable rate for health care services at a hospital that reports or has reported a negative operating margin for the previous fiscal year to the Agency for Health Care Administration through hospital-audited financial data; and

(e) The department may not execute a contract for health care services at a hospital for rates other than rates based on a percentage of the Medicare allowable rate.

(2) For purposes of this section, the term "hospital" means a hospital licensed under chapter 395, Florida Statutes.

(3) This section expires July 1, 2012.

Section 20. In order to implement section 7 of the 2011-2012 General Appropriations Act, and notwithstanding s. 215.18, Florida Statutes, the state court system is relieved of loan repayment obligations for loans made from the Mediation and Arbitration Trust Fund and the Court Education Trust Fund to the state court system during the 2010-2011 fiscal year. This section is effective upon this act becoming a law.

Section 21. In order to implement Section 7 of the 2011-2012 General Appropriations Act, section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(1) Whenever there is a deficiency ~~exists~~ in any fund provided for by s. 215.32 ~~a deficiency~~ which would render such fund insufficient to meet its just requirements, and ~~there shall exist in the~~ other funds in the State Treasury have moneys which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds, the Governor may order a temporary transfer of moneys from one fund to another in order to meet temporary deficiencies in a particular fund without resorting to the necessity of borrowing money and paying interest thereon. Any action proposed under this section is subject to the notice and objection procedures set forth in s. 216.177, and the Governor shall provide notice of such action at least 7 days before ~~prior to~~ the effective date of the transfer of funds. Except as otherwise provided in s. 216.222(1)(a)2., the fund from which any money is temporarily transferred ~~must shall~~ be repaid the amount transferred from it by ~~not later than~~ the end of the fiscal year in which such transfer is made, the date of repayment to be specified in the order of the Governor.

(2) The Chief Justice of the Supreme Court may receive one or more trust fund loans of up to \$54 million in total, the purpose of which is to ensure that the state court system has funds sufficient to meet its appropriations in the 2011-2012 General Appropriations Act. If the Chief Justice accesses the loan, he or she must notify the Governor and the

chairs of the legislative appropriations committees in writing. The loan must come from other funds in the State Treasury which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds. The Governor shall order the transfer of funds within 5 days after the written notification from the Chief Justice. If the Governor does not order the transfer, the Chief Financial Officer shall transfer the requested funds. The loan of funds from which any money is temporarily transferred must be repaid by the end of the 2011-2012 fiscal year. This subsection expires July 1, 2012.

Section 22. In order to implement Specific Appropriation 791 of the 2011-2012 General Appropriations Act, and notwithstanding s. 28.2455, Florida Statutes, any funds remaining in the Clerks of Court Trust Fund may not be transferred to the General Revenue Fund and remain available to the clerks of court for expenditures during the 2011-2012 fiscal year. This section shall take effect upon becoming a law and expires July 1, 2012.

Section 23. In order to implement section 7 of the 2011-2012 General Appropriations Act, paragraph (c) of subsection (4) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(4)

(c) Counties are exempt from all requirements and provisions of paragraph (a) for the 2011-2012 ~~2010-2011~~ fiscal year. Accordingly, for the 2011-2012 ~~2010-2011~~ fiscal year, counties shall maintain, but are not required to increase, their expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3). The requirements described in paragraph (a) shall be reinstated beginning with the 2012-2013 ~~2011-2012~~ fiscal year. This paragraph expires July 1, 2012 ~~2011~~.

Section 24. In order to implement Specific Appropriation 2701A of the 2011-2012 General Appropriation Act, subsection (3) of section 282.709, Florida Statutes, is amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(3)(a) The State Agency Law Enforcement Radio System Trust Fund is established in the department and funded from surcharges collected under ss. 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the trust fund may be used by the department to acquire by competitive procurement the equipment, software, and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund ~~from collected as a result of the surcharges set forth in ss. 318.18, 320.0802, and 328.72~~ shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the department for payment of the recurring maintenance costs of the system.

(b) Funds from the State Agency Law Enforcement Radio System Trust Fund may be used by the department to fund mutual aid buildout maintenance and sustainment as appropriated by law. This paragraph expires July 1, 2012.

Section 25. In order to implement Specific Appropriation 2341A of the 2011-2012 General Appropriations Act, the Florida Catastrophic Storm Risk Management Center at Florida State University shall conduct the analysis as originally required in s. 164 of chapter 2004-390, Laws of Florida. Notwithstanding that section, the center shall use the most recent and available premium data for personal lines property and casualty insurance in completing the analysis.

Section 26. In order to implement Specific Appropriations 2574 through 2584 of the 2011-2012 General Appropriations Act, the Department of Management Services shall use interest earnings of the Communications Working Capital Trust Fund as the funding source for its responsibilities for the administration of the MyFlorida.com portal.

Section 27. In order to implement Specific Appropriations 2173 through 2195 of the 2011-2012 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, is amended to read:

253.034 State-owned lands; uses.—

(13) Notwithstanding the provisions of this section, funds derived from the sale of the Department of Citrus' property located in Lakeland, Florida, ~~shall be authorized to be deposited into the Citrus Advertising Trust Fund. This subsection expires July 1, 2012 2011.~~

Section 28. In order to implement Specific Appropriations 2173 through 2195 of the 2011-2012 General Appropriations Act, paragraph (a) of subsection (3) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; excise tax; emergency reserve fund; citrus research.—

(3)(a) There is hereby levied and imposed upon each standard-packed box of citrus fruit grown and placed into the primary channel of trade in this state an excise tax at maximum annual rates for each citrus season as determined from the tables in this paragraph and based upon the previous season's actual statewide production as reported in the United States Department of Agriculture Citrus Crop Production Forecast as of June 1. The rates may be set at any lower rate in any year pursuant to paragraph (e).

1. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	33	34	35	36	37
75-79.99	35	36	37	38	39
70-74.99	37	38	39	41	42
65-69.99	40	41	42	44	45
60-64.99	43	44	46	47	49
55-59.99	47	48	50	51	53
50-54.99	51	53	55	56	58
45-49.99	57	59	60	62	64
40-44.99	63	65	67	69	71
Less than 40	72	74	76	79	81

However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

2. The following maximum tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in processed forms:

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
80 and greater	23	24	25	25	26
75-79.99	25	25	26	27	28
70-74.99	26	27	28	29	30
65-69.99	28	29	30	31	32
60-64.99	31	32	32	33	34
55-59.99	33	34	35	36	37
50-54.99	36	38	39	40	41
45-49.99	40	41	43	44	45

Previous sea- son crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
40-44.99	45	46	48	49	51
Less than 40	51	53	54	56	57

However, effective July 1, 2011, the tax rate per box on grapefruit that enters the primary channel of trade for use in processed forms may not exceed the tax rate per box in effect on May 1, 2011.

3. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in fresh form:

Previous sea- son crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
255 and greater	23	24	25	26	26
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28
225-234.9	26	27	28	29	30
215-224.9	28	28	29	30	31
205-214.9	29	30	31	32	33
195-204.9	30	31	32	33	34
185-194.9	32	33	34	35	36
175-184.9	34	35	36	37	38
165-174.9	36	37	38	39	40
155-164.9	38	39	40	41	43
Less than 155	41	42	43	44	46

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

4. The following maximum tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in processed form:

Previous sea- son crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
255 and greater	15	16	16	17	17
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21
195-204.9	20	21	21	22	22
185-194.9	21	22	22	23	24
175-184.9	22	23	23	24	25
165-174.9	23	24	25	26	26

Previous sea- son crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
155-164.9	25	26	26	27	28
Less than 155	27	27	28	29	30

However, effective July 1, 2011, the tax rate per box on oranges that enter the primary channel of trade for use in processed form may not exceed 25 cents per box.

5. The actual tax rate levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph, paragraph (e), and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in processed form.

6. The following maximum tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form:

Previous sea- son crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
13 and greater	24	24	25	26	27
12 - 12.99	26	26	27	28	29
11 - 11.99	28	29	30	30	31
10 - 10.99	31	31	32	33	34
9 - 9.99	34	35	36	37	38
8 - 8.99	38	39	40	41	42
7 - 7.99	43	44	45	47	48
Less than 7	49	51	52	54	56

However, effective July 1, 2011, the tax rate per box on tangerines and citrus hybrids regulated by the Department of Citrus which enter the primary channel of trade for use in fresh form may not exceed the tax rate per box in effect on May 1, 2011.

Section 29. The amendment to s. 601.15(3)(a), Florida Statutes, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 30. Effective upon this act becoming a law and in order to implement Specific Appropriations 2173 through 2195 of the 2011-2012 General Appropriations Act, subsection (3) of section 601.10, Florida Statutes, is amended to read:

601.10 Powers of the Department of Citrus.—The Department of Citrus shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but shall not be confined to, the following:

(3) To employ and, at its pleasure, discharge an executive director, ~~a secretary, and such attorneys, clerks, and employees~~ as it deems necessary and to outline ~~his or her~~ ~~their~~ powers and duties and fix ~~his or her~~ ~~their~~ compensation.

(a) The executive director of the department shall be appointed by a majority vote of the commission for a term of 4 years, except for the initial term, and is subject to confirmation by the Senate in the legislative session following appointment.

1. *The initial term of the executive director ends June 30, 2011, and each subsequent 4-year term begins July 1, and shall be filled in the same manner as the original appointment.*

2. *A vacancy for the executive director shall be filled for the unexpired portion of the term in the same manner as the original appointment.*

(b) The Department of Citrus may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time employees, pursuant to such rules or regulations as it may adopt; and such payments ~~are~~ shall be in addition to the regular salaries of such full-time employees. The payment of such or similar benefits to its employees in foreign countries, including, but not limited to, social security, retirement, and other similar fringe benefit costs, may be in accordance with laws in effect in the country of employment, except that no benefits will be payable to employees not authorized for other state employees, as provided in the Career Service System.

Section 31. *The amendment to s. 601.10(3), Florida Statutes, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 32. In order to implement Specific Appropriation 1648A of the 2011-2012 General Appropriations Act, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3)

(b) In addition to the uses allowed ~~under~~ in paragraph (a), for the 2011-2012 ~~2010-2011~~ fiscal year, moneys in the Land Acquisition Trust Fund are authorized for transfer to support the *Total Maximum Daily Loads Program Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, the Total Maximum Daily Loads programs, and the Marine Spatial Planning programs* as provided in the General Appropriations Act. This paragraph expires July 1, 2012 ~~2011~~.

Section 33. In order to implement Specific Appropriation 1580A of the 2011-2012 General Appropriations Act, subsection (12) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(12) Notwithstanding subsection (8), and for the 2011-2012 ~~2010-2011~~ fiscal year only, the moneys from the Water Management Lands Trust Fund ~~are~~ shall be allocated as follows:

(a) An amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to this section, or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds;

(b) Eight million dollars to be transferred to the General Revenue Fund; *and*

(c) The remaining funds to be distributed ~~to equally between~~ the Suwannee River Water Management District, *of which \$500,000 may be used for minimum flows and levels. and the Northwest Florida Water Management District; and*

~~(d) For the 2010-2011 fiscal year only, the sum of \$50,000 from the Water Management Lands Trust Fund shall be transferred to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services for the soil and water conservation districts for support services.~~

This subsection expires July 1, 2012 ~~2011~~.

Section 34. In order to implement Specific Appropriations 1649 through 1651, 1653, and section 34 of the 2011-2012 General Appropriations Act, paragraph (g) of subsection (1) of section 403.1651, Florida Statutes, is reenacted to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(1) There is created the Ecosystem Management and Restoration Trust Fund to be administered by the Department of Environmental Protection for the purposes of:

(g) Funding activities to preserve and repair the state's beaches as provided in ss. 161.091-161.212.

Section 35. *The amendment to s. 403.1651(1)(g), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 36. In order to implement Specific Appropriations 1324 through 1475 of the 2011-2012 General Appropriations Act, subsection (2) of section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(2) For the 2011-2012 ~~2010-2011~~ fiscal year only and notwithstanding any other provision of law ~~to the contrary~~, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, 2012 ~~2011~~.

Section 37. In order to implement Specific Appropriation 1703AA of the 2011-2012 General Appropriations Act, subsection (5) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.—

(5) Notwithstanding any *other* provision of this section ~~to the contrary~~, and for the 2011-2012 ~~2010-2011~~ fiscal year only, the Department of Environmental Protection shall award the sum of \$2,400,000 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs. This subsection expires July 1, 2012 ~~2011~~.

Section 38. *In order to implement Specific Appropriation 1430 of the 2011-2012 General Appropriations Act and to provide consistency and continuity in the promotion of agriculture throughout the state, notwithstanding s. 287.057, Florida Statutes, the Department of Agriculture and Consumer Services may extend, revise, and renew current contracts or agreements created or entered into pursuant to chapter 2006-25, Laws of Florida. This section expires July 1, 2012.*

Section 39. *In order to implement Specific Appropriation 1578A of the 2011-2012 General Appropriations Act, and notwithstanding ss. 253.034, 253.0341, and 259.041, Florida Statutes, the disposition of state-owned lands is exempt from appraisal requirements under s. 253.034(6)(g)1., Florida Statutes, and disposition requirements under s. 253.034(15), Florida Statutes, if the proceeds of such conveyance will be used to purchase state-owned lands for preservation, conservation, or recreation purposes. On or before October 1, 2011, all agencies shall submit a list of state-owned lands to the Board of Trustees of the Internal Improvement Trust Fund, to which the lands are titled, which are immediately available for lease or are surplus lands. Proceeds from the sale of such lands shall be deposited into the Florida Forever Trust Fund created by s. 259.1051, Florida Statutes, and used to acquire lands for preservation, conservation, or recreation purposes pursuant to the requirements of s. 259.105, Florida Statutes. The board of trustees shall ensure that, where appropriate, surplus or leased conservation lands are subject to perpetual conservation easements or other such restrictive covenants that run with the land and are duly recorded in the same manner as any other instrument affecting title to real property. This section expires July 1, 2012.*

Section 40. In order to implement Specific Appropriations 1814, 1831, 1895, and 1907, subsection (3) is added to section 379.204, Florida Statutes, to read:

379.204 Federal Grants Trust Fund.—

(3) *The commission may transfer the cash balance originating from hunting and fishing license fees from other trust funds into the Federal*

*Grants Trust Fund for the purpose of supporting cash flow needs. This subsection expires July 1, 2012.*

Section 41. *In order to implement Specific Appropriation 1806 and notwithstanding the provisions of s. 379.2342(2), Florida Statutes, for the 2011-2012 fiscal year only, the Fish and Wildlife Conservation Commission shall suspend the publication of a printed version the Florida Wildlife Magazine and the operations of the Florida Wildlife Magazine Advisory Council.*

Section 42. In order to implement Specific Appropriations 1918A through 1919, 1938A through 1938C, 1938E through 1938V, and 1976A through 1976K of the 2011-2012 General Appropriations Act, paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052. Funds for the intercity bus program provided for under s. 5311(f) of the federal nonurbanized area formula program shall be administered and allocated directly to eligible bus carriers as defined in s. 341.031(12) at the state level rather than the district. In order to provide state funding to support the intercity bus program provided for under provisions of the federal 5311(f) program, the department shall allocate an amount equal to the federal share of the 5311(f) program from amounts calculated pursuant to s. 206.46(3).

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Strategic Intermodal System created pursuant to s. 339.61. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term “new discretionary highway capacity funds” means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

3. Notwithstanding subparagraphs 1. and 2. and ss. 201.15(1)(c)1.a.-d., 206.46(3), 334.044(26), and 339.2819(3), and for the 2011-2012 ~~2010-2011~~ fiscal year only, the department shall reduce work program levels to balance the finance plan to the revised funding levels resulting from any reduction in the 2011-2012 ~~2010-2011~~ General Appropriations Act. This subparagraph expires July 1, 2012 ~~2011~~.

4. For the 2011-2012 ~~2009-2010~~ fiscal year only, *before prior to* any project or phase thereof *is being* deferred, the department’s cash balances shall be as provided in paragraph (6)(b), and the reductions in subparagraph 3. shall be made to financial projects not programmed for contract letting as identified with a work program contract class code 8 and the box code RV. These reductions shall not negatively impact safety or maintenance or project contingency percentage levels as of April 21, 2011 ~~2009~~. This subparagraph expires July 1, 2012 ~~2010~~.

5. Notwithstanding subparagraphs 1. and 2. and ss. 206.46(3) and 334.044(26), and for fiscal years 2009-2010 through 2013-2014 only, the department shall annually allocate up to \$15 million of the first proceeds of the increased revenues estimated by the November 2009 Revenue Estimating Conference to be deposited into the State Transportation Trust Fund to provide for the portion of the transfer of funds included in s. 343.58(4)(a)1.a. or 2.a., *as whichever is* applicable. The transfer of funds included in s. 343.58(4) shall not negatively impact projects in-

cluded in fiscal years 2009-2010 through 2013-2014 of the work program as of July 1, 2009, as amended pursuant to subsection (7). This subparagraph expires July 1, 2014.

Section 43. In order to implement Specific Appropriations 1918B and 1938S of the 2011-2012 General Appropriations Act, subsection (5) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(5) ADOPTION OF THE WORK PROGRAM.—

(a) The original approved budget for operational and fixed capital expenditures for the department shall be the Governor’s budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, *before prior to* the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year, together with any roll forwards approved pursuant to paragraph (6)(c), and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with *the said* roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4), plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any transportation project of the department which is identified by specific appropriation in the General Appropriations Act shall be deducted from the funds annually distributed to the respective district pursuant to paragraph (4)(a). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

(b) Notwithstanding paragraph (a), and for the 2011-2012 ~~2010-2011~~ fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$15 million ~~\$20,300,000~~ for the purpose of funding transportation-related needs of economic development projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2011 ~~2009~~, in the Department of Transportation’s 5-year work program. This paragraph expires July 1, 2012 ~~2011~~.

(c) *Notwithstanding paragraph (a), and for the 2011-2012 fiscal year only, the Department of Transportation shall fund airport development projects specified in the General Appropriations Act and, unless requested by the airport sponsor, may not reduce, delete, or defer any existing projects funded as of July 1, 2011, in the Department of Transportation’s 5-year work program. This paragraph expires July 1, 2012.*

Section 44. In order to implement section 69 of the 2011-2012 General Appropriations Act, paragraph (n) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348 *if, where* jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System. This paragraph expires July 1, 2012 ~~2011~~.

Section 45. In order to implement section 110 of the 2011-2012 General Appropriations Act, subsection (4) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(4) For the 2011-2012 ~~2010-2011~~ fiscal year only and notwithstanding ~~the provisions of~~ this section and ss. 339.09(1) and 215.32(2)(b)4., funds may be transferred from the State Transportation Trust Fund to the *State School Trust Fund* or the General Revenue Fund as specified in the General Appropriations Act. Notwithstanding ss. 206.46(3) and 206.606(2), the total amount transferred shall be reduced from total state revenues deposited into the State Transportation Trust Fund for the calculation requirements of ss. 206.46(3) and 206.606(2). This subsection expires July 1, 2012 ~~2011~~.

Section 46. *In order to implement Specific Appropriations 2484A through 2484K of the 2011-2012 General Appropriations Act and notwithstanding chapters 319 and 320, Florida Statutes, the ownership of all vehicles currently used by the Office of Motor Carrier Compliance within the Department of Transportation shall be transferred to the Department of Highway Safety and Motor Vehicles effective July 1, 2011, without payment of any titling or registration fees.*

Section 47. In order to implement Specific Appropriation 2008 of the 2011-2012 General Appropriations Act, subsection (11) of section 445.009, Florida Statutes, is amended to read:

445.009 One-stop delivery system.—

(11)(a) A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity.

(b) This subsection expires July 1, 2012 ~~2011~~.

Section 48. In order to implement Specific Appropriation 1498 of the 2011-2012 General Appropriations Act, paragraph (d) of subsection (3) of section 163.3247, Florida Statutes, is reenacted to read:

163.3247 Century Commission for a Sustainable Florida.—

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(d) Members of the commission shall serve without compensation.

Section 49. *The amendment to s. 163.3247(3)(d), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 50. In order to implement Specific Appropriation 1498 of the 2011-2012 General Appropriations Act, paragraph (c) of subsection (1) of section 201.15, Florida Statutes, is reenacted to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

(1) Sixty-three and thirty-one hundredths percent of the remaining taxes shall be used for the following purposes:

(c) After the required payments under paragraphs (a) and (b), the remainder shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of the lesser of 38.2 percent of the remainder or \$541.75 million in each fiscal year, to be used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds. Effective July 1, 2014, the percentage allocated under this sub-subparagraph shall be increased to 10 percent;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b. Effective July 1, 2014, the first \$60 million of the funds allocated pursuant to this sub-subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

2. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or \$3.25 million in each fiscal year to fund technical assistance to local governments and school boards on the requirements and implementation of this act.

3. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

4. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 51. *The amendment to s. 201.15(1)(c)2., Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 52. In order to implement Specific Appropriations 1918A through 1919, 1938A through 1938C, 1938E through 1939V, and 1976A through 1976K of the 2011-2012 General Appropriations Act, subsection (3) of section 206.608, Florida Statutes, is amended to read:

206.608 State Comprehensive Enhanced Transportation System Tax; deposit of proceeds; distribution.—Moneys received pursuant to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the Fuel Tax Collection Trust Fund, and, after deducting the service charge imposed in chapter 215 and administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed as follows:

(3) For the 2011-2012 ~~2010-2011~~ fiscal year only, and notwithstanding ~~the provisions of~~ subsection (2), the remaining proceeds of the tax levied pursuant to s. 206.41(1)(f) and all of the proceeds from the tax

imposed by s. 206.87(1)(d) shall be transferred into the State Transportation Trust Fund and shall be used for the purposes stated in s. 339.08. This subsection expires July 1, 2012 ~~2011~~.

Section 53. *In order to implement Specific Appropriations 2453 through 2535A and notwithstanding s. 320.204, Florida Statutes, for the 2011-2012 fiscal year only, funds may not be transferred from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund in the Department of Transportation.*

Section 54. *In order to implement Specific Appropriations 1918C, 1918H, 1918I and 1918J, and notwithstanding s. 341.303(6)(a), Florida Statutes, funding for passenger rail for the 2011-2012 fiscal year is included in the Transportations Systems Development budget entity.*

Section 55. *In order to implement Specific Appropriation 2484A, all sworn law enforcement employee positions classified as "captain" or "major" in the Office of Motor Carrier Compliance who are exempt from the career service in accordance with s. 110.205(2)(m)3., Florida Statutes, shall be placed in the career service upon transfer to the Florida Highway Patrol in the Department of Highway Safety and Motor Vehicles. Incumbents of captains and majors positions in the Office of Motor Carrier Compliance as of June 30, 2011, who have 1 year of satisfactory service in their positions shall receive permanent status in that position within the Department of Highway Safety and Motor Vehicles. It is the intent of the Legislature that the incumbent of any career service position in the Office of Motor Carrier Compliance as of June 30, 2011, retain his or her current status upon transfer to the Department of Highway Safety and Motor Vehicles as provided in the General Appropriations Act.*

Section 56. *In order to implement Specific Appropriation 1938Q, for the 2011-2012 fiscal year only, and notwithstanding s. 338.251, Florida Statutes, the Department of Transportation is authorized to grant not more than \$3 million in total from the Toll Facilities Revolving Trust Fund to authorities created under chapter 348, Florida Statutes, for preliminary engineering, traffic, and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, operations, other appropriate project-related professional services, and advanced right-of-way acquisition.*

Section 57. *In order to implement the appropriation of funds in appropriation category "Special Categories-Risk Management Insurance" in the 2011-2012 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2012.*

Section 58. *In order to implement the appropriation of funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per State-wide Contract" in the 2011-2012 General Appropriations Act," and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2012.*

Section 59. In order to implement specific appropriations for salaries and benefits in the 2011-2012 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option ~~is~~ shall be eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A

member is not eligible for an employer contribution upon termination of employment. For the 2011-2012 ~~2010-2011~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

2. A member participating in this health insurance plan option ~~is~~ shall be eligible to deposit the member's own funds into a health savings account.

Section 60. In order to implement section 8 of the 2011-2012 General Appropriations Act, paragraph (j) of subsection (3) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(j) Notwithstanding the provisions of paragraph (f) requiring uniform contributions, and for the 2011-2012 ~~2010-2011~~ fiscal year only, the state contribution toward the cost of any plan in the state group insurance plan ~~is~~ shall be the difference between the overall premium and the employee contribution. This subsection expires June 30, 2012 ~~2011~~.

Section 61. In order to implement specific appropriations for salaries and benefits in the 2011-2012 General Appropriations Act, paragraph (b) of subsection (3) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(b)1. The assignment of an employee of a state agency ~~either~~ on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

2. For the 2011-2012 ~~2010-2011~~ fiscal year only, the assignment of an employee of a state agency as provided in subparagraph 1. may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the ~~legislative appropriations committees Senate Policy and Steering Committee on Ways and Means and the House Full Appropriations Council on Education and Economic Development~~. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after the chair's receiving notice of the action pursuant to s. 216.177. This subparagraph expires July 1, 2012 ~~2011~~.

Section 62. *In order to implement Specific Appropriations 2536 and 2537 of the 2011-2012 General Appropriations Act and notwithstanding the provisions of s. 11.13(1), Florida Statutes, the authorized salaries for*

members of the Legislature for the 2011-2012 fiscal year shall be set at the same level in effect on July 1, 2010. This section expires July 1, 2012.

Section 63. If HB 5011 or similar legislation fails to become law and notwithstanding s. 27.709, Florida Statutes, in order to implement Specific Appropriations 760 through 762 of the 2011-2012 General Appropriations Act, subsection (1) of section 27.710, Florida Statutes, is amended to read:

27.710 Registry of attorneys applying to represent persons in postconviction capital collateral proceedings; certification of minimum requirements; appointment by trial court.—

(1) The executive director of the *Justice Administrative Commission on Capital Cases* shall compile and maintain a statewide registry of attorneys in private practice who have certified that they meet the minimum requirements of s. 27.704(2), who are available for appointment by the court under this section to represent persons convicted and sentenced to death in this state in postconviction collateral proceedings, and who have attended within the last year a continuing legal education program of at least 10 hours' duration devoted specifically to the defense of capital cases, if available. Continuing legal education programs meeting the requirements of this rule offered by The Florida Bar or another recognized provider and approved for continuing legal education credit by The Florida Bar shall satisfy this requirement. The failure to comply with this requirement may be cause for removal from the list until the requirement is fulfilled. To ensure that sufficient attorneys are available for appointment by the court, ~~if when~~ the number of attorneys on the registry falls below 50, the executive director shall notify the chief judge of each circuit by letter and request the chief judge to promptly submit the names of at least three private attorneys who regularly practice criminal law in that circuit and who appear to meet the minimum requirements to represent persons in postconviction capital collateral proceedings. The executive director shall send an application to each attorney identified by the chief judge so that the attorney may register for appointment as counsel in postconviction capital collateral proceedings. As necessary, the executive director may also advertise in legal publications and other appropriate media for qualified attorneys interested in registering for appointment as counsel in postconviction capital collateral proceedings. Not later than September 1 of each year, and as necessary thereafter, the executive director shall provide to the Chief Justice of the Supreme Court, the chief judge and state attorney in each judicial circuit, and the Attorney General a current copy of its registry of attorneys who are available for appointment as counsel in postconviction capital collateral proceedings. The registry must be indexed by judicial circuit and must contain the requisite information submitted by the applicants in accordance with this section.

Section 64. *The amendment to s. 27.710(1), Florida Statutes, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2011, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 65. In order to implement the transfer of funds to the State School Trust Fund from trust funds in the 2011-2012 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted and amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys ~~are shall be~~ responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established ~~within a trust fund~~, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the *State School Trust Fund*, Budget Stabilization Fund, and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 66. *The amendment to s. 215.32(2)(b), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 67. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2011-2012 General Appropriations Act, paragraph (b) of subsection (4) of section 215.5601, Florida Statutes, is reenacted and amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(4) ADMINISTRATION.—

(b) The endowment shall be managed as an annuity. The investment objective is the ~~shall be~~ long-term preservation of the real value of the net contributed principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow ~~must shall~~ be included within the investment plan adopted under paragraph (a). Withdrawals other than specified regular cash outflow ~~are shall~~ be considered reductions in contributed principal for the purposes of this subsection.

Section 68. *The amendment to s. 215.5601(b), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire July 1, 2012, and the text of that subsection shall revert to that in existence on June 30, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 69. *In order to implement the issuance of new debt authorized in the 2011-2012 General Appropriations Act, and pursuant to s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2011-2012 fiscal year should be implemented, is in the best interest of the state, and necessary to address a critical state emergency. This section expires July 1, 2012.*

Section 70. *In order to implement the funds appropriated in the 2011-2012 General Appropriations Act for state employee travel, the funds appropriated to each state agency, which may be used for travel by state employees, are limited during the 2011-2012 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2012.*

Section 71. *In order to implement the appropriations authorized in the 2011-2012 General Appropriations Act for each of the state's designated primary data centers, which are funded from the data processing appropriation category and other categories used to pay for computing services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in any appropriation category used to pay for data processing in the 2011-2012 General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department. This section expires July 1, 2012.*

Section 72. *State agencies that are required to begin planning for a data center consolidation scheduled for a subsequent fiscal year may accelerate the consolidation into the 2011-2012 fiscal year, contingent upon approval by the Legislative Budget Commission of budget adjustments necessary to accomplish the consolidation. The primary data center may establish positions contingent on an equal or greater number of positions being placed in reserve from the agency data centers being consolidated. This section expires July 1, 2012.*

Section 73. *In order to implement Specific Appropriation 2690 of the 2011-2012 General Appropriations Act, the Executive Office of the Governor may transfer funds appropriated in the appropriation category*

*"Expenses" of the 2011-2012 General Appropriations Act between agencies in order to allocate a reduction relating to SUNCOM Services. This section expires July 1, 2012.*

Section 74. In order to implement section 8 of the General Appropriations Act for the 2011-2012 fiscal year, paragraph (a) of subsection (7) of section 110.12315, Florida Statutes, is reenacted to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2011, for the State Group Health Insurance Standard Plan:

- 1. For generic drug with card . . . . . \$7.
- 2. For preferred brand name drug with card . . . . . \$30.
- 3. For nonpreferred brand name drug with card . . . . . \$50.
- 4. For generic mail order drug . . . . . \$14.
- 5. For preferred brand name mail order drug . . . . . \$60.
- 6. For nonpreferred brand name mail order drug . . . . . \$100.

Section 75. *The amendment to s. 110.12315(7)(a), Florida Statutes, as carried forward by this act from chapter 2010-153, Laws of Florida, shall expire on July 1, 2012, and the text of that paragraph shall revert to that in existence on December 31, 2010, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 76. *In order to implement Specific Appropriations 2587 through 2597 of the 2011-2012 General Appropriations Act, and notwithstanding chapter 255, Florida Statutes, the Department of Management Services shall use the services of a tenant broker to renegotiate all leases over 150,000 square feet. Based on the renegotiations, and by September 30, 2011, the department shall report to the Legislative Budget Commission the projected savings, implementation costs, and recommendations for leases to terminate.*

(1) *The report shall also identify any leases that do not comply with state law or the State Constitution, including noncompliance due to a nonappropriation clause, and include recommendations to bring such leases into compliance by June 30, 2012.*

(2) *State agencies shall propose budget amendments pursuant to chapter 216, Florida Statutes, to place the budget authority associated with the cost savings into reserve. If it is determined that additional savings may be derived from consolidating, collocating, and or restacking office space, the Executive Office of the Governor may transfer funds appropriated between agencies, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes.*

(3) *This section expires July 1, 2012.*

Section 77. *In order to implement appropriations used for the payments of existing lease contracts for private office or storage space in excess of 2,000 square feet, the Department of Management Services, together with the cooperation of the agencies having the existing lease contracts, shall seek to renegotiate or procure all private lease agreements expiring before June 30, 2013, in order to achieve a reduction in costs in future years. The department shall incorporate this initiative into its 2011 Master Leasing Report and may use tenant broker services to explore the possibilities of collocation, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The department shall provide a report by March 1, 2012, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives which lists each lease contract for*

private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2012.

Section 78. *In order to implement specific appropriations for the purchase of pharmacy products in the 2011-2012 General Appropriations Act the Department of Management Services shall issue by November 1, 2011, a competitive solicitation pursuant to chapter 287 for a pharmaceutical purchasing arrangement as a state term contract. The solicitation shall invite group purchasing organizations or other vendors to offer a system for drug purchasing, excluding those drugs purchased by Medicaid, which provides transparent pricing to the extent permitted by federal law, permits purchases outside the agreement if such purchases offer the best value to the state, and establishes a preferred drug list that utilizes generic drugs to the extent feasible and cost effective. The department shall work with other agencies with subject matter expertise in the implementation of this section. Award of any contract is contingent upon the approval of the Legislative Budget Commission that the requirements of this section have been met. Upon approval of the Legislative Budget Commission, the Department of Health shall terminate its participation in the Minnesota Multistate Contracting Alliance for Pharmacy.*

Section 79. *In order to implement Specific Appropriation 193 of the 2011-2012 General Appropriations Act and notwithstanding chapter 287, Florida Statutes, the Agency for Health Care Administration shall competitively reprocure a Florida Discount Drug Card Program to provide market competitive discounts through a broad network of retail pharmacies and a mail order pharmacy within the state and return money to the state on a per prescription dispensed basis. Discounts shall be available to Florida residents without income restrictions. Residents shall be able to enroll and acquire a member identification card from the participating pharmacies, online and through text messaging, without a charge. Revenues derived from this contract shall be deposited into the agency's Grants and Donations Trust Fund to reduce the cost of Medicaid pharmacy purchases. This section expires July 1, 2012.*

Section 80. In order to implement specific appropriations for Expense and Other Capital Outlay in the 2011-2012 General Appropriations Act, subsection (8) is added to section 946.515, Florida Statutes, to read:

946.515 Use of goods and services produced in correctional work programs.—

(8) *On June 30, 2012, each state agency must submit a report to the President of the Senate and the Speaker of the House of Representatives which lists products or services obtained from a source other than the corporation when a comparable product or service could have been obtained from the corporation. The report must include an explanation of why the product or service was not obtained from the corporation. This subsection expires July 1, 2012.*

Section 81. *Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2011-2012 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2011-2012 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 82. *If any other act passed during the 2011 Regular Session contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.*

Section 83. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 84. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2011; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2011.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2011-2012 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2011-2012 fiscal year; amending s. 216.292, F.S.; authorizing the transfer of funds between appropriation categories to fund fixed capital outlay projects for public schools upon certain approval; authorizing the use of funds from the Workers' Compensation Administration Trust Fund for the Ready to Work Program; authorizing a university board of trustees to expend reserve or carry-forward balances for the establishment of a new campus; amending s. 394.908, F.S.; providing allocation requirements for specified funds appropriated for forensic mental health services; providing requirements relating to implementing phase 3 of the Department of Health's Florida Onsite Sewage Nitrogen Reduction Strategies Study; amending s. 1 of chapter 2007-174, Laws of Florida; revising the expiration of provisions authorizing certain flexibility for the Department of Children and Family Services with respect to its organizational structure; incorporating by reference certain calculations of the Medicaid Low-Income Pool, Disproportionate Share Hospital, and Hospital Exemptions Programs; requiring certain budget amendments recommending the release of funds to provide more notice and be subject to certain objection procedures; revising specified appropriations in the General Appropriations Act with respect to the rates for the Title XIX Inpatient Hospital Reimbursement Plan; providing an appropriation for certain public hospitals; revising an appropriation in the General Appropriations Act to implement rates for the Title XIX Outpatient Hospital Reimbursement Plan; requiring the Department of Health to present a plan to the Legislative Budget Commission which estimates the workload and funding needs to implement the onsite sewage treatment and disposal system evaluation program; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under the authority of the respective entity; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in previous years; amending s. 932.7055, F.S.; authorizing a municipality to expend funds from its special law enforcement trust fund to reimburse the municipality's general fund; requiring that the Department of Juvenile Justice comply with specified reimbursement limitations with respect to payments to hospitals or health care providers for health care services; authorizing certain payments pursuant to a contracted rate only until the contract expires or is renewed; defining the term "hospital" for purposes of such limitations; relieving the state court system of certain loan repayment obligations; amending s. 215.18, F.S.; providing for trust fund loans to the state court system sufficient to meet its appropriation; providing that any funds remaining in the Clerks of the Courts Trust Fund remain available to the clerks; amending s. 29.008, F.S.; providing counties with an exemption from the requirement to annually increase certain expenditures by a specified percentage; amending s. 282.709, F.S.; allowing funds from the State Agency Law Enforcement Radio System Trust Fund to be used for mutual aid buildout maintenance and sustainment; requiring the Florida Catastrophic Storm Risk Management Center at Florida State University to conduct an analysis using certain data; requiring the Department of Management Services to use certain interest earnings to fund the administration of the MyFlorida.com portal; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; amending s. 601.15, F.S.; specifying the maximum tax rate for standard-packed boxes of citrus fruit; providing for the future expiration of such amendment and for the reversion of statutory text; amending s. 601.10, F.S.; providing for the executive director of the Department of Citrus to be appointed by a majority vote of the commission, subject to confirmation by the Senate; providing for the future expiration of such amendment and for the reversion of statutory text; amending s. 375.041, F.S.; providing for the transfer of moneys from the Land Acquisition Trust Fund to support the Total Maximum Daily Loads programs; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; reenacting s. 403.1651(1)(g), F.S., relating to the use of funds from the Ecosystem Management and Restoration Trust Fund for the purpose of funding

activities to preserve and repair the state's beaches; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 403.7095, F.S.; requiring that the Department of Environmental Protection award a specified amount in grants to certain counties for solid waste programs; authorizing the Department of Agriculture and Consumer Services to extend, revise, and renew current contracts or agreements created or entered into for the purpose of promotion of agriculture; providing that the disposition of state-owned lands is exempt from appraisal requirements and disposition requirements under certain circumstances; requiring state agencies to provide a list of lands that are immediately available for lease or are surplus lands; requiring that the proceeds from the sale of such lands be deposited into the Florida Forever Trust Fund; amending s. 379.204, F.S.; authorizing the Fish and Wildlife Conservation Commission to transfer funds to the Federal Grants Trust Fund to support cash flow needs; requiring the Fish and Wildlife Conservation Commission to suspend publication of the Florida Wildlife Magazine and the operations of the advisory council for the 2011-2012 fiscal year; amending s. 339.135, F.S.; delaying the expiration of certain provisions that permit the Department of Transportation to reduce work program levels to balance the finance plan to revised funding levels; delaying the expiration of certain provisions relating to the specifications of the department's cash balances before a project or phase may be deferred; delaying the expiration of certain provisions relating to the specifications of the department's cash balances before a project or phase may be deferred; providing that certain reductions do not negatively impact safety or maintenance or project contingency percentage levels as of a specified date; providing for use of transportation revenues; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of moneys in the State Transportation Trust Fund for certain administrative expenses; authorizing the transfer of funds from the State Transportation Trust Fund to the State School Trust Fund under certain circumstances; providing for all vehicles within the Office of Motor Carrier Compliance to be transferred to the Department of Highway Safety and Motor Vehicles without the payment of certain fees; amending s. 445.009, F.S.; providing that a participant in an adult or youth work experience activity under ch. 445, F.S., is an employee of the state for purposes of workers' compensation coverage; reenacting s. 163.3247(3)(d), F.S., relating to members of the Century Commission for a Sustainable Florida serving without compensation; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; reenacting s. 201.15(1)(c), F.S., relating to funds deposited into the Grants and Donations Trust Fund in the Department of Community Affairs which are used to fund technical assistance to local governments and school boards; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; amending s. 206.608, F.S.; providing for continued use of certain taxes deposited into the State Transportation Trust Fund by the Department of Transportation; prohibiting the transfer of funds from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund; including funding for passenger rail in the Transportation Systems Development budget entity; providing that certain sworn law enforcement positions in the Office of Motor Carrier Compliance be placed in the career service upon transfer to the Department of Highway Safety and Motor Vehicles; providing for permanent status upon the transfer of certain positions; authorizing the Department of Transportation to use funds from the Toll Facilities Revolving Trust Fund for certain purposes; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S., relating to the state group insurance program; providing that the state contribution toward the cost of a plan is the difference between the overall premium and the employee contribution; amending s. 112.24, F.S.; providing conditions on the assignment of an employee of a state agency without reimbursement from the receiving agency; providing that the annual salary of the members of the Legislature be maintained at a specified level; amending s. 27.710, F.S.; clarifying certain duties of the executive director of the Justice Administration Commission on Capital Cases; providing for the future expiration of the amendment to such provision and for the reversion of statutory text; reenacting and amending s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys in the General Revenue Fund from trust funds in the 2011-2012 General

Appropriations Act; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; reenacting and amending s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; providing a legislative finding that the issuance of new debt is in the best interests of the state and necessary to address a critical state emergency; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; authorizing agencies scheduled for data center consolidation to accelerate such consolidation; authorizing the establishment of data center positions in exchange for agency positions placed in reserve; authorizing the Executive Office of the Governor to transfer funds between agencies in order to allocate a reduction relating to SUNCOM; reenacting s. 110.12315(7)(a), F.S., relating to copayments for the state employees' prescription drug program; providing for the future expiration of certain amendments to such provision and for the reversion of statutory text; directing the Department of Management Services to use a tenant broker to renegotiate certain leases and provide a report to the Legislature; requiring the department to renegotiate certain leases and report to the Legislature; requiring the department to issue a solicitation for the Minnesota Multistate Contracting Alliance for Pharmacy agreement as a state term contract; requiring the department to use generic drugs were feasible in developing its preferred drug list; requiring the Agency for Health Care Administration to repro cure the Florida Discount Drug Card Program; providing requirements for the program; providing that revenues derived from the contract be deposited into the agency's Grants and Donations Trust Fund; amending s. 946.515, F.S.; requiring each state agency to submit a report to the Legislature listing products or services obtained from sources other than the prison industries corporation; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for reversion of statutory text of certain provisions; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

On motion by Senator Alexander, the Conference Committee Report on **SB 2002** was adopted. **SB 2002** passed as amended by the Conference Committee Report and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—32

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Richter
Bennett	Gardiner	Ring
Bogdanoff	Hays	Simmons
Dean	Hill	Siplin
Detert	Jones	Storms
Diaz de la Portilla	Latvala	Thrasher
Dockery	Lynn	Wise
Evers	Margolis	

Nays—7

Braynon	Rich	Sobel
Joyner	Sachs	
Montford	Smith	

Vote after roll call:

Yea to Nay—Hill

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 7207, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 7207

The Honorable Mike Haridopolos  
President of the Senate

May 5, 2011

The Honorable Dean Cannon  
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 7207, same being:

An act relating to trust funds.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

*s/ JD Alexander*  
Chair  
*s/ Thad Altman*  
*s/ Michael S. "Mike" Bennett*  
*s/ Oscar Braynon II*  
*s/ Charles S. "Charlie" Dean, Sr.*  
*s/ Miguel Diaz de la Portilla*  
*s/ Greg Evers*  
*s/ Anitere Flores*  
*s/ Rene Garcia*  
*s/ Alan Hays*  
*s/ Dennis L. Jones, D.C.*  
Jack Latvala  
*s/ Gwen Margolis*  
*s/ Jim Norman*  
*s/ Nan H. Rich, At Large*  
*s/ Jeremy Ring*  
*s/ David Simmons*  
Christopher L. "Chris" Smith  
*s/ Ronda Storms*  
*s/ Stephen R. Wise*

*s/ Joe Negron*  
Vice Chair  
*s/ Lizbeth Benacquisto*  
*s/ Ellyn Setnor Bogdanoff*  
Larcenia J. Bullard  
*s/ Nancy C. Detert*  
Paula Dockery  
*s/ Mike Fasano*  
*s/ Don Gaetz, At Large*  
*s/ Andy Gardiner, At Large*  
*s/ Anthony C. "Tony" Hill, Sr.*  
*s/ Arthenia L. Joyner*  
*s/ Evelyn J. Lynn*  
*s/ Bill Montford*  
*s/ Steve Oelrich*  
*s/ Garrett Richter*  
*s/ Maria Lorts Sachs*  
*s/ Gary Siplin, At Large*  
*s/ Eleanor Sobel*  
*s/ John Thrasher, At Large*

Managers on the part of the Senate

*s/ Denise Grimsley*  
Chair  
Charles S. "Chuck" Chestnut IV,  
At Large  
*s/ John Legg, At Large*  
*s/ Seth McKeel, At Large*  
*s/ Darryl Ervin Rouson, At Large*  
Franklin Sands, At Large  
Robert C. "Rob" Schenck, At Large  
Will W. Weatherford, At Large

Gary Aubuchon  
Lead House Manager  
*s/ Dorothy L. Hukill, At Large*  
*s/ Paige Kreegel, At Large*  
*s/ Carlos Lopez-Cantera, At Large*  
*s/ William L. "Bill" Proctor,*  
At Large  
Ron Saunders, At Large  
*s/ William D. Snyder, At Large*

Managers on the part of the House

The Conference Committee Amendment for HB 7207, 1st Eng., relating to growth management, provides for the following:

The growth management conference bill:

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.
- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.

- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA's growth management regulations and incorporates certain provisions into the bill).
- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
- Clarifies when a local government can reject a proposed change to a development of regional impact.
- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.
- The effective date of this bill is upon becoming law.

**Conference Committee Amendment (331967)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (26) of section 70.51, Florida Statutes, is amended to read:

70.51 Land use and environmental dispute resolution.—

(26) A special magistrate's recommendation under this section constitutes data in support of, and a support document for, a comprehensive plan or comprehensive plan amendment, but is not, in and of itself, dispositive of a determination of compliance with chapter 163. ~~Any comprehensive plan amendment necessary to carry out the approved recommendation of a special magistrate under this section is exempt from the twice a year limit on plan amendments and may be adopted by the local government amendments in s. 163.3184(16)(d).~~

Section 2. Paragraphs (h) through (l) of subsection (3) of section 163.06, Florida Statutes, are redesignated as paragraphs (g) through (k), respectively, and present paragraph (g) of that subsection is amended to read:

163.06 Miami River Commission.—

(3) The policy committee shall have the following powers and duties:

~~(g) Coordinate a joint planning area agreement between the Department of Community Affairs, the city, and the county under the provisions of s. 163.3177(1)(a), (b), and (c).~~

Section 3. Subsection (4) of section 163.2517, Florida Statutes, is amended to read:

163.2517 Designation of urban infill and redevelopment area.—

(4) In order for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan under s. 163.3187 to delineate the boundaries of the urban infill and redevelopment area within the future land use element of its comprehensive plan pursuant to its adopted urban infill and redevelopment plan. The state land planning agency shall review the boundary delineation of the urban infill and redevelopment area in the future land use element under s. 163.3184. However, an urban infill and redevelopment plan adopted by a local government is not subject to review for compliance as defined by s. 163.3184(1)(b), and the local government is not required to adopt the plan as a comprehensive plan amendment. ~~An amendment to the local comprehensive plan to designate an urban infill and redevelopment area is exempt from the twice-a-year amendment limitation of s. 163.3187.~~

Section 4. Section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(1) This part shall be known and may be cited as the *“Community Local Government Comprehensive Planning and Land Development Regulation Act.”*

(2) ~~In conformity with, and in furtherance of, the purpose of the Florida Environmental Land and Water Management Act of 1972, chapter 380, It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage control future development consistent with the proper role of local government.~~

(3) *It is the intent of this act to focus the state role in managing growth under this act to protecting the functions of important state resources and facilities.*

(4) It is the intent of this act that ~~its adoption is necessary so that~~ local governments *have the ability to* ~~can~~ preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; ~~prevent the over-crowding of land and avoid undue concentration of population;~~ facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(5)(4) It is the intent of this act to encourage and *ensure assure* cooperation between and among municipalities and counties and to encourage and *ensure assure* coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

(6)(5) It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehen-

sive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(7)(6) It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, shall be conducted in conformity with ~~the provisions of~~ this act.

(8)(7) The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.

(9)(8) It is the intent of the Legislature that the repeal of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws of Florida, *and amendments to this part by this chapter law,* ~~shall~~ not be interpreted to limit or restrict the powers of municipal or county officials, but ~~shall~~ be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent of the Legislature to reconfirm that ss. 163.3161-

163.3248 ~~163.3161 through 163.3215~~ have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

(10)(9) It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, *comprehensive plans and amendments thereto,* and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property *or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f).* Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must *ultimately* be determined in a judicial action.

(11) *It is the intent of this part that the traditional economic base of this state, agriculture, tourism, and military presence, be recognized and protected. Further, it is the intent of this part to encourage economic diversification, workforce development, and community planning.*

(12) *It is the intent of this part that new statutory requirements created by the Legislature will not require a local government whose plan has been found to be in compliance with this part to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191, unless otherwise specified in law. However, any new amendments must comply with the requirements of this part.*

Section 5. Subsections (2) through (5) of section 163.3162, Florida Statutes, are renumbered as subsections (1) through (4), respectively, and present subsections (1) and (5) of that section are amended to read:

163.3162 Agricultural Lands and Practices Act.—

~~(1) SHORT TITLE.—This section may be cited as the “Agricultural Lands and Practices Act.”~~

(4)(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164(33) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184 ~~163.3187~~. Such amendment is presumed *not* to be *urban sprawl as defined in s. 163.3164 if it includes consistent with rule 9J-5.006(5), Florida Administrative Code, and may include* land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as

clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.

(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).

(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review at the first available transmittal cycle. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164 consistent with rule 9J-5.006(5), Florida Administrative Code. This presumption may be rebutted by clear and convincing evidence.

(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.

(d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of the following areas:

1. The Wekiva Study Area, as described in s. 369.316; or
2. The Everglades Protection Area, as defined in s. 373.4592(2).

Section 6. Section 163.3164, Florida Statutes, is amended to read:

163.3164 ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~; definitions.—As used in this act:

(1) *“Adaptation action area” or “adaptation area” means a designation in the coastal management element of a local government’s comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.*

(2) *“Administration Commission” means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote, except that for purposes of imposing the sanctions provided in s. 163.3184(8)(11), affirmative action shall require the approval of the Governor and at least three other members of the commission.*

(3) *“Affordable housing” has the same meaning as in s. 420.0004(3).*

(4)(23) *“Agricultural enclave” means an unincorporated, undeveloped parcel that:*

- (a) Is owned by a single person or entity;
- (b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years prior to the date of any comprehensive plan amendment application;
- (c) Is surrounded on at least 75 percent of its perimeter by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government’s comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

(5) *“Antiquated subdivision” means a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision’s zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.*

(6)(2) *“Area” or “area of jurisdiction” means the total area qualifying under the provisions of this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.*

(7) *“Capital improvement” means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.*

(8)(3) *“Coastal area” means the 35 coastal counties and all coastal municipalities within their boundaries designated coastal by the state land planning agency.*

(9) *“Compatibility” means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.*

(10)(4) *“Comprehensive plan” means a plan that meets the requirements of ss. 163.3177 and 163.3178.*

(11) *“Deepwater ports” means the ports identified in s. 403.021(9).*

(12) *“Density” means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.*

(13)(5) *“Developer” means any person, including a governmental agency, undertaking any development as defined in this act.*

(14)(6) *“Development” has the same meaning as given it in s. 380.04.*

(15)(7) *“Development order” means any order granting, denying, or granting with conditions an application for a development permit.*

(16)(8) *“Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.*

(17)(25) *“Downtown revitalization” means the physical and economic renewal of a central business district of a community as designated by*

local government, and includes both downtown development and re-development.

(18) *"Floodprone areas" means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.*

(19) *"Goal" means the long-term end toward which programs or activities are ultimately directed.*

(20)(9) *"Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of the provisions of this act is accomplished as provided herein.*

(21)(10) *"Governmental agency" means:*

(a) The United States or any department, commission, agency, or other instrumentality thereof.

(b) This state or any department, commission, agency, or other instrumentality thereof.

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(22) *"Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.*

(23) *"Internal trip capture" means trips generated by a mixed-use project that travel from one on-site land use to another on-site land use without using the external road network.*

(24)(11) *"Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.*

(25)(22) *"Land development regulation commission" means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.*

(26)(23) *"Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does shall not apply in s. 163.3213.*

(27)(12) *"Land use" means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.*

(28) *"Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.*

(29)(13) *"Local government" means any county or municipality.*

(30)(14) *"Local planning agency" means the agency designated to prepare the comprehensive plan or plan amendments required by this act.*

(31)(15) *"Newspaper of general circulation" means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.*

(32) *"New town" means an urban activity center and community designated on the future land use map of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services that demonstrate internal trip capture. A new town shall be based on a master development plan.*

(33) *"Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.*

(34)(16) *"Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.*

(35)(17) *"Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.*

(36) *"Policy" means the way in which programs and activities are conducted to achieve an identified goal.*

(37)(28) *"Projects that promote public transportation" means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.*

(38)(24) *"Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities, and spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports listed in s. 403.021(9)(b).*

(39)(18) *"Public notice" means notice as required by s. 125.66(2) for a county or by s. 166.041(3)(a) for a municipality. The public notice procedures required in this part are established as minimum public notice procedures.*

(40)(19) *"Regional planning agency" means the council created pursuant to chapter 186 agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state.*

(41) *"Seasonal population" means part-time inhabitants who use, or may be expected to use, public facilities or services, but are not residents and includes tourists, migrant farmworkers, and other short-term and long-term visitors.*

(42)(31) *"Optional Sector plan" means the an optional process authorized by s. 163.3245 in which one or more local governments engage in long-term planning for a large area and by agreement with the state land planning agency are allowed to address regional development of regional impact issues through adoption of detailed specific area plans within the planning area within certain designated geographic areas identified in the local comprehensive plan as a means of fostering innovative planning and development strategies in s. 163.3177(11)(a) and (b), furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extra-jurisdictional impacts. The term includes an optional sector plan that was adopted before the effective date of this act.*

(43)(20) "State land planning agency" means the Department of Community Affairs.

(44)(21) "Structure" has the same meaning as in given it by s. 380.031(19).

(45) "Suitability" means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

(46) "Transit-oriented development" means a project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

(47)(30) "Transportation corridor management" means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes.

(48)(27) "Urban infill" means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

(49)(26) "Urban redevelopment" means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

(50)(29) "Urban service area" means built-up areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation committed in the first 3 years of the capital improvement schedule. In addition, for counties that qualify as dense urban land areas under subsection (34), the nonrural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

(51) "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level of service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level of service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by s. 163.3180.

(34) "Dense urban land area" means:

(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or

(c) A county, including the municipalities located therein, which has a population of at least 1 million.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.001. The Office of Economic and Demographic Research shall submit to the state land planning agency a list of jurisdictions that meet the total population and density criteria necessary for designation as a dense urban land area by July 1, 2009, and every year thereafter. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that qualify or do not qualify as a dense urban land area is effective upon publication on the state land planning agency's Internet website.

Section 7. Section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(1) The several incorporated municipalities and counties shall have power and responsibility:

(a) To plan for their future development and growth.

(b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.

(c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.

(d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

The powers and authority set out in this act may be employed by municipalities and counties individually or jointly by mutual agreement in accord with the provisions of this act and in such combinations as their common interests may dictate and require.

(2) Each local government shall maintain prepare a comprehensive plan of the type and in the manner set out in this part or prepare amendments to its existing comprehensive plan to conform it to the requirements of this part and in the manner set out in this part. In accordance with s. 163.3184, each local government shall submit to the state land planning agency its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended.

(3) When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by July 1, 1989, or within 1 year after the dates specified or provided in subsection (2) and the state land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required by this subsection to prepare, prior to initiating the planning process. At least 90 days before the adoption by the regional planning agency of a comprehensive plan, or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan, or element or portion thereof, in accordance with s. 163.3184(6). Section 163.3184(6), (7), and (8) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2), this subsection, s. 163.3187, or s. 163.3189.

(3)(4) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with the provisions of this act. ~~If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.~~

(4)(5) Any comprehensive plan, or element or portion thereof, adopted pursuant to the provisions of this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

(6) ~~When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections (3) and (4), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (3) and (4) or by the time the plan or element, or portion thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the Chief Financial Officer, request payment by the Chief Financial Officer from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the Chief Financial Officer shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.~~

(7) ~~A local government that is being requested to pay costs may seek an administrative hearing pursuant to ss. 120.569 and 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.~~

(5)(8) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.

(6)(9) The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municipalities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.

(7)(10) Nothing in this part shall supersede any provision of ss. 341.8201-341.842.

(11) ~~Each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of its local comprehensive plan. The vision should be developed through a collaborative planning process with meaningful public participation and shall be adopted by the governing body of the jurisdiction. Neighboring communities, especially those sharing natural resources or physical or economic infrastructure, are encouraged to create collective visions for greater than local areas. Such collective visions shall apply in each city or county only to the extent that each local government chooses to make them applicable. The state land planning agency shall serve as a clearinghouse for creating a community vision of the future and may utilize the Growth Management Trust Fund, created by s. 186.911, to provide grants to help pay the costs of local visioning programs. When a local vision of the future has been created, a local government should review its comprehensive plan, land development regulations, and capital improvement program to ensure that these instruments will help to move the community toward its vision in a manner consistent with this act and with the state comprehensive plan. A local or regional vision must be consistent with the state vision, when adopted, and be internally consistent with the local or regional plan of which it is a component.~~

~~The state land planning agency shall not adopt minimum criteria for evaluating or judging the form or content of a local or regional vision.~~

(8)(12) An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment ~~that affects five or fewer parcels of land~~ is prohibited.

(9)(13) Each local government shall address in its comprehensive plan, as enumerated in this chapter, the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.709.

(10)(14)(a) If a local government grants a development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal and the timeframe for filing an appeal has expired, the development order may not be invalidated by a subsequent judicial determination that such land development regulations, or any portion thereof that is relevant to the development order, are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of any other remedy available at law or equity, including a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or an original proceeding pursuant to s. 163.3215, as applicable.

~~(c) This subsection applies retroactively to any development order granted on or after January 1, 2002.~~

Section 8. Section 163.3168, Florida Statutes, is created to read:

163.3168 *Planning innovations and technical assistance.—*

(1) *The Legislature recognizes the need for innovative planning and development strategies to promote a diverse economy and vibrant rural and urban communities, while protecting environmentally sensitive areas. The Legislature further recognizes the substantial advantages of innovative approaches to development directed to meet the needs of urban, rural, and suburban areas.*

(2) *Local governments are encouraged to apply innovative planning tools, including, but not limited to, visioning, sector planning, and rural land stewardship area designations to address future new development areas, urban service area designations, urban growth boundaries, and mixed-use, high-density development in urban areas.*

(3) *The state land planning agency shall help communities find creative solutions to fostering vibrant, healthy communities, while protecting the functions of important state resources and facilities. The state land planning agency and all other appropriate state and regional agencies may use various means to provide direct and indirect technical assistance within available resources. If plan amendments may adversely impact important state resources or facilities, upon request by the local government, the state land planning agency shall coordinate multi-agency assistance, if needed, in developing an amendment to minimize impacts on such resources or facilities.*

(4) *The state land planning agency shall provide, on its website, guidance on the submittal and adoption of comprehensive plans, plan amendments, and land development regulations. Such guidance shall not be adopted as a rule and is exempt from s. 120.54(1)(a).*

Section 9. Subsection (4) of section 163.3171, Florida Statutes, is amended to read:

163.3171 *Areas of authority under this act.—*

(4) ~~The state land planning agency and a Local governments may government shall have the power to enter into agreements with each other and to agree together to enter into agreements with a landowner, developer, or governmental agency as may be necessary or desirable to effectuate the provisions and purposes of ss. 163.3177(6)(h), and (11)(a), (b), and (c), and 163.3245, and 163.3248. It is the Legislature's intent that joint agreements entered into under the authority of this section be liberally, broadly, and flexibly construed to facilitate intergovernmental cooperation between cities and counties and to encourage planning in advance of jurisdictional changes. Joint agreements, executed before or~~

after the effective date of this act, include, but are not limited to, agreements that contemplate municipal adoption of plans or plan amendments for lands in advance of annexation of such lands into the municipality, and may permit municipalities and counties to exercise nonexclusive extrajurisdictional authority within incorporated and unincorporated areas. The state land planning agency may not interpret, invalidate, or declare inoperative such joint agreements, and the validity of joint agreements may not be a basis for finding plans or plan amendments not in compliance pursuant to chapter law.

Section 10. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. ~~The governing body shall notify the state land planning agency of the establishment of its local planning agency.~~ All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Section 11. Subsections (5), (6), and (9) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(5) The commanding officer or his or her designee may provide comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation’s mission will be adversely affected by the proposed actions of the county or affected local government.

*The commanding officer’s comments, underlying studies, and reports are not binding on the local government.*

(6) The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee pursuant to subsection (4) *and must also be sensitive to private property rights and not be unduly restrictive on those rights.* The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184(8)(~~11~~). *Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.*

Section 12. Section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(1) ~~The comprehensive plan shall provide the consist of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of principles, guidelines, and standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government’s programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.~~

(a) *The comprehensive plan shall consist of elements as described in this section, and may include optional elements.*

(b) *A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.*

(c) *The format of these principles and guidelines is at the discretion of the local government, but typically is expressed in goals, objectives, policies, and strategies.*

(d) *The comprehensive plan shall identify procedures for monitoring, evaluating, and appraising implementation of the plan.*

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those provided by the University of Florida's Bureau of Economic and Business Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements and each such map must be contained within the comprehensive plan, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies and applies to the 5-year planning period, except in the case of a long-term transportation or school concurrency management system, in which case a 10-year or 15-year period applies.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established including acceptable levels of service.

#### ~~4. Standards for the management of debt.~~

~~4.5. A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects, necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.~~

~~5.6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).~~

~~(b)1. The capital improvements element must be reviewed by the local government on an annual basis. Modifications and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to update the maintain a financially feasible 5-year capital improvement schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and may shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities must be consistent with the capital improvements element. The annual update to the capital improvements element of the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2011, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.~~

~~2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)(6).~~

~~(e) If the local government does not adopt the required annual update to the schedule of capital improvements, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).~~

~~(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.~~

~~(e) At the discretion of the local government and notwithstanding the requirements of this subsection, a comprehensive plan, as revised by an amendment to the plan's future land use map, shall be deemed to be financially feasible and to have achieved and maintained level of service standards as required by this section with respect to transportation facilities if the amendment to the future land use map is supported by a:~~

~~1. Condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s. 163.3180(12); or~~

~~2. Binding agreement addressing proportionate fair share mitigation consistent with s. 163.3180(16)(f) and the property subject to the amendment to the future land use map is located within an area designated in a comprehensive plan for urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service area. The binding agreement must be based on the maximum amount of development identified by the future land use map amendment or as may be otherwise restricted through a special area plan policy or map notation in the comprehensive plan.~~

~~(f) A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas that are designated and maintained in accordance with s. 163.3180(5) shall be deemed to meet the requirement to achieve and maintain level of service standards for transportation.~~

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining to designated areas of critical state concern; ~~and with the state comprehensive plan~~ shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region ~~and to the state comprehensive plan~~, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. *Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.*

(b) The comprehensive plan and its elements shall contain *guidelines or policies* ~~policy recommendations~~ for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5) ~~and (12)~~, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, ~~public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed. Counties are encouraged to designate rural land stewardship areas, pursuant to paragraph (11)(d), as overlays on the future land use map.~~

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan *and plan amendments* shall be based upon surveys, studies, and data regarding the area, *as applicable*, including:

- a. The amount of land required to accommodate anticipated growth.;
- b. The projected *permanent and seasonal* population of the area.;
- c. The character of undeveloped land.;
- d. The availability of water supplies, public facilities, and services.;
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.;
- f. The compatibility of uses on lands adjacent to or closely proximate to military installations.;
- g. *The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.;*
- h. ~~The discouragement of urban sprawl.;~~ *energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and, in rural communities,*
- i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- j. ~~The need to modify land uses and development patterns within antiquated subdivisions. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act.~~

3. The future land use plan element shall include criteria to be used to:

- a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).; ~~and~~
- b. *Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.*
- c. *Encourage preservation of recreational and commercial working waterfronts for water dependent uses in coastal communities.*
- d. *Encourage the location of schools proximate to urban residential areas to the extent possible.*
- e. *Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.*
- f. *Ensure the protection of natural and historic resources.*
- g. *Provide for the compatibility of adjacent land uses.*
- h. *Provide guidelines for the implementation of mixed use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.*

4. ~~In addition, for rural communities,~~ The amount of land designated for future planned uses ~~industrial use~~ shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and ~~be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and~~ may not be limited solely by the projected population of ~~the rural community~~. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for

at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

5. The future land use plan of a county may also designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. ~~For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07.~~

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category is eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.~~

8. Future land use map amendments shall be based upon the following analyses:

- a. An analysis of the availability of facilities and services.
- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
- c. An analysis of the minimum amount of land needed as determined by the local government.

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shor-

elines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

11. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2012.

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation's adopted work program.

1. Each local government's transportation element shall address

~~(b) A traffic circulation, including element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the transportation traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:~~

a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.

b. The growth trends and travel patterns and interactions between land use and transportation.

c. Existing and projected intermodal deficiencies and needs.

d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.

e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area designated as an M.P.O. pursuant to s. 339.175 shall also address:

a. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

b. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

c. The capability to evacuate the coastal population before an impending natural disaster.

d. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

e. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

3. Municipalities having populations greater than 50,000, and counties having populations greater than 75,000, shall include mass-transit provisions showing proposed methods for the moving of people, rights-of-way, terminals, and related facilities and shall address:

a. The provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

b. Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

c. Plans for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

4. At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may

rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded. ~~The traffic circulation element shall incorporate transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.~~

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conservation of potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features. ~~The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks.~~

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. ~~Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.~~ Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multi-jurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including

hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.

b. Floodplains.

c. Known sources of commercially valuable minerals.

d. Areas known to have experienced soil erosion problems.

e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

a. Protects air quality.

b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.

c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.

d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.

e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.

f. Protects existing natural reservations identified in the recreation and open space element.

g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.

h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.

i. Manages hazardous waste to protect natural resources.

j. Protects and conserves wetlands and the natural functions of wetlands.

k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

3. ~~Local governments shall assess their~~ Current ~~and, as well as~~ projected water needs and sources for at least a 10-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider, ~~considering~~ the appro-

appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. ~~The land use map or map series contained in the future land use element shall generally identify and depict the following:~~

- ~~1. Existing and planned waterwells and cones of influence where applicable.~~
- ~~2. Beaches and shores, including estuarine systems.~~
- ~~3. Rivers, bays, lakes, flood plains, and harbors.~~
- ~~4. Wetlands.~~
- ~~5. Minerals and soils.~~
- ~~6. Energy conservation.~~

~~The land uses identified on such maps shall be consistent with applicable state law and rules.~~

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

(f)1. A housing element consisting of ~~standards, plans, and~~ principles, *guidelines, standards, and strategies* to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(h)(~~g~~), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.
- e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
- f. The formulation of housing implementation programs.
- g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.
- ~~h. Energy efficiency in the design and construction of new housing.~~
- ~~i. Use of renewable energy resources.~~
- ~~j. Each county in which the gap between the buying power of a family of four and the median county home sale price exceeds \$170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-subparagraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.~~

~~k. As a precondition to receiving any state affordable housing funding or allocation for any project or program within the jurisdiction of a county that is subject to sub-subparagraph j., a county must, by July 1 of each year, provide certification that the county has complied with the requirements of sub-subparagraph j.~~

2. The *principles, guidelines, standards, and strategies* ~~goals, objectives, and policies~~ of the housing element must be based on the data and analysis prepared on housing needs, including *an inventory taken from the latest decennial United States Census or more recent estimates, which*

*shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, and shall show the number of dwelling units that are substandard. The inventory shall also include the methodology used to estimate the condition of housing, a projection of the anticipated number of households by size, income range, and age of residents derived from the population projections, and the minimum housing need of the current and anticipated future residents of the jurisdiction.* ~~the affordable housing needs assessment.~~

3. *The housing element must express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.*

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

~~2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.~~

~~(g)1. For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the principles, guidelines, standards, and strategies~~ *policies* that shall guide the local government's decisions and program implementation with respect to the following objectives:

- ~~1.a. Maintain, restore, and enhance~~ *Maintenance, restoration, and enhancement* of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
- ~~2.b. Preserve the~~ *continued* existence of viable populations of all species of wildlife and marine life.
- ~~3.e. Protect~~ the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
- ~~4.d. Avoid~~ *Avoidance* of irreversible and irretrievable loss of coastal zone resources.
- ~~5.e. Use~~ *ecological planning principles and assumptions to be used* in the determination of *the* suitability ~~and extent~~ of permitted development.
- ~~f. Proposed management and regulatory techniques.~~
- ~~6.g. Limit~~ *Limitation* of public expenditures that subsidize development in *high hazard* coastal high-hazard areas.
- ~~7.h. Protect~~ *Protection* of human life against the effects of natural disasters.
- ~~8.i. Direct~~ the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

9.j. ~~Preserve historic and archaeological resources, which include the Preservation, including sensitive adaptive use of these historic and archaeological resources.~~

10. *At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have an hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.*

~~2. As part of this element, a local government that has a coastal management element in its comprehensive plan is encouraged to adopt recreational surface water use policies that include applicable criteria for and consider such factors as natural resources, manatee protection needs, protection of working waterfronts and public access to the water, and recreation and economic demands. Criteria for manatee protection in the recreational surface water use policies should reflect applicable guidance outlined in the Boat Facility Siting Guide prepared by the Fish and Wildlife Conservation Commission. If the local government elects to adopt recreational surface water use policies by comprehensive plan amendment, such comprehensive plan amendment is exempt from the provisions of s. 163.3187(1). Local governments that wish to adopt recreational surface water use policies may be eligible for assistance with the development of such policies through the Florida Coastal Management Program. The Office of Program Policy Analysis and Government Accountability shall submit a report on the adoption of recreational surface water use policies under this subparagraph to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives no later than December 1, 2010.~~

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. ~~The intergovernmental coordination element must provide for recognition of campus master plans prepared pursuant to s. 1013.30 and airport master plans under paragraph (k).~~

e. The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c.d. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including

locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. *The element must:*

a. *Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.*

b. *Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.*

~~3. To foster coordination between special districts and local general purpose governments as local general purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 180.415.~~

~~4. Local governments shall execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to ensure that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).~~

~~5. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which identifies:~~

a. ~~All existing or proposed interlocal service delivery agreements relating to education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.~~

b. ~~Any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.~~

~~6. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.~~

~~7. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 5. The report may be used as supporting data and analysis for the intergovernmental coordination element.~~

~~(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.~~

~~(j) For each unit of local government within an urbanized area designated for purposes of s. 329.175, a transportation element, which must be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:~~

~~1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.~~

2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

3. Parking facilities.

4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.

6. The capability to evacuate the coastal population prior to an impending natural disaster.

7. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

10. The incorporation of transportation strategies to address reduction in greenhouse gas emissions from the transportation sector.

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport related or aviation related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport related or aviation related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development of regional impact development order pursuant to s. 380.06, but which is no longer required to undergo development of regional impact review pursuant to this subsection, may abandon its development of regional impact order upon written notification to the applicable local government. Upon receipt by the local government, the development of regional impact development order is void.

(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:

(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass transit element showing proposed methods for the moving of people, rights of way, terminals, related facilities, and fiscal considerations for the accomplishment of the element.

(b) As a part of the circulation element of paragraph (6)(b) or as a separate element, plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

(c) As a part of the circulation element of paragraph (6)(b) and in coordination with paragraph (6)(c), where applicable, a plan element for the circulation of recreational traffic, including bicycle facilities, exercise

trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of offstreet parking facilities for motor vehicles and the fiscal considerations for the accomplishment of the element.

(e) A public buildings and related facilities element showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations, and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units, such as school boards or hospital authorities, having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.

(f) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.

(g) A general area redevelopment element consisting of plans and programs for the redevelopment of slums and blighted locations in the area and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and other purposes authorized by law.

(h) A safety element for the protection of residents and property of the area from fire, hurricane, or manmade or natural catastrophe, including such necessary features for protection as evacuation routes and their control in an emergency, water supply requirements, minimum road widths, clearances around and elevations of structures, and similar matters.

(i) An historical and scenic preservation element setting out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.

(j) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought, correlated to the present and projected employment needs of the area and to other elements of the plans, and may set forth methods by which a balanced and stable economic base will be pursued.

(k) Such other elements as may be peculiar to, and necessary for, the area concerned and as are added to the comprehensive plan by the governing body upon the recommendation of the local planning agency.

(4) Local governments that are not required to prepare coastal management elements under s. 163.3178 are encouraged to adopt hazard mitigation/postdisaster redevelopment plans. These plans should, at a minimum, establish long term policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns. Grants to assist local governments in the preparation of these hazard mitigation/postdisaster redevelopment plans shall be available through the Emergency Management Preparedness and Assistance Account in the Grants and Donations Trust Fund administered by the department, if such account is created by law. The plans must be in compliance with the requirements of this act and chapter 252.

(8) All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved. Surveys and studies utilized in the preparation of the comprehensive plan shall not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, and supporting documents shall be made available to public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction.

(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements re-

quired by this act. Such rules shall not be subject to rule challenges under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(e)2. Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:

(a) Proposed elements are in compliance with the requirements of part II, as amended by this act.

(b) Other elements of the comprehensive plan are related to and consistent with each other.

(c) The local government comprehensive plan elements are consistent with the state comprehensive plan and the appropriate regional policy plan pursuant to s. 186.508.

(d) Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in their comprehensive plans pursuant to paragraph (6)(g).

(e) Proposed elements identify the mechanisms and procedures for monitoring, evaluating, and appraising implementation of the plan. Specific measurable objectives are included to provide a basis for evaluating effectiveness as required by s. 163.3191.

(f) Proposed elements contain policies to guide future decisions in a consistent manner.

(g) Proposed elements contain programs and activities to ensure that comprehensive plans are implemented.

(h) Proposed elements identify the need for and the processes and procedures to ensure coordination of all development activities and services with other units of local government, regional planning agencies, water management districts, and state and federal agencies as appropriate.

The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances and, upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plans. The review and comment provisions applicable prior to October 1, 1985, shall continue in effect until the criteria for review and determination are adopted pursuant to this subsection and the comprehensive plans required by s. 163.3167(2) are due.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of determining whether local comprehensive plans are consistent with the state comprehensive plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or appropriate regional policy plan. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the state comprehensive plan or the appropriate regional policy plan, the state or regional plan

shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.

(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Inter-governmental coordination, as set forth in paragraph (6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.

(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in conflict with this part, the appropriate statutory provision shall prevail.

(d) Chapter 9J-5, Florida Administrative Code, does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.

(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not evaluate whether one accepted methodology is better than another. Chapter 9J-5, Florida Administrative Code, shall not be construed to require original data collection by local governments; however, local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.

(f) The Legislature recognizes that under this section, local governments are charged with setting levels of service for public facilities in their comprehensive plans in accordance with which development orders and permits will be issued pursuant to s. 163.3202(2)(g). Nothing herein shall supersede the authority of state, regional, or local agencies as otherwise provided by law.

(g) Definitions contained in chapter 9J-5, Florida Administrative Code, are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of this chapter, and chapter 9J-5, Florida Administrative Code.

(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by paragraph (3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to this chapter or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it deems necessary.

(i) The department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.

(j) Chapter 9J-5, Florida Administrative Code, has become effective pursuant to subsection (9). The Legislature hereby directs the depart-

ment to adopt amendments as necessary which conform chapter 9J-5, Florida Administrative Code, with the requirements of this legislative intent by October 1, 1986.

(k) In order for local governments to prepare and adopt comprehensive plans with knowledge of the rules that are applied to determine consistency of the plans with this part, there should be no doubt as to the legal standing of chapter 9J-5, Florida Administrative Code, at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5 before October 1, 1986, are not subject to rule challenges under s. 120.56(2), or to drawout proceedings under s. 120.54(3)(e)2. The entire chapter 9J-5, Florida Administrative Code, as amended, is subject to rule challenges under s. 120.56(3), as nothing herein indicates approval or disapproval of any portion of chapter 9J-5 not specifically addressed herein. Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.

(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a.—Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b.—Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

e.—Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

2. The department shall encourage participation by local governments of different sizes and rural characteristics in establishing and implementing rural land stewardship areas. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a.—Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b.—Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c.—A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses, including adequate available workforce housing, including low, very low and moderate income housing for the development anticipated in the receiving area and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d.—A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e.—The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

5.—A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the

local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long term vision and goals for the 25 year or greater projected population of the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use

remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(c) The Legislature finds that mixed use, high density development is appropriate for urban infill and redevelopment areas. Mixed use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed use, high density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed use, high density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed use, high density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single use zoning in urban areas which often leads to lower density, land-intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed use, high density urban infill and redevelopment projects.

(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high density development. The Legislature recognizes that high density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high density infill and redevelopment projects.

(g) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(h) The department may adopt rules necessary to implement the provisions of this subsection.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection.

Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5 year capital outlay full time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a projected 5 year capital outlay full time equivalent student growth rate to exceed 10 percent when the projected 10 year capital outlay full time equivalent student enrollment is less than 2,000 students and the capacity rate for all schools within the school district in the tenth year will not exceed the 100 percent limitation. The state land planning agency may allow for a single school to exceed the 100 percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;
2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10 percent threshold;
3. Whether one or more additional schools within the school district are at or approaching the 100 percent threshold; and
4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.
2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.
3. The municipality has no public schools located within its boundaries.

(c) A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5 year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5 year and long term planning periods; and anticipated educational and ancillary plants with land area requirements.

(d) The element shall contain one or more goals which establish the long term end toward which public school programs and activities are ultimately directed.

(e) The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(f) The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(g) The objectives and policies shall address items such as:

1. The procedure for an annual update process;
2. The procedure for school site selection;
3. The procedure for school permitting;
4. Provision for infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;
5. Provision for collocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;
6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;
7. Measures to ensure compatibility of school sites and surrounding land uses;
8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and
9. Coordination with the future land use element.

(h) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5 year or long term planning period. The maps will of necessity be general for the long term planning period and more specific for the 5 year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.

(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(j) The state land planning agency may issue a notice to the school board and the local government to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement provisions relating to public school concurrency. If the state land planning agency finds that insufficient cause exists for the school board's or local government's failure to enter into an approved interlocal agreement as required by s. 163.31777 or for the school board's or local government's failure to implement the provisions relating to public school concurrency, the state land planning agency shall submit its finding to the Administration Commission which may impose on the local government any of the sanctions set forth in s. 163.3184(1)(a) and (b) and may impose on the district school board any of the sanctions set forth in s. 1008.32(4).

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):

1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;
2. Priorities for economic development;
3. Preservation of open space, environmentally sensitive lands, and agricultural lands;
4. Appropriate areas and standards for mixed-use development;
5. Appropriate areas and standards for high density commercial and residential development;
6. Appropriate areas and standards for economic development opportunities and employment centers;
7. Provisions for adequate workforce housing;
8. An efficient, interconnected multimodal transportation system; and
9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1. 8.

(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:

1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;
2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;
3. Incentives for workforce housing;
4. Designation of an urban service boundary pursuant to subsection (2); and
5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.

(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).

(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(g) A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).

(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local

government's adopted level of service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.

(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).

2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full cost accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.

(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.

(7)(15)(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of critical economic concern. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing cen-

ters must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term “rural agricultural industrial center” means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of critical economic concern.

(c)1. A landowner whose land is located within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses of facilities located within the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. A local government comprehensive plan amendment under this paragraph must:

a. Not increase the physical area of the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater.

b. Propose a project that would, upon completion, create at least 50 new full-time jobs.

c. Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level-of-service standards adopted in the local government comprehensive plan.

d. Contain goals, objectives, and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.

2. Within 6 months after receiving an application as provided in this paragraph, the local government shall transmit the application to the state land planning agency for review pursuant to this chapter together with any needed amendments to the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed *not to be urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184, consistent with rule 9J 5.006(5), Florida Administrative Code.* This presumption may be rebutted by a preponderance of the evidence.

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. 163.3245, a rural land stewardship area designated pursuant to s. 163.3248 ~~subsection (11)~~, or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

(e) Nothing in this subsection shall be construed to confer the status of rural area of critical economic concern, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. 288.0656(7).

Section 13. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.—

(1) ~~(a)~~ The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. ~~The interlocal agreements shall be submitted to the state land planning agency and the Office of Educa-~~

~~tional Facilities in accordance with a schedule published by the state land planning agency.~~

~~(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital outlay full-time equivalent students equals 80 percent or more of the current year's school capacity and the projected 5 year student growth is 1,000 or greater, or where the projected 5 year student growth rate is 10 percent or greater.~~

~~(c) If the student population has declined over the 5 year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5 year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.~~

~~(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section. Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.~~

(2) At a minimum, the interlocal agreement must address ~~interlocal agreement requirements in s. 163.3190(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address the following issues:~~

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~(2)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.~~

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(4) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an~~

~~executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

~~(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section.~~

~~(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (1), (2), and (3).~~

~~(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.~~

Section 14. Subsection (9) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

~~(9)(a) Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section. A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, if:~~

~~1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or~~

~~2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or~~

~~3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.~~

~~(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.~~

~~(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.~~

Section 15. Section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(1)(a) Sanitary sewer, solid waste, drainage, and potable water; parks and recreation, schools, and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues is not subject to state review.

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

~~(b) Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The Department of Transportation shall develop methodologies to assist local governments in implementing this multimodal level of service analysis. The Department of Community Affairs and the Department of Transportation shall provide technical assistance to local governments in applying these methodologies.~~

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

~~(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.~~

~~(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.~~

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. ~~This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.~~

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and devel-

opment to the same extent that it applies to all other facilities and development, as provided by law.

~~(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park and ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.~~

~~(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.~~

(5)(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.

(b) Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.
2. With special part-time demands on the transportation system.
3. With de minimis impacts.
4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.
2. Adoption of an areawide level of service not dependent on any single road segment function.
3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.
4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.

5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.

6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h) Local governments that implement transportation concurrency must:

1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

3. Allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

a. The applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements.

b. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

c.(I) The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

(II) When an applicant contributes or constructs its proportionate share pursuant to this subparagraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

(A) The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

(B) In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in sub-subparagraph e. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's

proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

(C) When the provisions of this subparagraph have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

(D) In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

(E) The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

d. This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

e. As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

~~(a) The Legislature finds that under limited circumstances, countervailing planning and public policy goals may come into conflict with the requirement that adequate public transportation facilities and services be available concurrent with the impacts of such development. The Legislature further finds that the unintended result of the concurrency requirement for transportation facilities is often the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. The Legislature also finds that in urban centers transportation cannot be effectively managed and mobility cannot be improved solely through the expansion of roadway capacity, that the expansion of roadway capacity is not always physically or financially possible, and that a range of transportation alternatives is essential to satisfy mobility needs, reduce congestion, and achieve healthy, vibrant centers.~~

~~(b)1. The following are transportation concurrency exception areas:~~

~~a. A municipality that qualifies as a dense urban land area under s. 163.3164;~~

~~b. An urban service area under s. 163.3164 that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area under s. 163.3164; and~~

~~e. A county, including the municipalities located therein, which has a population of at least 900,000 and qualifies as a dense urban land area under s. 163.3164, but does not have an urban service area designated in the local comprehensive plan.~~

~~2. A municipality that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

~~a. Urban infill as defined in s. 163.3164;~~

~~b. Community redevelopment areas as defined in s. 163.340;~~

~~e. Downtown revitalization areas as defined in s. 163.3164;~~

- d. ~~Urban infill and redevelopment under s. 163.2517; or~~
- e. ~~Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14).~~

~~3.—A county that does not qualify as a dense urban land area pursuant to s. 163.3164 may designate in its local comprehensive plan the following areas as transportation concurrency exception areas:~~

- a. ~~Urban infill as defined in s. 163.3164;~~
- b. ~~Urban infill and redevelopment under s. 163.2517; or~~
- e. ~~Urban service areas as defined in s. 163.3164.~~

~~4.—A local government that has a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. shall, within 2 years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. Local governments are encouraged to adopt complementary land use and transportation strategies that reflect the region's shared vision for its future. If the state land planning agency finds insufficient cause for the failure to adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the designated exception area after 2 years, it shall submit the finding to the Administration Commission, which may impose any of the sanctions set forth in s. 163.3184(11)(a) and (b) against the local government.~~

~~5.—Transportation concurrency exception areas designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million, has implemented and uses a transportation-related concurrency assessment to support alternative modes of transportation, including, but not limited to, mass transit, and does not levy transportation impact fees within the concurrency district.~~

~~6.—Transportation concurrency exception areas designated under subparagraph 1., subparagraph 2., or subparagraph 3. do not apply in any county that has exempted more than 40 percent of the area inside the urban service area from transportation concurrency for the purpose of urban infill.~~

~~7.—A local government that does not have a transportation concurrency exception area designated pursuant to subparagraph 1., subparagraph 2., or subparagraph 3. may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:~~

- a. ~~Urban infill development;~~
- b. ~~Urban redevelopment;~~
- e. ~~Downtown revitalization;~~
- d. ~~Urban infill and redevelopment under s. 163.2517; or~~

~~e.—An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.~~

~~(c) The Legislature also finds that developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517, which pose only special part time demands on the transportation system, are exempt from the concurrency requirement for transportation facilities. A special part time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.~~

~~(d) Except for transportation concurrency exception areas designated pursuant to subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3., the following requirements apply:~~

~~1.—The local government shall both adopt into the comprehensive plan and implement long term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment must also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided.~~

~~2.—The strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area must be accompanied by data and analysis supporting the local government's determination of the boundaries of the transportation concurrency exception area.~~

~~(e) Before designating a concurrency exception area pursuant to subparagraph (b)7., the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level of service standards established for regional transportation facilities identified pursuant to s. 186.507, including the Strategic Intermodal System and roadway facilities funded in accordance with s. 330.2910. Further, the local government shall provide a plan for the mitigation of impacts to the Strategic Intermodal System, including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures.~~

~~(f) The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. This subsection does not affect any contract or agreement entered into or development order rendered before the creation of the transportation concurrency exception area except as provided in s. 380.06(20)(e).~~

~~(g) The Office of Program Policy Analysis and Government Accountability shall submit to the President of the Senate and the Speaker of the House of Representatives by February 1, 2015, a report on transportation concurrency exception areas created pursuant to this subsection. At a minimum, the report shall address the methods that local governments have used to implement and fund transportation strategies to achieve the purposes of designated transportation concurrency exception areas, and the effects of the strategies on mobility, congestion, urban design, the density and intensity of land use mixes, and network connectivity plans used to promote urban infill, redevelopment, or downtown revitalization.~~

~~(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level of service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110 percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110 percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.~~

~~(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing~~

network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level of service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexistent impact pursuant to the calculations of the local government. Redevelopment requiring less than 110 percent of the previously existing capacity shall not be prohibited due to the reduction of transportation levels of service below the adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.

(9)(a) Each local government may adopt as a part of its plan, long-term transportation and school concurrency management systems with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level of service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.
2. For roads, whether the backlog is on local or state roads.
3. The cost of eliminating the backlog.
4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding this section, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any

changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) Except in transportation concurrency exception areas, with regard to roadway facilities on the Strategic Intermodal System designated in accordance with s. 339.63, local governments shall adopt the level of service standard established by the Department of Transportation by rule. However, if the Office of Tourism, Trade, and Economic Development concurs in writing with the local government that the proposed development is for a qualified job creation project under s. 288.0656 or s. 403.972, the affected local government, after consulting with the Department of Transportation, may provide for a waiver of transportation concurrency for the project. For all other roads on the State Highway System, local governments shall establish an adequate level of service standard that need not be consistent with any level of service standard established by the Department of Transportation. In establishing adequate level of service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level of service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

(11) In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy transportation concurrency, when all the following factors are shown to exist:

(a) The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.

(b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

(c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.

(d) The local government has provided a means by which the landowner will be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.

(e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.

(12)(a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate share contribution for local and regionally significant traffic impacts, if:

1. The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other non-automotive modes of transportation;

2. The proportionate share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;

3. The owner and developer of the development of regional impact pays or assures payment of the proportionate share contribution; and

4. If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having

~~maintenance authority or to otherwise assure construction or improvement of the facility.~~

~~The proportionate share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.~~

~~(b) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.~~

~~(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12).~~

~~(6)(a) If concurrency is applied to public education facilities, The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. all local governments within a county, except as provided in paragraph (i) (f), shall include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreements. If the county and one or more municipalities have adopted school concurrency into its comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency. agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:~~

~~(a) Public school facilities element. A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government provisions included in comprehensive plans regarding school concurrency public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.~~

~~(b) Level of service standards. The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.~~

~~1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.~~

~~(c)2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type.~~

Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

~~(d)3. Local governments and school boards may shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.~~

~~(e)4. For the purpose of determining whether levels of service have been achieved, for the first 3 years of school concurrency implementation, A school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20.~~

~~(e) Service areas. The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level of service standards.~~

~~(f)1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged, if they elect to adopt school concurrency, to initially apply school concurrency to development only on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency,~~

~~2. If a local government elects to governments shall apply school concurrency on a less than districtwide basis, by such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.~~

~~a.2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, Local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.~~

~~b.3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be subtracted from the shifted to contiguous service area's areas with schools having available capacity totals. Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.~~

~~(g)(d) Financial feasibility. The Legislature recognizes that financial feasibility is an important issue because The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.~~

~~1. A comprehensive plan that imposes amendment seeking to impose school concurrency shall contain appropriate amendments to the capital~~

improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J 5.016, Florida Administrative Code. The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period consistent with the school board's educational set forth a financially feasible public school capital facilities plan program, established in conjunction with the school board, that demonstrates that the adopted level of service standards will be achieved and maintained.

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

2.—Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J 5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3.—When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

2.(c) *Availability standard.*—Consistent with the public welfare, if a local government applies school concurrency, it may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in *sub-subparagraph a.* ~~subparagraph 1.~~ Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan public school facilities element and the interlocal agreement pursuant to s. 163.31777.

a.1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

b.2. If the interlocal agreement education facilities plan and the local government comprehensive plan public educational facilities element

authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

c.2. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in the a financially feasible 5-year school board's educational facilities district work plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

4.—If a development is precluded from commencing because there is inadequate classroom capacity to mitigate the impacts of the development, the development may nevertheless commence if there are accelerated facilities in an approved capital improvement element scheduled for construction in year four or later of such plan which, when built, will mitigate the proposed development, or if such accelerated facilities will be in the next annual update of the capital facilities element, the developer enters into a binding, financially guaranteed agreement with the school district to construct an accelerated facility within the first 3 years of an approved capital improvement plan, and the cost of the school facility is equal to or greater than the development's proportionate share. When the completed school facility is conveyed to the school district, the developer shall receive impact fee credits usable within the zone where the facility is constructed or any attendance zone contiguous with or adjacent to the zone where the facility is constructed.

3.5. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

(i)(f) *Intergovernmental coordination.*—

1.—When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that A municipality is not required to be a signatory to the interlocal agreement required by paragraph (j) ss. 163.3177(6)(h)2. and 163.3177(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, may shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

1.a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

2.b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

3.e. The municipality has no public schools located within its boundaries.

4.d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2.—A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.3177(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(j)(g) *Interlocal agreement for school concurrency.*—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this

subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.3177, The interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's *school concurrency related provisions of the comprehensive plan* ~~public school facilities element~~ with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

2. ~~Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.~~

2.3. Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.

4. ~~Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.~~

3.5. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. ~~The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans.~~ The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. ~~The agreement shall also ensure the achievement and maintenance of the adopted level of service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.~~

4.6. Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

7. ~~Include provisions relating to amendment of the agreement.~~

5.8. A process and uniform methodology for determining proportionate-share mitigation pursuant to *paragraph (h)* ~~subparagraph (e)1.~~

(k)(b) *Local government authority.*—This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

(14) ~~The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of com-~~

~~pliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.~~

(15)(a) ~~Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.~~

(b) ~~Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.~~

(c) ~~Local governments may establish multimodal level of service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level of service methodologies. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.~~

(d) ~~Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.~~

(16) ~~It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair share mitigation under this section shall be as provided for in subsection (12).~~

(a) ~~By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair share mitigation options.~~

(b)1. ~~In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair share mitigation. A developer may choose to satisfy all transportation concurrency requirements by~~

contributing or paying proportionate fair share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5 year schedule of capital improvements in the capital improvements element of the local plan or the long term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5 year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5 year capital improvements element which reflect proportionate fair share contributions may not be found not in compliance based on ss. 163.3164(22) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. Proportionate fair share mitigation may be directed toward one or more specific transportation improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel. The fair market value of the proportionate fair share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair share contribution regardless of the method of mitigation. Proportionate fair share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.

(d) This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

(f) If the funds in an adopted 5 year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvements funded by the proportionate share component must be adopted into the 5 year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update. The funding of any improvements that significantly benefit the impacted transportation system satisfies concurrency requirements as a mitigation of the development's impact upon the overall transportation system even if there remains a failure of concurrency on other impacted facilities.

(g) Except as provided in subparagraph (b)1., this section may not prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.

(h) The provisions of this subsection do not apply to a development of regional impact satisfying the requirements of subsection (12).

(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level of service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background

trips are to be coincident with the particular stage or phase of development under review.

(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements, and the local government may not reduce any transportation trip generation entitlements of an approved development of regional impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center, and the term "employment center" means a place of employment that employs at least 25 or more full-time employees.

Section 16. Section 163.3182, Florida Statutes, is amended to read:

163.3182 Transportation ~~deficiencies~~ ~~concurrency backlogs~~.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Transportation ~~deficiency~~ ~~concurrency backlog~~ area" means the geographic area within the unincorporated portion of a county or within the municipal boundary of a municipality designated in a local government comprehensive plan for which a transportation ~~development~~ ~~concurrency backlog~~ authority is created pursuant to this section. A transportation ~~deficiency~~ ~~concurrency backlog~~ area created within the corporate boundary of a municipality shall be made pursuant to an interlocal agreement between a county, a municipality or municipalities, and any affected taxing authority or authorities.

(b) "Authority" or "transportation ~~development~~ ~~concurrency backlog~~ authority" means the governing body of a county or municipality within which an authority is created.

(c) "Governing body" means the council, commission, or other legislative body charged with governing the county or municipality within which ~~an a~~ ~~transportation~~ ~~concurrency backlog~~ authority is created pursuant to this section.

(d) "Transportation ~~deficiency~~ ~~concurrency backlog~~" means an identified ~~need deficiency~~ where the existing ~~and projected~~ extent of traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility.

(e) "Transportation ~~sufficiency~~ ~~concurrency backlog~~ plan" means the plan adopted as part of a local government comprehensive plan by the governing body of a county or municipality acting as a transportation ~~development~~ ~~concurrency backlog~~ authority.

(f) "Transportation ~~concurrency backlog~~ project" means any designated transportation project identified for construction within the jurisdiction of a transportation ~~development~~ ~~concurrency backlog~~ authority.

(g) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(h) "Increment revenue" means the amount calculated pursuant to subsection (5).

(i) "Taxing authority" means a public body that levies or is authorized to levy an ad valorem tax on real property located within a transportation ~~deficiency~~ ~~concurrency backlog~~ area, except a school district.

(2) CREATION OF TRANSPORTATION ~~DEVELOPMENT~~ ~~CONCURRENCY BACKLOG~~ AUTHORITIES.—

(a) A county or municipality may create a transportation ~~development~~ ~~concurrency backlog~~ authority if it has an identified transportation ~~deficiency~~ ~~concurrency backlog~~.

(b) Acting as the transportation ~~development~~ ~~concurrency backlog~~ authority within the authority's jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation ~~deficiencies~~ ~~concurrency backlogs~~.

within the authority's jurisdiction using funds provided pursuant to subsection (5) and as otherwise provided pursuant to this section.

(c) The Legislature finds and declares that there exist in many counties and municipalities areas that have significant transportation deficiencies and inadequate transportation facilities; that many insufficiencies and inadequacies severely limit or prohibit the satisfaction of transportation *level of service* ~~concurrency~~ standards; that the transportation insufficiencies and inadequacies affect the health, safety, and welfare of the residents of these counties and municipalities; that the transportation insufficiencies and inadequacies adversely affect economic development and growth of the tax base for the areas in which these insufficiencies and inadequacies exist; and that the elimination of transportation deficiencies and inadequacies and the satisfaction of transportation concurrency standards are paramount public purposes for the state and its counties and municipalities.

(3) ~~POWERS OF A TRANSPORTATION DEVELOPMENT CONCURRENCY BACKLOG AUTHORITY.~~—Each transportation *development concurrency backlog* authority *created pursuant to this section* has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this section.

(b) To undertake and carry out transportation ~~concurrency backlog~~ projects for transportation facilities *designed to relieve transportation deficiencies that have a concurrency backlog* within the authority's jurisdiction. *Transportation Concurrency backlog* projects may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a *deficient backlogged* transportation facility.

(c) To invest any transportation ~~concurrency backlog~~ funds held in reserve, sinking funds, or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to the control of the authority and to redeem such bonds as have been issued pursuant to this section at the redemption price established therein, or to purchase such bonds at less than redemption price. All such bonds redeemed or purchased shall be canceled.

(d) To borrow money, including, but not limited to, issuing debt obligations such as, but not limited to, bonds, notes, certificates, and similar debt instruments; to apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part; to give such security as may be required; to enter into and carry out contracts or agreements; and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation ~~concurrency backlog~~ project and related activities such conditions imposed under federal laws as the transportation *development concurrency backlog* authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.

(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section; to contract with any persons, public or private, in making and carrying out such plans; and to adopt, approve, modify, or amend such transportation *sufficiency concurrency backlog* plans.

(f) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this section, and to enter into agreements with other public bodies, which agreements may extend over any period notwithstanding any provision or rule of law to the contrary.

(4) ~~TRANSPORTATION SUFFICIENCY CONCURRENCY BACKLOG PLANS.~~—

~~(a)~~ Each transportation *development concurrency backlog* authority shall adopt a transportation *sufficiency concurrency backlog* plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan must:

~~(a)1-~~ Identify all transportation facilities that have been designated as deficient and require the expenditure of moneys to upgrade, modify, or mitigate the deficiency.

~~(b)2-~~ Include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy ~~concurrency~~ requirements pursuant to s. 163.3180, and the applicable local government comprehensive plan.

~~(c)3-~~ Establish a schedule for financing and construction of transportation ~~concurrency backlog~~ projects that will eliminate transportation *deficiencies concurrency backlogs* within the jurisdiction of the authority within 10 years after the transportation *sufficiency concurrency backlog* plan adoption. The schedule shall be adopted as part of the local government comprehensive plan.

~~(b)~~ The adoption of the transportation ~~concurrency backlog~~ plan shall be exempt from the provisions of s. 163.3187(1).

Notwithstanding such schedule requirements, as long as the schedule provides for the elimination of all transportation *deficiencies concurrency backlogs* within 10 years after the adoption of the *transportation sufficiency concurrency backlog* plan, the final maturity date of any debt incurred to finance or refinance the related projects may be no later than 40 years after the date the debt is incurred and the authority may continue operations and administer the trust fund established as provided in subsection (5) for as long as the debt remains outstanding.

(5) ~~ESTABLISHMENT OF LOCAL TRUST FUND.~~—The transportation *development concurrency backlog* authority shall establish a local transportation ~~concurrency backlog~~ trust fund upon creation of the authority. Each local trust fund shall be administered by the transportation *development concurrency backlog* authority within which a transportation *deficiencies have concurrency backlog* has been identified. Each local trust fund must continue to be funded under this section for as long as the projects set forth in the related transportation *sufficiency concurrency backlog* plan remain to be completed or until any debt incurred to finance or refinance the related projects is no longer outstanding, whichever occurs later. Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation *deficiency concurrency backlog* area to be determined annually and shall be a minimum of 25 percent of the difference between the amounts set forth in paragraphs (a) and (b), except that if all of the affected taxing authorities agree under an interlocal agreement, a particular local trust fund may be funded by the proceeds of an ad valorem tax increment greater than 25 percent of the difference between the amounts set forth in paragraphs (a) and (b):

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation *development concurrency backlog* authority and within the transportation *deficiency backlog* area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation *deficiency concurrency backlog* area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.

(6) ~~EXEMPTIONS.~~—

~~(a)~~ The following public bodies or taxing authorities are exempt from ~~the provisions of~~ this section:

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district ~~are shall~~ not be deemed available.

3. A library district.
4. A neighborhood improvement district created under the Safe Neighborhoods Act.
5. A metropolitan transportation authority.
6. A water management district created under s. 373.069.
7. A community redevelopment agency.

(b) A transportation ~~development concurrency exemption~~ authority may also exempt from this section a special district that levies ad valorem taxes within the transportation ~~deficiency concurrency backlog~~ area pursuant to s. 163.387(2)(d).

(7) TRANSPORTATION CONCURRENCY SATISFACTION.—Upon adoption of a transportation ~~sufficiency concurrency backlog~~ plan as a part of the local government comprehensive plan, and the plan going into effect, the area subject to the plan shall be deemed to have achieved and maintained transportation level-of-service standards, ~~and to have met requirements for financial feasibility for transportation facilities, and for the purpose of proposed development transportation concurrency has been satisfied.~~ Proportionate fair-share mitigation shall be limited to ensure that a development inside a transportation ~~deficiency concurrency backlog~~ area is not responsible for the additional costs of eliminating ~~deficiencies backlogs~~.

(8) DISSOLUTION.—Upon completion of all transportation ~~concurrency backlog~~ projects ~~identified in the transportation sufficiency plan~~ and repayment or defeasance of all debt issued to finance or refinance such projects, a transportation ~~development concurrency backlog~~ authority shall be dissolved, and its assets and liabilities transferred to the county or municipality within which the authority is located. All remaining assets of the authority must be used for implementation of transportation projects within the jurisdiction of the authority. The local government comprehensive plan shall be amended to remove the transportation concurrency backlog plan.

Section 17. Section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) “In compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, ~~and~~ 163.3245, ~~and~~ 163.3248 ~~with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part~~ and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) “Reviewing agencies” means:

1. The state land planning agency;
2. The appropriate regional planning council;
3. The appropriate water management district;
4. The Department of Environmental Protection;

5. The Department of State;

6. The Department of Transportation;

7. In the case of plan amendments relating to public schools, the Department of Education;

8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;

9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and

10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167 shall follow the state coordinated review process in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days from the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(4) STATE COORDINATED REVIEW PROCESS.—

(a)(2) Coordination.—The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c). Each comprehensive plan or plan amendment proposed to be adopted pursuant to this subsection ~~part~~ shall be transmitted, adopted, and reviewed in the manner prescribed in this subsection ~~section~~. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this subsection ~~section~~, to the local governing body responsible for the comprehensive plan or plan amendment. ~~The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.~~

(b)(2) Local government transmittal of proposed plan or amendment.—

(a) Each local governing body proposing a plan or plan amendment specified in paragraph (2)(c) shall transmit the complete proposed comprehensive plan or plan amendment to the reviewing agencies ~~state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services,~~ immediately following the first a public hearing pursuant to subsection (11). ~~The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of s. 163.3184(4)(15) as specified in the state land planning agency's procedural rules.~~ The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. ~~The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.~~

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services ~~the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.~~

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and

distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(c) At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact the provisions of any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

(c)(4) ~~Reviewing agency comments~~ INTERGOVERNMENTAL REVIEW.—The governmental agencies specified in paragraph (b) may ~~paragraph (3)(a) shall provide comments regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public shall be sent directly to the local government within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).~~

(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.—The review of the regional planning council pursuant to subsection (4) shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act. A regional planning council shall not review and comment on a proposed comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. The review of the county land planning agency pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the proposed plan amendment on any county comprehensive plan element. Any review by municipalities will be primarily in the context of the relationship and effect on the municipal plan.

(d)(6) State land planning agency review.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. The request from the regional planning council or affected person must be received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if

the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within 35 days after receipt of the complete proposed plan amendment.

1.(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). If the state land planning agency elects to review a plan or plan amendment or the agency is required to review the amendment as specified in paragraph (2)(c)(a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the complete proposed plan or plan amendment by the state land planning agency. Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government is not required to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. This subparagraph does not ~~Nothing contained herein shall~~ prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

2.(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

(e)(7) Local government review of comments; adoption of plan or amendments and transmittal.—

1.(a) The local government shall review the report written comments submitted to it by the state land planning agency, if any, and written comments submitted to it by any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of the report written comments from the state land planning agency, shall hold its second public hearing, which shall be a hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c).

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan

amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine if the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet website. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site shall be prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

#### (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.

2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government,

and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.

(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.

1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.

(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days after receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action.

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days after receipt of the recommended order.

(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).

#### (6) COMPLIANCE AGREEMENT.—

(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.

(d) The local government shall hold a single public hearing for adopting remedial amendments.

(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency, upon receipt of a plan or plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.

2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).

(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.

#### (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the

amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.

(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.

(d) Absent a showing of extraordinary circumstances, the Administration Commission shall issue a final order, in a case proceeding under subsection (5), within 45 days after the issuance of the recommended order, unless the parties agree in writing to a longer time. ~~have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(e), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.~~

(b) If the adopted plan amendment is unchanged from the proposed plan amendment transmitted pursuant to subsection (3) and an affected person as defined in paragraph (1)(a) did not raise any objection, the state land planning agency did not review the proposed plan amendment, and the state land planning agency did not raise any objections during its review pursuant to subsection (6), the local government may state in the transmittal letter that the plan amendment is unchanged and was not the subject of objections.

#### (8) NOTICE OF INTENT.—

(a) If the transmittal letter correctly states that the plan amendment is unchanged and was not the subject of review or objections pursuant to paragraph (7)(b), the state land planning agency has 20 days after receipt of the transmittal letter within which to issue a notice of intent that the plan amendment is in compliance.

(b) Except as provided in paragraph (a) or in s. 163.3187(3), the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(c)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(c) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition.

2. A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

**(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—**

(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan or plan amendment transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189, or s. 163.3191 is in compliance with this act, any affected person may file a petition with the agency pursuant to ss. 120.569 and 120.57 within 21 days after the publication of notice. In this proceeding, the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

(b) The hearing shall be conducted by an administrative law judge of the Division of Administrative Hearings of the Department of Management Services, who shall hold the hearing in the county of and convenient to the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow for the filing of exceptions to the recommended order and shall issue a final order after receipt of the recommended order if the state land planning agency determines that the plan or plan amendment is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.

**(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—**

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause shall not include excusable neglect. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its

plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

(b) The administrative law judge assigned by the division shall submit a recommended order to the Administration Commission for final agency action.

(c) Prior to the hearing, the state land planning agency shall afford an opportunity to mediate or otherwise resolve the dispute. If a party to the proceeding requests mediation or other alternative dispute resolution, the hearing may not be held until the state land planning agency advises the administrative law judge in writing of the results of the mediation or other alternative dispute resolution. However, the hearing may not be delayed for longer than 90 days for mediation or other alternative dispute resolution unless a longer delay is agreed to by the parties to the proceeding. The costs of the mediation or other alternative dispute resolution shall be borne equally by all of the parties to the proceeding.

**(8)(14) ADMINISTRATION COMMISSION.—**

(a) If the Administration Commission, upon a hearing pursuant to subsection (5)(9) or subsection (10), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions that which would bring the comprehensive plan or plan amendment into compliance.

(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government is shall not be eligible for grants administered under the following programs:

a.1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

b.2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.

c.3. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

2.(b) If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3.(c) The sanctions provided by subparagraphs 1. and 2. do paragraphs (a) and (b) shall not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in paragraph (b) s. 163.3189(2) or s. 163.3191(11).

(9)(12) GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses

incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

~~(10)(13) EXCLUSIVE PROCEEDINGS.—~~The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

~~(14) AREAS OF CRITICAL STATE CONCERN.—~~No proposed local government comprehensive plan or plan amendment which is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in this section.

~~(11)(15) PUBLIC HEARINGS.—~~

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to ~~subparagraph subsection (3)(b)1. and paragraph (4)(b) and for adoption of a comprehensive plan or plan amendment pursuant to subparagraphs(3)(c)1. and (4)(e)1. subsection (7)~~ shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to ~~subsection (3)~~. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

2. The second public hearing shall be held at the adoption stage pursuant to ~~subsection (7)~~. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

(c) *Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.*

~~(12) CONCURRENT ZONING.—~~*At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.*

~~(13) AREAS OF CRITICAL STATE CONCERN.—~~*No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).*

~~(c) The local government shall provide a sign in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.~~

~~(d) The agency shall provide a model sign in form for providing the list to the agency which may be used by the local government to satisfy the requirements of this subsection.~~

~~(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map des-~~

~~ignation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(e)2.b. for a municipality.~~

~~(16) COMPLIANCE AGREEMENTS.—~~

~~(a) At any time following the issuance of a notice of intent to find a comprehensive plan or plan amendment not in compliance with this part or after the initiation of a hearing pursuant to subsection (9), the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into the compliance agreement. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment which is not in compliance, and shall specify remedial actions which the local government must complete within a specified time in order to bring the plan or plan amendment into compliance, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.~~

~~(b) Upon filing by the state land planning agency of a compliance agreement executed by the agency and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.560 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.~~

~~(c) Prior to its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of subsection (15).~~

~~(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2) (7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.560 and 120.57 granted intervenor status.~~

~~(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the compliance agreement amendment and the plan or plan amendment that was the subject of the agreement, in accordance with subsection (8).~~

~~(f)1. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.560 and 120.57, which shall thereafter be governed by the process contained in paragraphs (9)(a) and (b), including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order, except as provided in subparagraph 2. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment which is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment which is the subject of~~

the cumulative notice of intent by filing a petition with the agency as provided in subsection (9). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding.

2. If any of the issues raised by the state land planning agency in the original subsection (10) proceeding are not resolved by the compliance agreement amendments, any intervenor in the original subsection (10) proceeding may require those issues to be addressed in the pending consolidated realigned proceeding under ss. 120.569 and 120.57. As to those unresolved issues, the burden of proof shall be governed by subsection (10).

3. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to subsection (10).

(g) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings, which shall set the hearing in the pending proceeding under ss. 120.569 and 120.57 at the earliest convenient time.

(h) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(i) Nothing in this subsection is intended to limit the parties from entering into a compliance agreement at any time before the final order in the proceeding is issued, provided that the provisions of paragraph (c) shall apply regardless of when the compliance agreement is reached.

(j) Nothing in this subsection is intended to force any party into settlement against its will or to preclude the use of other informal dispute resolution methods, such as the services offered by the Florida Growth Management Dispute Resolution Consortium, in the course of or in addition to the method described in this subsection.

~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS.~~ A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and c., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

~~(18) URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.~~ A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and c., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the require-

ments of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

~~(19) HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.~~ Any local government that identifies in its comprehensive plan the types of housing developments and conditions for which it will consider plan amendments that are consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government may expedite consideration of such plan amendments. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include the local government's evaluation of site suitability and availability of facilities and services. A plan amendment considered under this subsection shall require only a single public hearing before the local governing body, which shall be a plan amendment adoption hearing as described in subsection (7). The public notice of the hearing required under subparagraph (15)(b)2. must include a statement that the local government intends to use the expedited adoption process authorized under this subsection. The state land planning agency shall issue its notice of intent required under subsection (8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by subsections (9)-(16).

Section 18. Section 163.3187, Florida Statutes, is amended to read:

163.3187 *Process for adoption of small-scale comprehensive plan amendment of adopted comprehensive plan.*—

~~(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:~~

~~(a) In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.~~

~~(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances.~~

~~(1)(c) Any local government comprehensive plan amendments directly related to proposed small-scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:~~

~~(a)1. The proposed amendment involves a use of 10 acres or fewer and:~~

~~(b)a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does shall not exceed:~~

~~(i) a maximum of 120 acres in a calendar year. local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.2164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(c); however, amendments under this paragraph may be applied to no more than 60~~

~~acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small-scale amendments under this paragraph.~~

~~(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).~~

~~(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.~~

~~b. The proposed amendment does not involve the same property granted a change within the prior 12 months.~~

~~e. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.~~

~~(c)d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.~~

~~(d)e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).~~

~~f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small-scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small-scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(c).~~

~~2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(e) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(e) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.~~

~~b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.~~

~~(2)3. Small scale development amendments adopted pursuant to this section paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(11)(7), and are not subject to the requirements of s. 163.3184(3)(6) unless the local government elects to have them subject to those requirements.~~

~~(3)4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern as defined under s. 288.0656(2)(d)(7) for the duration of such designation, the 10-acre limit listed in subsection (1) subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.~~

~~(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.~~

~~(f) The capital improvements element annual update required in s. 163.3177(3)(b)1. and any amendments directly related to the schedule.~~

~~(g) Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.~~

~~(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.~~

~~(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.~~

~~(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.~~

~~(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.~~

~~(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177(12) and future land use map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.~~

~~(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.~~

~~(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).~~

~~(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.~~

~~(p) Any local government comprehensive plan amendment that is consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government.~~

~~(q) Any local government plan amendment to designate an urban service area as a transportation concurrency exception area under s. 163.3180(5)(b)2. or 3. and an area exempt from the development of regional impact process under s. 380.06(20).~~

(4)(2) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2). Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

~~(3)(a) The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy the requirements of paragraph (1)(c).~~

(5)(a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment *and*, shall serve a copy of the petition on the local government, ~~and shall furnish a copy to the state land planning agency.~~ An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, *the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable presumed to be correct.* ~~The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection, The state land planning agency may not intervene in any proceeding initiated pursuant to this section.~~

(b)1. If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to the state land planning agency.

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments *may* ~~shall~~ not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments *may* ~~shall~~ not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining *that* the adopted small scale development amendment is in compliance.

*(d) In all challenges under this subsection, when a determination of compliance as defined in s. 163.3184(1)(b) is made, consideration shall be given to the plan amendment as a whole and whether the plan amendment furthers the intent of this part.*

~~(4) Each governing body shall transmit to the state land planning agency a current copy of its comprehensive plan not later than December 1, 1985. Each governing body shall also transmit copies of any amendments it adopts to its comprehensive plan so as to continually update the plans on file with the state land planning agency.~~

~~(5) Nothing in this part is intended to prohibit or limit the authority of local governments to require that a person requesting an amendment pay some or all of the cost of public notice.~~

~~(6)(a) No local government may amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (1)(b) or paragraph (1)(h).~~

~~(b) A local government may amend its comprehensive plan after it has submitted its adopted evaluation and appraisal report and for a period of 1 year after the initial determination of sufficiency regardless of whether the report has been determined to be insufficient.~~

~~(c) A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (1)(b), if the 1 year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient.~~

~~(d) When the state land planning agency has determined that the report has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c).~~

~~(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.~~

Section 19. *Section 163.3189, Florida Statutes, is repealed.*

Section 20. Section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

*(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.*

*(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.*

*(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed in accordance with s. 163.3184.*

*(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.*

~~(1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:~~

~~(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.~~

~~(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.~~

~~(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the~~

local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level of service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning time frames, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.

(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.700(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.

(m) If any of the jurisdiction of the local government is located within the coastal high hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (2). If scoping meetings are held, the local government shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

(4) The local planning agency shall prepare the evaluation and appraisal report and shall make recommendations to the governing body regarding adoption of the proposed report. The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. During the preparation of the proposed report and prior to making any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.

(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and

interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.

(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.

(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).

(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4) (7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.

(9) The state land planning agency may establish a phased schedule for adoption of reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for a report and shall allot approximately one seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule municipal report adoption dates between 1 year and 18 months later than the report adoption date for the county in which those municipalities are located. A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by chapter 9J 33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6 month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state

land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.

(5)(12) The state land planning agency may shall not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.

(14) The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.

Section 21. Paragraph (b) of subsection (2) of section 163.3217, Florida Statutes, is amended to read:

163.3217 Municipal overlay for municipal incorporation.—

(2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL OVERLAY.—

(b)1. A municipal overlay shall be adopted as an amendment to the local government comprehensive plan as prescribed by s. 163.3184.

2. A county may consider the adoption of a municipal overlay without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.

Section 22. Subsection (3) of section 163.3220, Florida Statutes, is amended to read:

163.3220 Short title; legislative intent.—

(3) In conformity with, in furtherance of, and to implement the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~ and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

Section 23. Subsections (2) and (11) of section 163.3221, Florida Statutes, are amended to read:

163.3221 Florida Local Government Development Agreement Act; definitions.—As used in ss. 163.3220-163.3243:

(2) “Comprehensive plan” means a plan adopted pursuant to the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act.~~“

(11) “Local planning agency” means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the ~~Community Florida Local Government Comprehensive Planning and Land Development Regulation Act.~~“

Section 24. Section 163.3229, Florida Statutes, is amended to read:

163.3229 Duration of a development agreement and relationship to local comprehensive plan.—The duration of a development agreement ~~may shall~~ not exceed ~~30 20~~ years, ~~unless it is.~~ It may be extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government’s comprehensive plan and plan amendments implementing or related to the agreement are ~~found~~ in compliance with the ~~state land planning agency in accordance with s. 163.3184, s. 163.3187, or s. 163.3189.~~

Section 25. Section 163.3235, Florida Statutes, is amended to read:

163.3235 Periodic review of a development agreement.—A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. ~~For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency. The state land planning agency shall adopt rules regarding the contents of the report, provided that the report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement. If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.~~

Section 26. Section 163.3239, Florida Statutes, is amended to read:

163.3239 Recording and effectiveness of a development agreement.—Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. ~~A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded. A development agreement is shall not be effective until it is properly recorded in the public records of the county and until 30 days after having been received by the state land planning agency pursuant to this section. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.~~

Section 27. Section 163.3243, Florida Statutes, is amended to read:

163.3243 Enforcement.—Any party ~~or, any~~ aggrieved or adversely affected person as defined in s. 163.3215(2), ~~or the state land planning agency~~ may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development

agreement or to challenge compliance of the agreement with the ~~provisions of ss. 163.3220- 163.3243.~~

Section 28. Section 163.3245, Florida Statutes, is amended to read:

163.3245 ~~Optional~~ Sector plans.—

(1) In recognition of the benefits of ~~conceptual~~ long-range planning ~~for the buildout of an area, and detailed planning for specific areas, as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five local governments or combinations of local governments may which~~ adopt into ~~their the~~ comprehensive ~~plans a plan an optional~~ sector plan in accordance with this section. This section is intended to *promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part; and part I of chapter 380; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors;* and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. ~~Optional~~ Sector plans are intended for substantial geographic areas *that include including at least 15,000 5,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. A The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under s. 163.3184. However, an optional sector plan may not be adopted authorized in an area of critical state concern.*

(2) *Upon the request of a local government having jurisdiction, The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i); the applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(1)(c)(4) before preparation of the sector plan execution of the agreement authorized by this section. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of the sector plan subsequent plan amendments. If a scoping meeting is conducted, the regional planning council shall make written recommendations to the state land planning agency and affected local governments on the issues requested by the local government. The scoping meeting shall be noticed and open to the public. If the entire planning area proposed for the sector plan is within the jurisdiction of two or more local governments, some or all of them may enter into a joint planning agreement pursuant to s. 163.3171 with respect to, including whether a sustainable sector plan would be appropriate. The agreement must define the geographic area to be subject to the sector plan, the planning issues that will be emphasized, procedures requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation, or other issues. An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.*

(3) ~~Optional~~ Sector planning encompasses two levels: adoption *pursuant to under* s. 163.3184 of a ~~conceptual~~ long-term *master plan for the entire planning area as part of the comprehensive plan, and adoption by*

local development order of two or more buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of detailed specific area plans that implement the conceptual long-term master plan buildout overlay and authorize issuance of development orders, and within which s. 380.06 is waived. Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.

(a) In addition to the other requirements of this chapter, a long-term master plan pursuant to this section ~~conceptual long-term buildout overlay~~ must include maps, illustrations, and text supported by data and analysis to address the following:

1. A ~~long-range conceptual~~ framework map that, at a minimum, generally depicts ~~identifies anticipated~~ areas of urban, agricultural, rural, and conservation land use, identifies allowed uses in various parts of the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components.

2. A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.

3. A general identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility.

~~4.2.~~ A general identification of other regionally significant public facilities consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction necessary to support buildout of the anticipated future land uses, which may include central utilities provided onsite within the planning area, and policies setting forth the procedures to be used to mitigate the impacts of future land uses on public facilities.

~~5.3.~~ A general identification of regionally significant natural resources within the planning area based on the best available data and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area consistent with chapter 9J-2, Florida Administrative Code.

~~6.4.~~ General principles and guidelines addressing that address the urban form and the interrelationships of anticipated future land uses; the protection and, as appropriate, restoration and management of lands identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which shall be phased or staged in coordination with detailed specific area plans to reflect phased or staged development within the planning area; and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment; limiting urban sprawl; providing a range of housing types; protecting wildlife and natural areas; advancing the efficient use of land and other resources; and creating quality communities of a design that promotes travel by multiple transportation modes; and enhancing the prospects for the creation of jobs.

~~7.5.~~ Identification of general procedures and policies to facilitate ensure intergovernmental coordination to address extrajurisdictional impacts from the future land uses long-range conceptual framework map.

A long-term master plan adopted pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan, shall specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

(b) In addition to the other requirements of this chapter, including those in paragraph (a), the detailed specific area plans shall be consistent

with the long-term master plan and must include conditions and commitments that provide for:

1. Development or conservation of an area of adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass at least 1,000 acres consistent with the long-term master plan. The local government state land planning agency may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the detailed specific area plan furthers the purposes of this part and part I of chapter 380.

2. Detailed identification and analysis of the maximum and minimum densities and intensities of use and the distribution, extent, and location of future land uses.

3. Detailed identification of water resource development and water supply development projects and related infrastructure and water conservation measures to address water needs of development in the detailed specific area plan.

4. Detailed identification of the transportation facilities to serve the future land uses in the detailed specific area plan.

~~5.3.~~ Detailed identification of other regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, anticipated impacts of future land uses on those facilities, and required improvements consistent with the long-term master plan chapter 9J-2, Florida Administrative Code.

~~6.4.~~ Public facilities necessary to serve development in the detailed specific area plan for the short term, including developer contributions in a financially feasible 5-year capital improvement schedule of the affected local government.

~~7.5.~~ Detailed analysis and identification of specific measures to ensure assure the protection and, as appropriate, restoration and management of lands within the boundary of the detailed specific area plan identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which easements shall be effective before or concurrent with the effective date of the detailed specific area plan of regionally significant natural resources and other important resources both within and outside the host jurisdiction, including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code.

~~8.6.~~ Detailed principles and guidelines addressing that address the urban form and the interrelationships of anticipated future land uses; and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment; limiting urban sprawl; providing a range of housing types; protecting wildlife and natural areas; advancing the efficient use of land and other resources; and creating quality communities of a design that promotes travel by multiple transportation modes; and enhancing the prospects for the creation of jobs.

~~9.7.~~ Identification of specific procedures to facilitate ensure intergovernmental coordination to address extrajurisdictional impacts from of the detailed specific area plan.

A detailed specific area plan adopted by local development order pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan and shall specify the projected population within the specific planning area during the chosen planning period. A detailed specific area plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis. All lands identified in the long-term master plan for permanent preservation shall be subject to a recorded conservation easement consistent with s. 704.06 before or concurrent with the effective date of the final detailed specific area plan to be approved within the planning area.

(c) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the applicable water management district regarding the design of areas for protection and conservation of regionally significant natural resources and for the protection and,

as appropriate, restoration and management of lands identified for permanent preservation.

(d) In its review of a long-term master plan, the state land planning agency shall consult with the Department of Transportation, the applicable metropolitan planning organization, and any urban transit agency regarding the location, capacity, design, and phasing or staging of major transportation facilities in the planning area.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an order approving a detailed specific area plan shall be conducted consistent with s. 380.07(6). The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(f) This subsection does not be construed to prevent preparation and approval of the optional sector plan and detailed specific area plan concurrently or in the same submission.

(4) Upon the long-term master plan becoming legally effective:

(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan, including, but not limited to, the projected population and the approved uses and densities and intensities of use and their distribution within the planning area. The transportation facilities identified in adopted plans pursuant to subparagraphs (3)(a)3. and (b)4. must be developed in coordination with the adopted M.P.O. long-range transportation plan.

(b) The water needs, sources and water resource development, and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan or detailed specific area plan, considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The permitting criteria in s. 373.223 shall be applied based upon the projected population and the approved densities and intensities of use and their distribution in the long-term master plan; however, the allocation of the water may be phased over the permit duration to correspond to actual projected needs. This paragraph does not supersede the public interest test set forth in s. 373.223. The local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.

(5) When a plan amendment adopting a detailed specific area plan has become effective for a portion of the planning area governed by a long-term master plan adopted pursuant to this section under ss. 163.3184 and 163.3189(2), the provisions of s. 380.06 does not apply to

development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced pursuant to ~~under~~ s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments may ~~shall~~ not issue any permits or approvals or provide any extensions of services to development that are not consistent with the detailed ~~sector~~ specific area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan, ~~or of any agreement entered into under this section,~~ has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving a ~~an optional~~ sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7), *except as provided by paragraph (3)(e).*

(d) The detailed specific area plan shall establish a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the detailed specific area plan have occurred, that the detailed specific area plan was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

~~(6) Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.~~

(7) A developer within an area subject to a long-term master plan that meets the requirements of paragraph (3)(a) and subsection (6) or a detailed specific area plan that meets the requirements of paragraph (3)(b) may enter into a development agreement with a local government pursuant to ss. 163.3220-163.3243. The duration of such a development agreement may be through the planning period of the long-term master plan or the detailed specific area plan, as the case may be, notwithstanding the limit on the duration of a development agreement pursuant to s. 163.3229.

(8) Any owner of property within the planning area of a proposed long-term master plan may withdraw his consent to the master plan at any time prior to local government adoption, and the local government shall exclude such parcels from the adopted master plan. Thereafter, the long-term master plan, any detailed specific area plan, and the exemption from development-of-regional-impact review under this section do not apply to the subject parcels. After adoption of a long-term master plan, an

owner may withdraw his or her property from the master plan only with the approval of the local government by plan amendment adopted and reviewed pursuant to s. 163.3184.

(9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.

(10) The state land planning agency may enter into an agreement with a local government that, on or before July 1, 2011, adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres that meets the requirements for a long-term master plan in paragraph (3)(a), after notice and public hearing by the local government, and thereafter, notwithstanding s. 380.06, this part, or any planning agreement or plan policy, the large-area plan shall be implemented through detailed specific area plans that meet the requirements of paragraph (3)(b) and shall otherwise be subject to this section.

(11) Notwithstanding this section, a detailed specific area plan to implement a conceptual long-term buildout overlay, adopted by a local government and found in compliance before July 1, 2011, shall be governed by this section.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

(13)(7) This section may not be construed to abrogate the rights of any person under this chapter.

Section 29. Subsections (9), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in s. ~~ss. 163.3184(5)-(11)(1), (2), (7), (14), (15), and (16) and 163.3187~~, such that state and regional agency review is eliminated. Plan amendments that qualify as small scale development amendments may follow the small scale review process in s. 163.3187. The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. ~~163.3184(5) 163.3187(3)(a)~~ to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. ~~163.3248 163.3177(11)(d)~~; propose a ~~an optional~~ sector plan pursuant to s. 163.3245; ~~propose a school facilities element~~; update a comprehensive plan based on an evaluation and appraisal ~~review report~~; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to s. ~~ss. 163.3184 and 163.3187~~.

(12) A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's ~~failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation and appraisal report found to be sufficient, or failure to timely adopt necessary amendments to update its comprehensive plan based on an evaluation and appraisal, which are report~~ found to be in compliance by the department, shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

~~(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.~~

Section 30. Section 163.32465, Florida Statutes, is repealed.

Section 31. Subsection (6) is added to section 163.3247, Florida Statutes, to read:

163.3247 Century Commission for a Sustainable Florida.—

(6) EXPIRATION.—This section is repealed and the commission is abolished June 30, 2013.

Section 32. Section 163.3248, Florida Statutes, is created to read:

163.3248 Rural land stewardship areas.—

(1) Rural land stewardship areas are designed to establish a long-term incentive based strategy to balance and guide the allocation of land so as to accommodate future land uses in a manner that protects the natural environment, stimulate economic growth and diversification, and encourage the retention of land for agriculture and other traditional rural land uses.

(2) Upon written request by one or more landowners of the subject lands to designate lands as a rural land stewardship area, or pursuant to a private-sector-initiated comprehensive plan amendment filed by, or with the consent of the owners of the subject lands, local governments may adopt a future land use overlay to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques to support a diverse economic and employment base. The future land use overlay may not require a demonstration of need based on population projections or any other factors.

(3) Rural land stewardship areas may be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion and diversification of economic activity and employment opportunities within the rural areas; maintenance of the viability of the state's agricultural economy; and protection of private property rights in rural areas of the state. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

(4) A local government or one or more property owners may request assistance and participation in the development of a plan for the rural land stewardship area from the state land planning agency, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the appropriate water management district, the Department of Transportation, the regional planning council, private land owners, and stakeholders.

(5) A rural land stewardship area shall be not less than 10,000 acres, shall be located outside of municipalities and established urban service areas, and shall be designated by plan amendment by each local government with jurisdiction over the rural land stewardship area. The plan amendment or amendments designating a rural land stewardship area are subject to review pursuant to s. 163.3184 and shall provide for the following:

(a) Criteria for the designation of receiving areas which shall, at a minimum, provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with significant environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; and the establishment of receiving area service boundaries that provide for a transition from receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services.

(b) Innovative planning and development strategies to be applied within rural land stewardship areas pursuant to this section.

(c) A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection, which provide for a functional mix of land uses through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

(d) A mix of densities and intensities that would not be characterized as urban sprawl through the use of innovative strategies and creative land use techniques.

(6) A receiving area may be designated only pursuant to procedures established in the local government's land development regulations. If receiving area designation requires the approval of the county board of county commissioners, such approval shall be by resolution with a simple majority vote. Before the commencement of development within a stewardship receiving area, a listed species survey must be performed for the area proposed for development. If listed species occur on the receiving area development site, the applicant must coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the potential impacts and protective measures taken within areas to be developed as receiving areas shall be considered in conjunction with and compensated by lands set aside and protective measures taken within the designated sending areas.

(7) Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish a rural land stewardship overlay zoning district, which shall provide the methodology for the creation, conveyance, and use of transferable rural land use credits, hereinafter referred to as stewardship credits, the assignment and application of which does not constitute a right to develop land or increase the density of land, except as provided by this section. The total amount of stewardship credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas. The estimated amount of receiving area shall be projected based on available data, and the development potential represented by the stewardship credits created within the rural land stewardship area must correlate to that amount.

(8) Stewardship credits are subject to the following limitations:

(a) Stewardship credits may exist only within a rural land stewardship area.

(b) Stewardship credits may be created only from lands designated as stewardship sending areas and may be used only on lands designated as stewardship receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

(c) Stewardship credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

(d) Neither the creation of the rural land stewardship area by plan amendment nor the adoption of the rural land stewardship zoning overlay district by the local government may displace the underlying permitted uses or the density or intensity of land uses assigned to a parcel of land within the rural land stewardship area that existed before adoption of the plan amendment or zoning overlay district; however, once stewardship credits have been transferred from a designated sending area for use within a designated receiving area, the underlying density assigned to the designated sending area ceases to exist.

(e) The underlying permitted uses, density, or intensity on each parcel of land located within a rural land stewardship area may not be increased or decreased by the local government, except as a result of the conveyance or stewardship credits, as long as the parcel remains within the rural land stewardship area.

(f) Stewardship credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is used.

(g) An increase in the density or intensity of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of stewardship credits and do not require a plan amendment. A change in the type of agricultural use on property within a rural land stewardship area is not considered a change in use or intensity of use and does not require any transfer of stewardship credits.

(h) A change in the density or intensity of land use on parcels located within receiving areas shall be specified in a development order that reflects the total number of stewardship credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

(i) Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

(j) Stewardship credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining after the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

(k) Stewardship credits may be transferred from a sending area only after a stewardship easement is placed on the sending area land with assigned stewardship credits. A stewardship easement is a covenant or restrictive easement running with the land which specifies the allowable uses and development restrictions for the portion of a sending area from which stewardship credits have been transferred. The stewardship easement must be jointly held by the county and the Department of Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(9) Owners of land within rural land stewardship sending areas should be provided other incentives, in addition to the use or conveyance of stewardship credits, to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, the Fish and Wildlife Conservation Commission, and local governments to achieve mutually agreed upon objectives. Such incentives may include, but are not limited to, the following:

(a) Opportunity to accumulate transferable wetland and species habitat mitigation credits for use or sale.

(b) Extended permit agreements.

(c) Opportunities for recreational leases and ecotourism.

(d) Compensation for the achievement of specified land management activities of public benefit, including, but not limited to, facility siting and corridors, recreational leases, water conservation and storage, water reuse, wastewater recycling, water supply and water resource development, nutrient reduction, environmental restoration and mitigation, public recreation, listed species protection and recovery, and wildlife corridor management and enhancement.

(e) Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of specified conservation objectives.

(10) This section constitutes an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas to conserve and manage vast areas of land for the benefit of the state's citizens and natural environment while maintaining and enhancing the asset value of their landholdings. It is the intent of the Legislature that this section be implemented pursuant to law and rulemaking is not authorized.

(11) It is the intent of the Legislature that the rural land stewardship area located in Collier County, which was established pursuant to the requirements of a final order by the Governor and Cabinet, duly adopted as a growth management plan amendment by Collier County, and found in compliance with this chapter, be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

Section 33. Paragraph (a) of subsection (2) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~.

Section 34. Paragraph (a) of subsection (3) and subsection (8) of section 163.516, Florida Statutes, are amended to read:

163.516 Safe neighborhood improvement plans.—

(3) The safe neighborhood improvement plan shall:

(a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~. No district plan shall be implemented unless the local governing body has determined said plan is consistent.

(8) Pursuant to s. ~~ss. 163.3184, 163.3187, and 163.3189~~, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an amendment or modification to the municipality's or county's adopted local comprehensive plan.

Section 35. Paragraph (f) of subsection (6), subsection (9), and paragraph (c) of subsection (11) of section 171.203, Florida Statutes, are amended to read:

171.203 Interlocal service boundary agreement.—The governing body of a county and one or more municipalities or independent special districts within the county may enter into an interlocal service boundary agreement under this part. The governing bodies of a county, a municipality, or an independent special district may develop a process for reaching an interlocal service boundary agreement which provides for public participation in a manner that meets or exceeds the requirements of subsection (13), or the governing bodies may use the process established in this section.

(6) An interlocal service boundary agreement may address any issue concerning service delivery, fiscal responsibilities, or boundary adjustment. The agreement may include, but need not be limited to, provisions that:

(f) Establish a process for land use decisions consistent with part II of chapter 163, including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land use changes consistent with part II of chapter 163 for areas that are scheduled to be annexed within the term of the interlocal agreement; however, the county comprehensive plan and land development regulations shall control until the municipality annexes the property and amends its comprehensive plan accordingly. ~~Comprehensive plan amendments to incorporate the process established by this paragraph are exempt from the twice per year limitation under s. 163.3187.~~

(9) Each local government that is a party to the interlocal service boundary agreement shall amend the intergovernmental coordination element of its comprehensive plan, as described in s. 163.3177(6)(h)1., no later than 6 months following entry of the interlocal service boundary agreement consistent with s. 163.3177(6)(h)1. ~~Plan amendments required by this subsection are exempt from the twice per year limitation under s. 163.3187.~~

(11)

~~(c) Any amendment required by paragraph (a) is exempt from the twice per year limitation under s. 163.3187.~~

Section 36. Section 186.513, Florida Statutes, is amended to read:

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164(20) and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. The regional planning

councils shall make a joint report and recommendations to appropriate legislative committees.

Section 37. Section 186.515, Florida Statutes, is amended to read:

186.515 Creation of regional planning councils under chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended to repeal or limit the provisions of chapter 163; however, the local general-purpose governments serving as voting members of the governing body of a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not authorized to create a regional planning council pursuant to chapter 163 unless an agency, other than a regional planning council created pursuant to ss. 186.501-186.507, 186.513, and 186.515, is designated to exercise the powers and duties in any one or more of ss. 163.3164(19) and 380.031(15); in which case, such a regional planning council is also without authority to exercise the powers and duties in s. 163.3164(19) or s. 380.031(15).

Section 38. Subsection (1) of section 189.415, Florida Statutes, is amended to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~, pursuant to part II of chapter 163.

Section 39. Subsection (3) of section 190.004, Florida Statutes, is amended to read:

190.004 Preemption; sole authority.—

(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

Section 40. Paragraph (a) of subsection (1) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 1,000 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but ~~are shall~~ not be binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~ *Community Local Government Comprehensive Planning and Land Development Regulation Act*.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

Section 41. Paragraph (i) of subsection (6) of section 193.501, Florida Statutes, is amended to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—

(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:

(i) “Qualified as environmentally endangered” means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~ *Community Local Government Comprehensive Planning and Land Development Regulation Act*; or surface waters and wetlands, as determined by the methodology ratified in s. 373.4211.

Section 42. Subsection (15) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(15) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities or information technology that can be used by multiple agencies.

(a) Each agency that has been appropriated or has existing funds for such purchase, shall, upon contract award by the department, transfer their portion of the funds into the department’s Operating Trust Fund for payment by the department. The funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

(b) Agencies that sign the joint agreements are financially obligated for their portion of the agreed-upon funds. If an agency becomes more than 90 days delinquent in paying the funds, the department shall certify to the Chief Financial Officer the amount due, and the Chief Financial Officer shall transfer the amount due to the Operating Trust Fund of the department from any of the agency’s available funds. The Chief Financial Officer shall report these transfers and the reasons for the transfers to the Executive Office of the Governor and the legislative appropriations committees.

Section 43. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project’s location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; and the poverty rate of the community; ~~and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j).~~ The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 44. Paragraph (a) of subsection (2), subsection (10), and paragraph (d) of subsection (12) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(2) As used in this section, the term:

(a) “Affected local government” means a local government adjoining the host local government and any other unit of local government that is not a host local government but that is identified in a proposed military base reuse plan as providing, operating, or maintaining one or more public facilities as defined in s. 163.3164(24) on lands within or serving a military base designated for closure by the Federal Government.

(10) Within 60 days after receipt of a proposed military base reuse plan, these entities shall review and provide comments to the host local government. The commencement of this review period shall be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. No later than 180 days after receipt and consideration of all comments, and the holding of at least two public hearings, the host local government shall adopt the military base reuse plan. The host local government shall comply with the notice requirements set forth in s. 163.3184(11)(15) to ensure full public participation in this planning process.

(12) Following receipt of a petition, the petitioning party or parties and the host local government shall seek resolution of the issues in dispute. The issues in dispute shall be resolved as follows:

(d) Within 45 days after receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, any requests for a formal administrative hearing pursuant to chapter 120, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships and the public interest involved. If the Administration Commission incorporates in its final order a term or condition that requires any local government to amend its local government comprehensive plan, the local government shall amend its plan within 60 days after the issuance of the order. ~~Such amendment or amendments shall be exempt from the limitation of the frequency of plan amendments contained in s. 163.3187(1), and~~ A public hearing on such amendment or amendments pursuant to s. 163.3184(11)(15)(b)1. ~~is shall~~ not be required. The final order of the Administration Commission is subject to appeal pursuant to s. 120.68. If the order of the Administration Commission is appealed, the time for the local government to amend its plan shall be tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Section 45. Subsection (4) of section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications received for funding under all program categories shall be rejected without scoring only in the event that any of the following circumstances arise:

(4) The application is not consistent with the local government's comprehensive plan adopted pursuant to s. 163.3184(7).

Section 46. Paragraph (c) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the *Community Local Government Comprehensive Planning and Land Development Regulation Act*, part II of chapter 163.

Section 47. Subsection (1) of section 331.319, Florida Statutes, is amended to read:

331.319 Comprehensive planning; building and safety codes.—The board of directors may:

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipality or municipalities adopted pursuant to the *Community Local Government Comprehensive Planning and Land Development Regulation Act*, part II of chapter 163.

Section 48. Paragraph (e) of subsection (5) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. ~~The level of service standards for facilities to be funded under this subsection shall be adopted by the appropriate local government in accordance with s. 163.3180(10).~~ The projects shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 49. Paragraph (a) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.—

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005, ~~or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3180(9).~~ Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

Section 50. Subsection (5) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(22) and any of the types of regulations described in s. 163.3202.

Section 51. Subsections (5) and (7) of section 369.321, Florida Statutes, are amended to read:

369.321 Comprehensive plan amendments.—Except as otherwise expressly provided, by January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Community Affairs pursuant to s. 163.3184, ~~and shall be exempt from the provisions of s. 163.3187(1).~~

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs, ~~pursuant to chapter 163 and chapter 9J-5, Florida Administrative Code,~~ using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

Section 52. Subsection (1) of section 378.021, Florida Statutes, is amended to read:

378.021 Master reclamation plan.—

(1) The Department of Environmental Protection shall amend the master reclamation plan that provides guidelines for the reclamation of lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. In amending the master reclamation plan, the Department of Environmental Protection shall continue to conduct an onsite evaluation of all lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of chapter 211. The master reclamation plan when amended by the Department of Environmental Protection shall be consistent with local government plans prepared pursuant to the *Community Local Government Comprehensive Planning and Land Development Regulation Act*.

Section 53. Subsection (10) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(10) "Local comprehensive plan" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the *Community Local Government Comprehensive Planning and Land Development Regulation Act*, as amended.

Section 54. Paragraph (d) of subsection (2), paragraph (b) of subsection (6), paragraph (g) of subsection (15), paragraphs (b), (c), (e), and (f) of subsection (19), subsection (24), paragraph (e) of subsection (28), and paragraphs (a), (d), and (e) of subsection (29) of section 380.06, Florida Statutes, are amended to read:

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multi-use projects other than residential, as described in s. 380.0651(3)(c); ~~(d)~~; and ~~(f)(b)~~; are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CURRENT PLAN AMENDMENTS.—

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 ~~or s. 163.3189~~ and applicable local ordinances, without regard to ~~statutory or local ordinance~~ limits on the frequency of consideration of amendments to the local comprehensive plan. ~~Nothing in~~ This paragraph ~~does not~~ shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(4)(b)-(d)~~(3)-(6)~~ must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184(4)(d)~~(6)~~. ~~The 60 day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.~~

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(g) A local government shall not issue permits for development subsequent to the buildout date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26);

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than ~~40~~ ~~20~~ percent of any applicable development-of-regional-impact threshold; or

4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an "essentially built-out" development of regional impact means:

a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners.

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by ~~15~~ ~~40~~ percent or ~~500~~ ~~330~~ spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by ~~15~~ ~~40~~ percent or ~~1,500~~ ~~1,100~~ spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

~~3. An increase in industrial development area by 10 percent or 35 acres, whichever is greater.~~

~~4. An increase in the average annual acreage mined by 10 percent or 11 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 10 percent or 330,000 gallons, whichever is greater. A net increase in the size of the mine by 10 percent or 825 acres, whichever is less. For purposes of calculating any net increases in size, only additions and deletions of lands that have not been mined shall be considered. An increase in the size of a heavy mineral mine as defined in s. 379.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 550 acres and consumes more than 3.3 million gallons of water per day.~~

~~3.5. An increase in land area for office development by 15 10 percent or an increase of gross floor area of office development by 15 10 percent or 100,000 66,000 gross square feet, whichever is greater.~~

~~4.6. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.~~

~~5.7. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

~~6.8. An increase in commercial development by 60,000 55,000 square feet of gross floor area or of parking spaces provided for customers for 425 330 cars or a 10-percent increase of either of these, whichever is greater.~~

~~9. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.~~

~~7.10. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.~~

~~8.11. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.~~

~~9.12. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.~~

~~10.13. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.~~

~~11.14. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (e)2.j.~~

The substantial deviation numerical standards in subparagraphs 3., 6., and 5., 8., 9., and 12., excluding residential uses, and in subparagraph

~~10. 13., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4. 5., 6., 7., 8., 9., 12., and 10. 12. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.~~

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review.

1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an area-wide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.

2. *In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.*

For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. ~~In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.~~

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10.1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b) ~~11.14~~ due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), and (e), ~~and (f)~~ and residential use.

6. *If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan shall not be considered an additional regional transportation impact.*

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. *The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.*

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or

natural resource not previously identified in the original development-of-regional-impact review.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from ~~the provisions of~~ this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from ~~the provisions of~~ this section.

(c) Any proposed addition to an existing sports facility complex is exempt from ~~the provisions of~~ this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from ~~the provisions of~~ this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from ~~the provisions of~~ this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of~~ this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and storm-water drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the develop-

ment order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of~~ this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of~~ this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from ~~the provisions of~~ this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14), which is not otherwise exempt pursuant to subsection (29), is exempt from ~~the provisions of~~ this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has ~~adopted a proportionate share methodology pursuant to s. 163.3180(16).~~

(m) Any proposed development within a rural land stewardship area created under s. 163.3248 ~~163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).~~

(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(p) Any proposed nursing home or assisted living facility is exempt from this section.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(s) Any development in a *detailed* specific area plan which is prepared *and adopted* pursuant to s. 163.3245 ~~and adopted into the comprehensive plan~~ is exempt from this section.

(t) *Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in 380.06(19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights is not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s.*

380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review.

(v)(~~u~~) Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(u) (~~a~~-(~~s~~)), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

#### (28) PARTIAL STATUTORY EXEMPTIONS.—

(e) The vesting provision of s. 163.3167(5)(~~8~~) relating to an authorized development of regional impact ~~does~~ shall not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

#### (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(a) The following are exempt from this section:

1. Any proposed development in a municipality that *has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000* ~~qualifies as a dense urban land area as defined in s. 163.3164;~~

2. Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area ~~qualifies as a dense urban land area as defined in s. 163.3164~~ and that is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan; ~~or~~

3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, *that has an average of at least 1,000 people per square mile of land area* ~~which qualifies as a dense urban land area under s. 163.3164~~, but which does not have an urban service area designated in the comprehensive plan; ~~or~~

4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state

land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before the effective date of this act shall remain on the list in accordance with the provisions of this paragraph.

(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.

(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2). ~~A development that has a pending application for a comprehensive plan amendment and that elects not to continue development of regional impact review is exempt from the limitation on plan amendments set forth in s. 163.3187(1) for the year following the effective date of the exemption.~~

Section 55. Subsection (3) and paragraph (a) of subsection (4) of section 380.0651, Florida Statutes, are amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be a development of regional impact:

- a. A new commercial service or general aviation airport with paved runways.
- b. A new commercial service or general aviation paved runway.
- c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport shall not be a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

1. For single performance facilities:

- a. Provides parking spaces for more than 2,500 cars; or
- b. Provides more than 10,000 permanent seats for spectators.
- 2. For serial performance facilities:
  - a. Provides parking spaces for more than 1,000 cars; or
  - b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, “serial performance facilities” means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

~~3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:~~

- ~~a. Provides parking spaces for more than 1,500 cars; or~~
- ~~b. Provides more than 6,000 permanent seats for spectators.~~

~~(c) Industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities.—Any proposed industrial, manufacturing, or processing plant, or distribution, warehousing, or wholesaling facility, excluding wholesaling developments which deal primarily with the general public onsite, under common ownership, or any proposed industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public onsite, which:~~

- ~~1. Provides parking for more than 2,500 motor vehicles; or~~
- ~~2. Occupies a site greater than 320 acres.~~

~~(c)(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:~~

- 1. Encompasses 300,000 or more square feet of gross floor area; or
- 2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

~~(d)(e) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:~~

- 1. Encompasses more than 400,000 square feet of gross area; or
- 2. Provides parking spaces for more than 2,500 cars.

~~(f) Hotel or motel development.—~~

~~1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or~~

~~2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000.~~

~~(e)(g) Recreational vehicle development.—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.~~

~~(f)(h) Multiuse development.—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.~~

~~(g)(i) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within areas designated as rural areas of critical economic concern.~~

~~(h)(j) Workforce housing.—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term “affordable workforce housing” means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term “statewide median purchase price of a single-family existing home” means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

~~(i)(k) Schools.—~~

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, “full-time equivalent student” means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.

(a) The criteria of ~~three~~ ~~two~~ of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:

1.a. The same person has retained or shared control of the developments;

b. The same person has ownership or a significant legal or equitable interest in the developments; or

c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a

local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.

~~4. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by a local general purpose government; water management district; the Department of Environmental Protection; the Division of Florida Condominiums, Timeshares, and Mobile Homes; or the Public Service Commission.~~

~~4.5. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.~~

Section 56. Subsection (17) of section 331.303, Florida Statutes, is amended to read:

331.303 Definitions.—

(17) "Spaceport launch facilities" means industrial facilities as described in s. 380.0651(3)(c), *Florida Statutes 2010*, and include any launch pad, launch control center, and fixed launch-support equipment.

Section 57. Subsection (1) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, or a development that is exempt pursuant to s. 380.06(29) shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed prior to a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

Section 58. Paragraph (a) of subsection (8) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval, ~~using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan.~~ Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.

Section 59. Paragraph (a) of subsection (2) and subsection (10) of section 380.065, Florida Statutes, are amended to read:

380.065 Certification of local government review of development.—

(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:

(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with ss. 163.3161-163.3215, the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act.~~

~~(10) The department shall submit an annual progress report to the President of the Senate and the Speaker of the House of Representatives by March 1 on the certification of local governments, stating which local governments have been certified. For those local governments which have applied for certification but for which certification has been denied, the department shall specify the reasons certification was denied.~~

Section 60. Section 380.0685, Florida Statutes, is amended to read:

380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.—The Department of Environmental Protection shall impose and collect a surcharge of 50 cents per person per day, or \$5 per annual family auto entrance permit, on admission to all state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1), and a surcharge of \$2.50 per night per campsite, cabin, or other overnight recreational occupancy unit in state parks in areas of critical state concern located in a county which creates a land authority pursuant to s. 380.0663(1); however, no surcharge shall be imposed or collected under this section for overnight use by nonprofit groups of organized group camps, primitive camping areas, or other facilities intended primarily for organized group use. Such surcharges shall be imposed within 90 days after any county creating a land authority notifies the Department of Environmental Protection that the land authority has been created. The proceeds from such surcharges, less a collection fee that shall be kept by the Department of Environmental Protection for the actual cost of collection, not to exceed 2 percent, shall be transmitted to the land authority of the county from which the revenue was generated. Such funds shall be used to purchase property in the area or areas of critical state concern in the county from which the revenue was generated. An amount not to exceed 10 percent may be used for administration and other costs incident to such purchases. However, the proceeds of the surcharges imposed and collected pursuant to this section in a state park or parks located wholly within a municipality, less the costs of collection as provided herein, shall be transmitted to that municipality *for use by the municipality for land acquisition or for beach renourishment or restoration, including, but not limited to, costs associated with any design, permitting, monitoring, and mitigation of such work, as well as the work itself.* However, these funds may not be included in any calculation used for providing state matching funds for local contributions for beach renourishment or restoration. The surcharges levied under this section shall remain imposed as long as the land authority is in existence.

Section 61. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of a ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 62. Subsection (1) of section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.—

(1) The applicant shall include in the application a statement on the consistency of the site and any associated facilities that constitute a “development,” as defined in s. 380.04, with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency. This information shall include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under the provisions of the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~ provisions of chapter 163 and s. 380.04(3).

Section 63. Subsection (13) and paragraph (a) of subsection (14) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(13) Notwithstanding any other provisions of law:

~~(a) Local comprehensive plan amendments for projects qualified under this section are exempt from the twice a year limits provision in s. 163.3187; and~~

~~(b) Projects qualified under this section are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection (5) must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project’s significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.~~

(14)(a) Challenges to state agency action in the expedited permitting process for projects processed under this section are subject to the summary hearing provisions of s. 120.574, except that the administrative law judge’s decision, as provided in s. 120.574(2)(f), shall be in the form of a recommended order and ~~do shall~~ not constitute the final action of the state agency. In those proceedings where the action of only one agency of the state other than the Department of Environmental Protection is challenged, the agency of the state shall issue the final order within 45 working days after receipt of the administrative law judge’s recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. In those proceedings where the actions of more than one agency of the state are challenged, the Governor shall issue the final order within 45 working days after receipt of the administrative law judge’s recommended order, and the recommended order shall inform the parties of their right to file exceptions or responses to the recommended order in accordance with the uniform rules of procedure pursuant to s. 120.54. This paragraph does not apply to the issuance of department licenses required under any federally delegated or approved permit program. In such instances, the department shall enter the final order. The participating agencies of the state may opt at the preliminary hearing conference to allow the administrative law judge’s decision to constitute the final agency action. ~~If a participating local government agrees to participate in the summary hearing provisions of s. 120.574 for purposes of review of local government comprehensive plan amendments, s. 163.3184(9) and (10) apply.~~

Section 64. Subsections (9) and (10) of section 420.5095, Florida Statutes, are amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(9) Notwithstanding s. 163.3184(4)(b)-(d)(3)-(6), any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under

this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(11)(15)(b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(4)(e)(7). ~~The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by s. ss. 163.3184(5)-(13)(9)-(16). Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.~~

(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164(7) and (8), for innovative community workforce housing projects shall be expedited.

Section 65. Subsection (5) of section 420.615, Florida Statutes, is amended to read:

420.615 Affordable housing land donation density bonus incentives.—

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, is not subject to the requirements of s. 163.3184(4)(b)-(d)(3)-(6), ~~and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187.~~

Section 66. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) “Local housing incentive strategies” means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 67. Paragraph (a) of subsection (4) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

Section 68. Subsection (1) of section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of residential communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the ~~Community Local Government Comprehensive Planning and Land Development Regulation Act~~, homeowners are encouraged to preserve existing residential communities, promote available and affordable housing, protect structural and aesthetic elements of their residential community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the residential community by the revival of a previous declaration of covenants and other governing documents that may have ceased to govern some or all parcels in the community.

Section 69. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(1)(15) to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 70. Section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of

keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

(2)(a) The school board, county, and nonexempt municipalities located within the geographic area of a school district shall enter into an interlocal agreement that jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities in accordance with a schedule published by the state land planning agency.

(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth rate is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.

(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and district school board may petition the state land planning agency for a waiver of one or more of the requirements of subsection (3). The waiver must be granted if the procedures called for in subsection (3) are unnecessary because of the school district's declining school age population, considering the district's 5-year work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of subsections (2)-(7) ~~(2)-(9)~~ must be updated and executed pursuant to the requirements of subsections (2)-(7) ~~(2)-(9)~~, if necessary. Amendments to interlocal agreements adopted pursuant to subsections (2)-(7) ~~(2)-(9)~~ must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with subsections (3) and (4). Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement in which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of subsections (2)-(7) ~~(2)-(9)~~ and shall notify local governments and, jointly with the Department of Education, the district school boards of the requirements of subsections (2)-(7) ~~(2)-(9)~~, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(3) At a minimum, the interlocal agreement must address interlocal agreement requirements in s. 163.31777 and, if applicable, s. 163.3180(6)(13)(g), ~~except for exempt local governments as provided in s. 163.3177(12)~~, and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(4)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (3), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (3) and this subsection as appropriate.

(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (3) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the district school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (3) and this subsection, the interlocal agreement must be determined to be consistent with subsection (3) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (3) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (3) or this subsection, the state land planning agency shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a notice to show cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(6) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of subsections (2)-(6) ~~(2)-(8)~~ if the element is adopted prior to or within 1 year after the effective date of subsections (2)-(6) ~~(2)-(8)~~ and remains in effect.

~~(7) Except as provided in subsection (8), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (2), (3), and (4).~~

~~(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5 year district facilities work program, a new school within the municipality's jurisdiction.~~

(7)(9) A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136 when preparing the district educational facilities plan pursuant to s. 1013.35, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities, in consideration of local governments' population projections, to ensure that the district educational facilities plan not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan for the prior year required pursuant to s. 1013.35 unless the failure is corrected.

~~(8)(10)~~ The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

~~(9)(11)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land consistent with an interlocal agreement entered pursuant to subsections (2)-(6) ~~(2)-(8)~~ at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of

this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection (10) ~~(12)~~.

~~(10)(12)~~ As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(6) ~~(2)-(8)~~, but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

~~(11)(13)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by subsections (2)-(6) ~~(2)-(8)~~.

~~(12)(14)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts, pursuant to an interlocal agreement adopted in accordance with subsections (2)-(6) ~~(2)-(8)~~.

~~(13)(15)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed. Local government review or approval is not required for:

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with subsections (2)-(6) ~~(8)~~.

Section 71. Paragraph (b) of subsection (2) of section 1013.35, Florida Statutes, is amended to read:

1013.35 School district educational facilities plan; definitions; preparation, adoption, and amendment; long-term work programs.—

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES PLAN.—

(b) The plan must also include a financially feasible district facilities work program for a 5-year period. The work program must include:

1. A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.
2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district. The capacity of existing satisfactory facilities, as reported in the Florida Inventory of School Houses must be compared to the capital outlay full-time-equivalent student enrollment as determined by the department, including all enrollment used in the calculation of the distribution formula in s. 1013.64.

b. The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 1013.33~~(10), (11), and (12)~~, ~~(12)~~, ~~(13)~~, and ~~(14)~~ and 1013.36 must be addressed for new facilities planned within the first 3 years of the work plan, as appropriate.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district which will result if the tentative district facilities work program is fully implemented.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For determining future needs, student capacity may not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district educational facilities plan and in the district facilities work program adopted under this section. Those relocatable classrooms clearly identified and scheduled for replacement in a school-board-adopted, financially feasible, 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed and the relocatable classrooms are not replaced as scheduled in the work program, the classrooms must be reentered into the system and be counted at actual capacity. Relocatable classrooms may not be perpetually added to the work program or continually extended for purposes of circumventing this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, must be counted at actual student capacity. The district educational facilities plan must identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

h. Projects for which capital outlay and debt service funds accruing under s. 9(d), Art. XII of the State Constitution are to be used shall be identified separately in priority order on a project priority list within the district facilities work program.

3. The projected cost for each project identified in the district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.

5. A schedule indicating which projects included in the district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

Section 72. *Rules 9J-5 and 9J-11.023, Florida Administrative Code, are repealed, and the Department of State is directed to remove those rules from the Florida Administrative Code.*

Section 73. (1) *Any permit or any other authorization that was extended under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, is extended and renewed for an additional period of 2 years after its previously scheduled expiration date. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. Permits that were extended by a total of 4 years pursuant to section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida, and by section 46 of chapter 2010-147, Laws of Florida, cannot be further extended under this provision.*

(2) *The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.*

(3) *The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.*

(4) *The extension provided for in subsection (1) does not apply to:*

(a) *A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.*

(b) *A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.*

(c) *A permit or other authorization, if granted an extension, that would delay or prevent compliance with a court order.*

(5) *Permits extended under this section shall continue to be governed by rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This subsection applies to any modification of the plans, terms, and conditions of the permit that lessens the environmental impact, except that any such modification may not extend the time limit beyond 2 additional years.*

(6) *This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intention to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.*

Section 74. (1) *The state land planning agency, within 60 days after the effective date of this act, shall review any administrative or judicial proceeding filed by the agency and pending on the effective date of this act to determine whether the issues raised by the state land planning agency are consistent with the revised provisions of part II of chapter 163, Florida Statutes. For each proceeding, if the agency determines that issues have been raised that are not consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall dismiss the proceeding. If the state land planning agency determines that one or more issues have been raised that are consistent with the revised provisions of part II of chapter 163, Florida Statutes, the agency shall amend its petition within 30 days after the determination to plead with particularity as to the manner in which the plan or plan amendment fails to meet the revised provisions of part II of chapter 163, Florida Statutes. If the agency fails to timely file such amended petition, the proceeding shall be dismissed.*

(2) *In all proceedings that were initiated by the state land planning agency before the effective date of this act, and continue after that date, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local*

*government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.*

Section 75. *All local governments shall be governed by the revised provisions of s. 163.3191, Florida Statutes, notwithstanding a local government's previous failure to timely adopt its evaluation and appraisal report or evaluation and appraisal report-based amendments by the due dates previously established by the state land planning agency.*

Section 76. *A comprehensive plan amendment adopted pursuant to s. 163.32465, Florida Statutes, subject to voter referendum by local charter, and found in compliance before the effective date of this act, may be readopted by ordinance, shall become effective upon approval by the local government, and is not subject to review or challenge pursuant to the provisions of s. 163.32465 or s. 163.3184, Florida Statutes.*

Section 77. *The Department of Transportation shall develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 15, 2011, a report on recommended changes to or alternatives to the calculation of the proportionate share contribution in s. 163.3180(5)(h)3., Florida Statutes. The department's recommendations, if any, shall be designed to ensure development contributions to mitigate impacts on the transportation system are assessed in predictable, equitable and fair manner and shall be developed in consultation with developers and representatives of local governments.*

Section 78. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 79. (1) *Except as provided in subsection (4), and in recognition of 2011 real estate market conditions, any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2012, through January 1, 2014, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order or building permit including certificates of levels of service. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to any existing permit extension. Extensions granted pursuant to this section; section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida; section 46 of chapter 2010-147, Laws of Florida; or section 74 of this act shall not exceed 4 years in total. Further, specific development order extensions granted pursuant to s. 380.06(19)(c)2., Florida Statutes, cannot be further extended by this section.*

(2) *The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.*

(3) *The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2011, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.*

(4) *The extension provided for in subsection (1) does not apply to:*

(a) *A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.*

(b) *A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.*

(c) *A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.*

(5) *Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is*

*demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.*

(6) *This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.*

Section 80. *The Division of Statutory Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.*

Section 81. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to growth management; amending s. 163.3161, F.S.; redesignating the "Local Government Comprehensive Planning and Land Development Regulation Act" as the "Community Planning Act"; revising and providing intent and purpose of act; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3167, F.S.; revising scope of the act; revising and providing duties of local governments and municipalities relating to comprehensive plans; deleting retroactive effect; creating s. 163.3168, F.S.; encouraging local governments to apply for certain innovative planning tools; authorizing the state land planning agency and other appropriate state and regional agencies to use direct and indirect technical assistance; amending s. 163.3171, F.S.; providing legislative intent; amending s. 163.3174, F.S.; deleting certain notice requirements relating to the establishment of local planning agencies by a governing body; amending s. 163.3175, F.S.; providing that certain comments, underlying studies, and reports provided by a military installation's commanding officer are not binding on local governments; providing additional factors for local government consideration in impacts to military installations; clarifying requirements for adopting criteria to address compatibility of lands relating to military installations; amending s. 163.3177, F.S.; revising and providing duties of local governments; revising and providing required and optional elements of comprehensive plans; revising requirements of schedules of capital improvements; revising and providing provisions relating to capital improvements elements; revising major objectives of, and procedures relating to, the local comprehensive planning process; revising and providing required and optional elements of future land use plans; providing required transportation elements; revising and providing required conservation elements; revising and providing required housing elements; revising and providing required coastal management elements; revising and providing required intergovernmental coordination elements; amending s. 163.31777, F.S.; revising requirements relating to public schools' interlocal agreements; deleting duties of the Office of Educational Facilities, the state land planning agency, and local governments relating to such agreements; deleting an exemption; amending s. 163.3178, F.S.; deleting a deadline for local governments to amend coastal management elements and future land use maps; amending s. 163.3180, F.S.; revising and providing provisions relating to concurrency; revising concurrency requirements; revising application and findings; revising local government requirements; revising and providing requirements relating to transportation concurrency, transportation concurrency exception areas, urban infill, urban redevelopment, urban service, downtown revitalization areas, transportation concurrency management areas, long-term transportation and school concurrency management systems, development of regional impact, school concurrency, service areas, financial feasibility, interlocal agreements, and multimodal transportation districts; revising duties of the Office of Program Policy Analysis and the state land planning agency; providing requirements for local plans; providing for the limiting the liability of local governments under certain conditions; amending s. 163.3182, F.S.; revising definitions; revising provisions relating to transportation deficiency plans and projects; amending s. 163.3184, F.S.; providing a definition; providing requirements for comprehensive plans and plan amendments; providing an expedited state review process for adoption of comprehensive plan amendments; providing requirements for the adoption of comprehensive plan amendments; creating the state-coordinated review process; providing and revising provisions relating to the review process; revising requirements relating to local government transmittal of proposed plan

or amendments; providing for comment by reviewing agencies; deleting provisions relating to regional, county, and municipal review; revising provisions relating to state land planning agency review; revising provisions relating to local government review of comments; deleting and revising provisions relating to notice of intent and processes for compliance and noncompliance; providing procedures for administrative challenges to plans and plan amendments; providing for compliance agreements; providing for mediation and expeditious resolution; revising powers and duties of the administration commission; revising provisions relating to areas of critical state concern; providing for concurrent zoning; amending s. 163.3187, F.S.; deleting provisions relating to the amendment of adopted comprehensive plan and providing the process for adoption of small-scale comprehensive plan amendments; repealing s. 163.3189, F.S., relating to process for amendment of adopted comprehensive plan; amending s. 163.3191, F.S., relating to the evaluation and appraisal of comprehensive plans; providing and revising local government requirements including notice, amendments, compliance, mediation, reports, and scoping meetings; amending s. 163.3229, F.S.; revising limitations on duration of development agreements; amending s. 163.3235, F.S.; revising requirements for periodic reviews of a development agreements; amending s. 163.3239, F.S.; revising recording requirements; amending s. 163.3243, F.S.; revising parties who may file an action for injunctive relief; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing the adoption of sector plans under certain circumstances; amending s. 163.3246, F.S.; revising provisions relating to the local government comprehensive planning certification program; conforming provisions to changes made by the act; deleting reporting requirements of the Office of Program Policy Analysis and Government Accountability; repealing s. 163.32465, F.S., relating to state review of local comprehensive plans in urban areas; amending s. 163.3247, F.S.; providing for future repeal and abolition of the Century Commission for a Sustainable Florida; creating s. 163.3248, F.S.; providing for the designation of rural land stewardship areas; providing purposes and requirements for the establishment of such areas; providing for the creation of rural land stewardship overlay zoning district and transferable rural land use credits; providing certain limitation relating to such credits; providing for incentives; providing eligibility for incentives; providing legislative intent; amending s. 380.06, F.S.; revising requirements relating to the issuance of permits for development by local governments; revising criteria for the determination of substantial deviation; providing for extension of certain expiration dates; revising exemptions governing developments of regional impact; revising provisions to conform to changes made by this act; amending s. 380.0651, F.S.; revising provisions relating to statewide guidelines and standards for certain multiscreen movie theaters, industrial plants, industrial parks, distribution, warehousing and wholesaling facilities, and hotels and motels; revising criteria for the determination of when to treat two or more developments as a single development; amending s. 331.303, F.S.; conforming a cross-reference; amending s. 380.115, F.S.; subjecting certain developments required to undergo development-of-regional-impact review to certain procedures; amending s. 380.065, F.S.; deleting certain reporting requirements; conforming provisions to changes made by the act; amending s. 380.0685, F.S., relating to use of surcharges for beach renourishment and restoration; repealing Rules 9J-5 and 9J-11.023, Florida Administrative Code, relating to minimum criteria for review of local government comprehensive plans and plan amendments, evaluation and appraisal reports, land development regulations, and determinations of compliance; amending ss. 70.51, 163.06, 163.2517, 163.3162, 163.3217, 163.3220, 163.3221, 163.3229, 163.360, 163.516, 171.203, 186.513, 189.415, 190.004, 190.005, 193.501, 287.042, 288.063, 288.975, 290.0475, 311.07, 331.319, 339.155, 339.2819, 369.303, 369.321, 378.021, 380.115, 380.031, 380.061, 403.50665, 403.973, 420.5095, 420.615, 420.5095, 420.9071, 420.9076, 720.403, 1013.30, 1013.33, and 1013.35, F.S.; revising provisions to conform to changes made by this act; extending permits and other authorizations extended under s. 14, ch. 2009-96, Laws of Florida; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; requiring the state land planning agency to review certain administrative and judicial proceedings; providing procedures for such review; providing that all local governments shall be governed by certain provisions of general law; allowing specified amendments to be adopted upon approval by the local government; directing the Department of Transportation to report on the calculation of proportionate share; providing for severability; creat-

ing a 2-year permit extension; providing a directive of the Division of Statutory Revision; providing an effective date.

On motion by Senator Gaetz, the Conference Committee Report on **HB 7207** was adopted. **HB 7207** passed by the required constitutional three-fifths vote of the membership as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gaetz	Oelrich
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Benacquisto	Hays	Simmons
Bennett	Hill	Siplin
Bogdanoff	Jones	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	
Flores	Norman	

Nays—5

Braynon	Joyner	Sachs
Dockery	Rich	

Vote after roll call:

Yea to Nay—Sobel, Storms

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 641, as amended by the Conference Committee Report.

*Robert L. "Bob" Ward, Clerk*

**CONFERENCE COMMITTEE REPORT ON CS for HB 641**

The Honorable Mike Haridopolos, President of the Senate May 5, 2011

The Honorable Dean Cannon, Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for HB 641, same being:

An act relating to the contaminated site rehabilitation tax credit.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

<i>s/ JD Alexander</i> Chair	<i>s/ Joe Negron</i> Vice Chair
<i>s/ Thad Altman</i>	<i>s/ Lizbeth Benacquisto</i>
<i>s/ Michael S. "Mike" Bennett</i>	<i>s/ Ellyn Setnor Bogdanoff</i>
<i>s/ Oscar Braynon II</i>	Larcenia J. Bullard
<i>s/ Charles S. "Charlie" Dean, Sr.</i>	<i>s/ Nancy C. Detert</i>
<i>s/ Miguel Diaz de la Portilla</i>	Paula Dockery
<i>s/ Greg Evers</i>	<i>s/ Mike Fasano</i>
<i>s/ Anitere Flores</i>	<i>s/ Don Gaetz, At Large</i>
<i>s/ Rene Garcia</i>	<i>s/ Andy Gardiner, At Large</i>
<i>s/ Alan Hays</i>	<i>s/ Anthony C. "Tony" Hill, Sr.</i>
<i>s/ Dennis L. Jones, D.C.</i>	<i>s/ Arthenia L. Joyner</i>

Jack Latvala	<i>s/ Evelyn J. Lynn</i>
<i>s/ Gwen Margolis</i>	<i>s/ Bill Montford</i>
<i>s/ Jim Norman</i>	<i>s/ Steve Oelrich</i>
<i>s/ Nan H. Rich, At Large</i>	<i>s/ Garrett Richter</i>
<i>s/ Jeremy Ring</i>	<i>s/ Maria Lorts Sachs</i>
<i>s/ David Simmons</i>	<i>s/ Gary Siplin, At Large</i>
<i>s/ Christopher L. "Chris" Smith</i>	<i>s/ Eleanor Sobel</i>
<i>s/ Ronda Storms</i>	<i>s/ John Thrasher, At Large</i>
<i>s/ Stephen R. Wise</i>	

Managers on the part of the Senate

<i>s/ Denise Grimsley</i>	<i>s/ Janet H. Adkins</i>
Chair	<i>s/ Larry Ahern</i>
<i>s/ Ben Albritton</i>	<i>s/ Frank Artiles</i>
Gary Aubuchon, At Large	<i>s/ Dennis K. Baxley</i>
Leonard L. Bembry	Lori Berman
Mack Bernard	Michael Bileca
<i>s/ Jeffrey "Jeff" Brandes</i>	<i>s/ Jason T. Brodeur</i>
<i>s/ Douglas Vaughn "Doug" Broxson</i>	<i>s/ Matthew H. "Matt" Caldwell</i>
Charles S. "Chuck" Chestnut IV, At Large	Daphne D. Campbell
<i>s/ Fredrick W. "Fred" Costello</i>	<i>s/ Marti Coley</i>
<i>s/ Daniel Davis</i>	Richard Corcoran
Chris Dorworth	<i>s/ Steve Crisafulli</i>
Clay Ford	<i>s/ Jose Felix Diaz</i>
James C. "Jim" Frishe	Brad Drake
Joseph A. "Joe" Gibbons	<i>s/ Erik Fresen</i>
Eduardo "Eddy" Gonzalez	<i>s/ Matt Gaetz</i>
James W. "J.W." Grant	<i>s/ Richard "Rich" Glorioso</i>
<i>s/ Doug Holder</i>	Tom Goodson
<i>s/ Mike Horner</i>	<i>s/ Gayle B. Harrell</i>
<i>s/ Dorothy L. Hukill, At Large</i>	<i>s/ Ed Hooper</i>
Mia L. Jones	<i>s/ Matt Hudson</i>
Martin David "Marty" Kiar	<i>s/ Clay Ingram</i>
<i>s/ John Legg, At Large</i>	John Patrick Julien
Debbie Mayfield	<i>s/ Paige Kreegel, At Large</i>
<i>s/ Seth McKeel, At Large</i>	<i>s/ Carlos Lopez-Cantera, At Large</i>
<i>s/ Peter Nehr</i>	<i>s/ Charles McBurney</i>
Jeanette M. Nunez	<i>s/ Larry Metz</i>
Mark S. Pafford	<i>s/ Bryan Nelson</i>
<i>s/ W. Keith Perry</i>	<i>s/ H. Marlene O'Toole</i>
Scott Plakon	<i>s/ Jimmy Patronis</i>
<i>s/ Stephen L. Precourt</i>	<i>s/ Ray Pilon</i>
<i>s/ Lake Ray</i>	Elizabeth W. Porter
Betty Reed	William L. "Bill" Proctor, At Large
Hazelle P. "Hazel" Rogers	Kenneth L. "Ken" Roberson
Darryl Ervin Rouson, At Large	<i>s/ Patrick Rooney, Jr.</i>
Ron Saunders, At Large	Franklin Sands, At Large
Irving "Irv" Slosberg	Robert C. "Rob" Schenck, At Large
William D. Snyder, At Large	<i>s/ Jimmie T. Smith</i>
Kelli Stargel	Darren Soto
<i>s/ Carlos Trujillo</i>	<i>s/ W. Gregory "Greg" Steube</i>
Alan B. Williams	Will W. Weatherford, At Large
John Wood	<i>s/ Trudi K. Williams</i>
<i>s/ Dana D. Young</i>	Ritch Workman

Managers on the part of the House

The Conference Committee Amendment for CS for HB 641, relating to Tax Administration, provides for the following:

**Estate Tax Filing Requirement** – The bill extends until December 31, 2012, a provision that relieves an estate with a zero Florida tax liability from the requirement to file an estate tax return.

**Beverage and Tobacco Wholesaler Reports** – The bill requires alcohol and tobacco wholesalers to annually provide information to the Department of Revenue regarding sales to retailers. The information will assist in the Department's enforcement of the state sales tax.

**Conference Committee Amendment (600545)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Retroactive to January 1, 2011, subsection (4) of section 198.13, Florida Statutes, is amended to read:

198.13 Tax return to be made in certain cases; certificate of non-liability.—

(4) Notwithstanding any other provisions of this section and applicable to the estate of a decedent who dies after December 31, 2004, if, upon the death of the decedent, a state death tax credit or a generation-skipping transfer credit is not allowable pursuant to the Internal Revenue Code of 1986, as amended:

(a) The personal representative of the estate is not required to file a return under subsection (1) in connection with the estate.

(b) The person who would otherwise be required to file a return reporting a generation-skipping transfer under subsection (3) is not required to file such a return in connection with the estate.

The provisions of this subsection do not apply to estates of decedents dying after December 31, 2012 ~~2010~~.

Section 1. Section 212.133, Florida Statutes, is created to read:  
212.133 Information reports required for sales of alcoholic beverages and tobacco products.—

(1)(a) For the sole purpose of enforcing the collection of the tax levied by this chapter on retail sales, the department shall require every seller of alcoholic beverages or tobacco products to file an information report of any sales of those products to any retailer in this state.

(b) As used in this section, the term:

1. "Retailer" means a person engaged in the business of making sales at retail and who holds a license pursuant to chapters 561 through 565 or a permit pursuant to chapters 210 and 569.

2. "Seller" means any manufacturer, wholesaler, or distributor of alcoholic beverages or tobacco products who sells to a retailer in this state.

(2)(a) The information report must be filed electronically by using the department's e-filing website or secure file transfer protocol or electronic data interchange files with the department's e-filing provider. The information report must contain:

- 1. The seller's name.
2. The seller's beverage license or tobacco permit number.
3. The retailer's name.
4. The retailer's beverage license or tobacco permit number.
5. The retailer's address, including street address, municipality, state, and five-digit zip code.
6. The general item type, such as cigarettes, cigars, tobacco, beer, wine, spirits, or any combination of those items.
7. The net monthly sales total, in dollars sold to each retailer.

(b) The department may annually waive the requirement to submit the information report through an electronic data interchange due to problems arising from the seller's computer capabilities, data system changes, or operating procedures. The annual request for a waiver must be in writing and the seller must demonstrate that such circumstances exist. A waiver under this paragraph does not operate to relieve the seller from the obligation to file an information report.

(3) The information report must contain the required information for the period from July 1 through June 30. The information report is due annually on July 1 for the preceding reporting period and is delinquent if not received by the department by September 30.

(4) Any seller who fails to provide the information report by September 30 is subject to a penalty of \$1,000 for every month, or part thereof, the report is not provided, up to a maximum amount of \$10,000. This penalty must be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud.

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

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to tax administration; amending s. 198.13, F.S.; extending the period of exemption under certain circumstances from the filing of returns with respect to tax on estates of decedents or tax on generation-skipping transfers; providing for retroactive application; creating s. 212.133, F.S.; requiring sellers of alcoholic beverages or tobacco products to file information reports of sales of those products to retailers in this state with the Department of Revenue; providing definitions; requiring such reports to be filed electronically and to include specified information; authorizing the department to waive certain requirements; providing penalties for noncompliance; providing an effective date.

On motion by Senator Bogdanoff, the Conference Committee Report on CS for HB 641 was adopted. CS for HB 641 passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Name, Position, Name. Lists members of the Senate and House who voted in favor of the bill.

Nays—None

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 5011, as amended by the Conference Committee Report.

Robert L. "Bob" Ward, Clerk

CONFERENCE COMMITTEE REPORT ON HB 5011

The Honorable Mike Haridopolos President of the Senate May 5, 2011

The Honorable Dean Cannon Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 5011, same being:

An act relating to the Commission of Capital Cases. having met, and after full and free conference, do recommend to their respective houses as follows:

- 1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

Table with 2 columns: Name, Position. Lists the members of the Conference Committee.

s/ Greg Evers  
 s/ Anitere Flores  
 s/ Rene Garcia  
 s/ Alan Hays  
 s/ Dennis L. Jones, D.C.  
 Jack Latvala  
 s/ Gwen Margolis  
 s/ Jim Norman  
 s/ Nan H. Rich, At Large  
 s/ Jeremy Ring  
 s/ David Simmons  
 Christopher L. "Chris" Smith  
 s/ Ronda Storms  
 s/ Stephen R. Wise

## Managers on the part of the Senate

s/ Denise Grimsley  
 Chair  
 s/ Ben Albritton  
 Gary Aubuchon, At Large  
 Leonard L. Bembry  
 Mack Bernard  
 s/ Jeffrey "Jeff" Brandes  
 s/ Douglas Vaughn "Doug"  
 Broxson  
 Charles S. "Chuck" Chestnut IV,  
 At Large  
 s/ Fredrick W. "Fred" Costello  
 s/ Daniel Davis  
 Chris Dorworth  
 s/ Clay Ford  
 James C. "Jim" Frishe  
 Joseph A. "Joe" Gibbons  
 Eduardo "Eddy" Gonzalez  
 James W. "J.W." Grant  
 s/ Doug Holder  
 s/ Mike Horner  
 s/ Dorothy L. Hukill, At Large  
 Mia L. Jones  
 Martin David "Marty" Kiar  
 s/ John Legg, At Large  
 Debbie Mayfield  
 s/ Seth McKeel, At Large  
 s/ Peter Nehr  
 Jeanette M. Nunez  
 Mark S. Pafford  
 s/ W. Keith Perry  
 Scott Plakon  
 s/ Stephen L. Precourt  
 s/ Lake Ray  
 Kenneth L. "Ken" Roberson  
 s/ Patrick Rooney, Jr.  
 Franklin Sands, At Large  
 s/ Robert C. "Rob" Schenck,  
 At Large  
 s/ William D. Snyder, At Large  
 Kelli Stargel  
 s/ Carlos Trujillo  
 Alan B. Williams  
 John Wood  
 s/ Dana D. Young

## Managers on the part of the House

The Conference Committee Amendment for HB 5011, relating to the Commission on Capital Cases, provides for the following:

- Repeals the Commission of Capital Cases from section 27.709, Florida Statutes.
- Requires the executive director of the Justice Administrative Commission to maintain the registry of capital collateral qualified attorneys.
- Requires the executive director of the Justice Administrative Commission to request additional attorneys to add to the registry when fewer than 50 attorneys are listed statewide on the registry.

s/ Mike Fasano  
 s/ Don Gaetz, At Large  
 s/ Andy Gardiner, At Large  
 s/ Anthony C. "Tony" Hill, Sr.  
 s/ Arthenia L. Joyner  
 s/ Evelyn J. Lynn  
 s/ Bill Montford  
 s/ Steve Oelrich  
 s/ Garrett Richter  
 s/ Maria Lorts Sachs  
 s/ Gary Siplin, At Large  
 s/ Eleanor Sobel  
 s/ John Thrasher, At Large

s/ Janet H. Adkins  
 s/ Larry Ahern  
 s/ Frank Artiles  
 s/ Dennis K. Baxley  
 Lori Berman  
 Michael Bileca  
 s/ Jason T. Brodeur  
 s/ Matthew H. "Matt" Caldwell  
 Daphne D. Campbell  
 s/ Marti Coley  
 Richard Corcoran  
 s/ Steve Crisafulli  
 s/ Jose Felix Diaz  
 Brad Drake  
 s/ Erik Fresen  
 s/ Matt Gaetz  
 s/ Richard "Rich" Gloriosio  
 s/ Tom Goodson  
 s/ Gayle B. Harrell  
 s/ Ed Hooper  
 s/ Matt Hudson  
 s/ Clay Ingram  
 John Patrick Julien  
 s/ Paige Kreegel, At Large  
 s/ Carlos Lopez-Cantera, At Large  
 s/ Charles McBurney  
 s/ Larry Metz  
 s/ Bryan Nelson  
 s/ H. Marlene O'Toole  
 s/ Jimmy Patronis  
 s/ Ray Pilon  
 Elizabeth W. Porter  
 s/ William L. "Bill" Proctor,  
 At Large  
 Hazelle P. "Hazel" Rogers  
 Darryl Ervin Rouson, At Large  
 Ron Saunders, At Large  
 Irving "Irv" Slosberg  
 s/ Jimmie T. Smith  
 Darren Soto  
 s/ W. Gregory "Greg" Steube  
 Will W. Weatherford, At Large  
 s/ Trudi K. Williams  
 Ritch Workman

**Conference Committee Amendment (152215)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. *Section 27.709, Florida Statutes, is repealed.*

Section 2. Subsections (6) and (7) of section 27.7002, Florida Statutes, are amended to read:

27.7002 Limitation on collateral representation; lawyer disqualification; use of state funds for excess fees not authorized.—

(6) The executive director of the *Justice Administrative Commission on Capital Cases* is authorized to permanently remove from the registry of attorneys provided in ss. 27.710 and 27.711 any attorney who seeks compensation for services above the amounts provided in s. 27.711.

(7) Any attorney who notifies any court, judge, state attorney, the Attorney General, or the executive director of the *Justice Administrative Commission on Capital Cases*, that he or she cannot provide adequate or proper representation under the terms and conditions set forth in s. 27.711 shall be permanently disqualified from any attorney registry created under this chapter unless good cause arises after a change in circumstances.

Section 3. Subsection (4) of section 27.702, Florida Statutes, is amended to read:

27.702 Duties of the capital collateral regional counsel; reports.—

(4)(a) The capital collateral regional counsel or private counsel shall give written notification of each pleading filed by that office and the name of the person filing the pleading to the ~~Commission on Capital Cases~~ and to the trial court assigned to the case.

(b) Each capital collateral regional counsel and each attorney participating in the pilot program in the northern region pursuant to s. 27.701(2) shall provide a quarterly report to the President of the Senate and the Speaker of the House of Representatives, and the ~~Commission on Capital Cases~~ which details the number of hours worked by investigators and legal counsel per case and the amounts per case expended during the preceding quarter in investigating and litigating capital collateral cases.

Section 4. Subsections (1) and (4) of section 27.710, Florida Statutes, are amended to read:

27.710 Registry of attorneys applying to represent persons in post-conviction capital collateral proceedings; certification of minimum requirements; appointment by trial court.—

(1) The executive director of the *Justice Administrative Commission on Capital Cases* shall compile and maintain a statewide registry of attorneys in private practice who have certified that they meet the minimum requirements of s. 27.704(2), who are available for appointment by the court under this section to represent persons convicted and sentenced to death in this state in postconviction collateral proceedings, and who have attended within the last year a continuing legal education program of at least 10 hours' duration devoted specifically to the defense of capital cases, if available. Continuing legal education programs meeting the requirements of this rule offered by The Florida Bar or another recognized provider and approved for continuing legal education credit by The Florida Bar shall satisfy this requirement. The failure to comply with this requirement may be cause for removal from the list until the requirement is fulfilled. To ensure that sufficient attorneys are available for appointment by the court, when the number of attorneys on the registry falls below 50, the executive director shall notify the chief judge of each circuit by letter and request the chief judge to promptly submit the names of at least three private attorneys who regularly practice criminal law in that circuit and who appear to meet the minimum requirements to represent persons in postconviction capital collateral proceedings. The executive director shall send an application to each attorney identified by the chief judge so that the attorney may register for appointment as counsel in postconviction capital collateral proceedings. As necessary, the executive director may also advertise in legal publications and other appropriate media for qualified attorneys interested in registering for appointment as counsel in postconviction capital collateral proceedings. Not later than September 1 of each year, and as necessary thereafter, the executive director shall provide to the Chief Justice of the Supreme Court, the chief judge and state attorney in

each judicial circuit, and the Attorney General a current copy of its registry of attorneys who are available for appointment as counsel in postconviction capital collateral proceedings. The registry must be indexed by judicial circuit and must contain the requisite information submitted by the applicants in accordance with this section.

(4) Each private attorney who is appointed by the court to represent a capital defendant must enter into a contract with the Chief Financial Officer. If the appointed attorney fails to execute the contract within 30 days after the date the contract is mailed to the attorney, the executive director of the Commission on Capital Cases shall notify the trial court. The Chief Financial Officer shall develop the form of the contract, function as contract manager, and enforce performance of the terms and conditions of the contract. By signing such contract, the attorney certifies that he or she intends to continue the representation under the terms and conditions set forth in the contract until the sentence is reversed, reduced, or carried out or until released by order of the trial court.

Section 5. Paragraph (b) of subsection (1) of section 27.711, Florida Statutes, is amended to read:

27.711 Terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings.—

(1) As used in s. 27.710 and this section, the term:

(b) "Executive director" means the executive director of the Justice Administrative Commission ~~on Capital Cases~~.

Section 6. This act shall take effect July 1, 2011.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the Commission on Capital Cases; repealing s. 27.709, F.S., relating to the creation of the Commission on Capital Cases; amending ss. 27.7002, 27.702, 27.710, and 27.711, F.S.; providing for assumption of certain duties of the Commission on Capital Cases by the Justice Administrative Commission; conforming provisions to changes made by the act; providing an effective date.

On motion by Senator Fasano, the Conference Committee Report on **HB 5011** was adopted. **HB 5011** passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—27

Mr. President	Evers	Latvala
Alexander	Fasano	Lynn
Altman	Flores	Negron
Benacquisto	Gaetz	Norman
Bennett	Garcia	Oelrich
Bogdanoff	Gardiner	Richter
Dean	Hays	Simmons
Detert	Hill	Thrasher
Diaz de la Portilla	Jones	Wise

Nays—12

Braynon	Montford	Siplin
Dockery	Rich	Smith
Joyner	Ring	Sobel
Margolis	Sachs	Storms

The Senate resumed consideration of—

**HB 5305**—A bill to be entitled An act relating to the Correctional Medical Authority; repealing ss. 945.601, 945.602, 945.603, 945.6031, 945.6032, 945.6035, and 945.6036, F.S., relating to the Correctional Medical Authority definitions, creation, powers, reports and surveys, quality management, dispute resolution, and enforcement, respectively; amending ss. 381.90, 766.101, 944.8041, 945.35, 945.6034, and 951.27, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended by the Conference Committee Report this day.

On motion by Senator Negron, **HB 5305** was passed as amended by the Conference Committee Report and was certified to the House. The vote on passage was:

Yeas—26

Mr. President	Evers	Montford
Alexander	Flores	Negron
Altman	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Simmons
Dean	Jones	Thrasher
Detert	Latvala	Wise
Diaz de la Portilla	Lynn	

Nays—13

Braynon	Margolis	Smith
Dockery	Rich	Sobel
Fasano	Ring	Storms
Hill	Sachs	
Joyner	Siplin	

### INTRODUCTION OF RESOLUTION

#### First Reading

On motion by Senator Thrasher, by unanimous consent—

By Senator Thrasher—

**SCR 2230**—A concurrent resolution extending the 2011 Regular Session of the Florida Legislature under the authority of Section 3(d), Article III of the State Constitution.

WHEREAS, the 60 days of the 2011 Regular Session of the Florida Legislature will expire on Friday May 6, 2011, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

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

That the 2011 Regular Session of the Florida Legislature is extended until 6 p.m., Saturday, May 7, under the authority of Section 3(d), Article III of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) Senate Bill 2000, the General Appropriations bill, or any Senate and House Conference Committee Report thereon.

(2) Senate Bill 2002, the Appropriations Implementing bill, or any Senate and House Conference Committee Report thereon.

(3) Any bill, or any Senate and House Conference Committee Report thereon, under consideration before Thursday, May 5, 2011, by a Conference Committee appointed by each house.

BE IT FURTHER RESOLVED that all other measures in both houses are indefinitely postponed and withdrawn from consideration of the respective house as of 12 a.m., Saturday, May 7, 2011.

BE IT FURTHER RESOLVED that upon recess or adjournment Saturday, May 7, 2011, either house may reconvene upon the call of its presiding officer.

—was introduced out of order and read by title. On motion by Senator Thrasher, by two-thirds vote **SCR 2230** was read the second time in full, adopted by the required constitutional three-fifths vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gaetz	Rich
Alexander	Garcia	Richter
Altman	Gardiner	Ring
Benacquisto	Hays	Sachs
Bennett	Hill	Simmons
Bogdanoff	Jones	Siplin
Braynon	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Flores	Oelrich	

Nays—None

**RECESS**

By direction of the President, the Senate recessed at 11:43 p.m. to reconvene upon call of the President.

**CALL TO ORDER**

The Senate was called to order by President Haridopolos at 12:17 a.m. A quorum present—38:

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Joyner	Siplin
Dean	Latvala	Smith
Detert	Lynn	Sobel
Diaz de la Portilla	Margolis	Storms
Dockery	Montford	Thrasher
Evers	Negron	Wise
Fasano	Norman	

**RECESS**

By direction of the President, the Senate recessed at 12:19 a.m. to reconvene upon call of the President.

**CALL TO ORDER**

The Senate was called to order by President Haridopolos at 12:59 a.m. A quorum present—38:

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise
Fasano	Negron	

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE BUSINESS**

**EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:**

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Medicine		
Appointee:	Zachariah, Zachariah P., M.D., Sea Ranch Lakes	10/31/2014

**Referred to the Rules Subcommittee on Ethics and Elections.**

**REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS**

Mr. R. Philip Twogood Secretary, The Florida Senate May 6, 2011

Dear Mr. Secretary:

Please be advised that the following executive appointments were not acted on by the full Senate upon adjournment of the 2011 Session of the Florida Legislature:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Council on Efficient Government		
Appointee:	Evans, Steven L.	08/22/2011

Adjutant General of Florida National Guard  
Appointee: Titshaw, Emmett R., Jr. Pleasure of Governor

The Senate Rules Subcommittee on Ethics and Elections did not consider the appointee Steven L. Evans because the Council on Efficient Government was repealed on 7/1/2010.

The Senate Rules Subcommittee on Ethics and Elections did not consider the appointee Emmitt R. Titshaw, Jr. because the term expired.

Respectfully submitted,  
*Miguel Diaz de la Portilla, Chair*

Mr. R. Philip Twogood Secretary, The Florida Senate May 6, 2011

Dear Mr. Secretary:

The following executive appointments were referred to the Senate Committee on Higher Education and the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee Higher Education and the Senate Rules Subcommittee did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2011 Regular Session of the Florida Legislature:

	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees, Florida International University		
Appointee:	Kahn, Sidney Lawrence, III	01/06/2016
Board of Trustees, University of North Florida		
Appointee:	Newton, Joan W.	01/06/2016

The following executive appointments were referred to the Senate Rules Subcommittee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Rules Subcommittee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on

by the Senate upon adjournment of the 2011 Regular Session of the Florida Legislature:

<i>Office and Appointment</i>		<i>For Term Ending</i>
Governor's Mansion Commission		
Appointee: Rooney, Kathleen C.		09/30/2014
Board of Medicine		
Appointee: Zachariah, Zachariah P., M.D.		10/31/2014
Parole Commission		
Appointees: Jenkins, Cassandra D.		06/30/2014
Pate, Tena M.		06/30/2016
Secretary of Transportation		
Appointee: Prasad, Ananth	Pleasure of Governor	
Interim Executive Director of Department of Veterans' Affairs		
Appointee: Milligan, Robert F.	Pleasure of Governor	
Board of Trustees, University of Central Florida		
Appointee: Sprouls, John R., Esquire		01/06/2016
Board of Trustees, Florida International University		
Appointees: Armas, Jose		01/06/2016
de la Vega, Mayi		01/06/2016

Respectfully submitted,  
*Miguel Diaz de la Portilla*, Chair

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed HB 609, CS for CS for HB 1037, CS for HB 1463, CS for HB 7209; has passed as amended CS for HB 119, CS for HB 567 and requests the concurrence of the Senate.

*Robert L. "Bob" Ward*, Clerk

By Representative(s) Coley—

**HB 609**—A bill to be entitled An act for the relief of Laron S. Harris, Jr., by and through his parents, Melinda Williams and Laron S. Harris, Sr., and Melinda Williams and Laron S. Harris, Sr., individually, by the North Broward Hospital District, d/b/a Coral Springs Medical Center; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Coral Springs Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was referred to the Special Master on Claim Bills; and the Committee on Rules.

By Health & Human Services Committee, Health & Human Services Quality Subcommittee and Representative(s) Bembry, Passidomo, Corcoran, Schwartz—

**CS for CS for HB 1037**—A bill to be entitled An act relating to continuing care retirement communities; providing for the provision of continuing care at-home; amending s. 651.011, F.S.; revising definitions; defining "continuing care at-home," "nursing care," "personal services," and "shelter"; amending s. 651.012, F.S.; conforming a cross-reference; amending s. 651.013, F.S.; conforming provisions to changes made by the act; amending s. 651.021, F.S., relating to the requirement for certificates of authority; requiring that a person in the business of issuing

continuing care at-home contracts obtain a certificate of authority from the Office of Insurance Regulation; requiring written approval from the Office of Insurance Regulation for a 20 percent or more expansion in the number of continuing care at-home contracts; providing that an actuarial study may be substituted for a feasibility study in specified circumstances; amending s. 651.022, F.S., relating to provisional certificates of authority; conforming provisions to changes made by the act; amending s. 651.023, F.S., relating to an application for a certificate of authority; specifying the content of the feasibility study that is included in the application for a certificate; requiring the same minimum reservation requirements for continuing care at-home contracts as continuing care contracts; requiring that a certain amount of the entrance fee collected for contracts resulting from an expansion be placed in an escrow account or on deposit with the department; amending ss. 651.033, 651.035, and 651.055, F.S.; requiring a facility to provide proof of compliance with a residency contract; conforming provisions to changes made by the act; providing application relating to the entitlement of a prospective resident, resident, or resident's estate to interest on a deposit or entrance fee; creating s. 651.057, F.S.; providing additional requirements for continuing care at-home contracts; requiring that a provider who wishes to offer continuing care at-home contracts submit certain additional documents to the office; requiring that the provider comply with certain requirements; limiting the number of continuing care and continuing care at-home contracts at a facility based on the types of units at the facility; amending ss. 651.071, 651.091, 651.106, 651.114, 651.118, 651.121, and 651.125, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Banking and Insurance; and Budget.

By Health & Human Services Committee and Representative(s) Hudson, Workman—

**CS for HB 1463**—A bill to be entitled An act relating to crisis stabilization units; amending s. 394.875, F.S.; directing the Department of Children and Family Services to implement a demonstration project in circuit 18 to test the impact of expanding the maximum number of crisis stabilization unit beds; providing an effective date.

—was referred to the Committees on Health Regulation; and Budget.

By Economic Affairs Committee, Business & Consumer Affairs Subcommittee and Representative(s) Crisafulli—

**CS for HB 7209**—A bill to be entitled An act relating to the consumer services functions of the Department of Agriculture and Consumer Services; amending s. 320.90, F.S.; transferring responsibility for distribution of a motor vehicle consumer's rights pamphlet from the department to the Department of Highway Safety and Motor Vehicles; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigator, private security, or repossession service; deleting a requirement that certain applicants submit photographs with their applications; revising the certifications that a person applying for a Class "K" firearms instructor license must possess; amending s. 493.6106, F.S.; revising the citizenship or immigration requirements for licenses issued by the department; prohibiting the licensure of applicants for a Class "G" statewide firearm license or Class "K" firearms instructor license who are prohibited by law from purchasing or possessing firearms; requiring that private investigative, private security, and recovery agencies notify the department of changes to their branch office locations; making grammatical and technical changes; amending s. 493.6107, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6108, F.S.; requiring the department to investigate the mental history and current mental and emotional fitness of applicants for a Class "K" firearms instructor license; amending s. 493.6111, F.S.; revising the validity period for Class "K" firearms instructor licenses; requiring a security officer school or recovery agent school to obtain written authorization from the department before operating under a fictitious name; specifying that a licensee may not operate under more than one fictitious name; amending s. 493.6113, F.S.; deleting a requirement that

Class “A” private investigative agency licensees and Class “R” recovery agency licensees provide evidence of certain insurance coverage to renew a license; requiring a Class “K” firearms instructor licensee to submit proof of certification to provide firearms instruction; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing the department to take disciplinary action against a Class “G” statewide firearms licensee or applicant or a Class “K” firearms instructor licensee or applicant if the person is prohibited by law from purchasing or possessing a firearm; amending s. 493.6121, F.S.; deleting a provision authorizing the department to have access to certain criminal history information of the purchaser of a firearm; amending s. 493.6202, F.S.; revising requirements for the method of payment of examination and license fees for certain licensees; amending s. 493.6203, F.S.; providing that experience as a bodyguard does not qualify as experience or training for purposes of a Class “MA” or Class “C” license; requiring an initial applicant for a Class “CC” license to complete specified training courses; conforming a cross-reference; amending s. 493.6302, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6303, F.S.; requiring an applicant for an initial Class “D” security officer license to complete specified training courses; amending s. 493.6304, F.S.; requiring an application for a security officer school or training facility to be verified under oath; amending ss. 493.6401 and 493.6402, F.S.; renaming repossessors as “recovery agents”; revising requirements for the method of payment of the license fees for certain licensees; amending s. 493.6406, F.S.; requiring recovery agent schools or instructors to be licensed by the department to offer training to Class “E” licensees and applicants; revising application requirements for recovery agent school and instructor licenses; amending s. 500.03, F.S.; providing and revising definitions for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; providing penalties for food safety violations committed by cottage food operations; creating s. 500.80, F.S.; exempting cottage food operations from food permitting requirements; limiting the annual gross sales of cottage food operations and the methods by which cottage food products may be sold or offered for sale; requiring certain packaging and labeling of cottage food products; limiting the sale of cottage food products to certain locations; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation; amending s. 501.145, F.S.; deleting authority for the department to bring actions for injunctive relief under the Bedding Label Act; deleting the definitions of certain terms to conform; amending s. 501.160, F.S.; deleting authorization for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 526.06, F.S.; revising prohibited acts related to certain mixing, blending, compounding, or adulterating of liquid fuels; deleting certain provisions authorizing the sale of ethanol-blended fuels for use in motor vehicles; amending s. 539.001, F.S.; correcting a reference to a local business tax receipt; amending ss. 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.112, and 681.117, F.S.; transferring the duties of the Division of Consumer Services of the Department of Agriculture and Consumer Services for enforcement of the Motor Vehicle Warranty Enforcement Act and related to the Florida New Motor Vehicle Arbitration Board to the Department of Legal Affairs; conforming provisions; revising procedures and notice requirements for arbitration disputes; authorizing the Department of Legal Affairs to adopt rules; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Budget Subcommittee on General Government Appropriations; Budget; and Rules.

By Health & Human Services Committee, Health & Human Services Quality Subcommittee and Representative(s) Hudson, Van Zant—

**CS for CS for HB 119**—A bill to be entitled An act relating to health care; amending s. 83.42, F.S., establishing that s. 400.0255, F.S., provides exclusive procedures for resident transfer and discharge; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting an obsolete provision; deleting a requirement that a laboratory that conducts drug tests submit certain reports to the Agency for Health Care Administration; amending s. 318.21, F.S.; revising distribution of funds

from civil penalties imposed for traffic infractions by county courts; repealing s. 383.325, F.S., relating to confidentiality of inspection reports of licensed birth center facilities; amending s. 395.002, F.S.; revising and deleting definitions applicable to regulation of hospitals and other licensed facilities; conforming a cross-reference; amending s. 395.003, F.S.; deleting an obsolete provision; conforming a cross-reference; amending s. 395.0161, F.S.; deleting a provision requiring licensure inspection fees for hospitals, ambulatory surgical centers, and mobile surgical facilities to be paid at the time of the inspection; amending s. 395.0193, F.S.; requiring a licensed facility to report certain peer review information and final disciplinary actions to the Division of Medical Quality Assurance of the Department of Health rather than the Division of Health Quality Assurance of the Agency for Health Care Administration; amending s. 395.1023, F.S.; providing for the Department of Children and Family Services rather than the Department of Health to perform certain functions with respect to child protection cases; requiring certain hospitals to notify the Department of Children and Family Services of compliance; amending s. 395.1041, F.S., relating to hospital emergency services and care; deleting obsolete provisions; repealing s. 395.1046, F.S., relating to complaint investigation procedures; amending s. 395.1055, F.S.; requiring additional housekeeping and sanitation procedures in licensed facilities for infection control purposes; requiring licensed facility beds to conform to standards specified by the Agency for Health Care Administration, the Florida Building Code, and the Florida Fire Prevention Code; amending s. 395.10972, F.S.; revising a reference to the Florida Society of Healthcare Risk Management to conform to the current designation; amending s. 395.2050, F.S.; revising a reference to the federal Health Care Financing Administration to conform to the current designation; amending s. 395.3036, F.S.; correcting a reference; repealing s. 395.3037, F.S., relating to redundant definitions; amending ss. 154.11, 394.741, 395.3038, 400.925, 400.9935, 408.05, 440.13, 627.645, 627.668, 627.669, 627.736, 641.495, and 766.1015, F.S.; revising references to the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Council on Accreditation to conform to their current designations; amending s. 395.4025, F.S.; authorizing the Department of Health to grant additional extensions for trauma center applicants under certain circumstances; amending s. 395.602, F.S.; revising the definition of the term “rural hospital” to delete an obsolete provision; amending s. 400.021, F.S.; revising the definition of the term “geriatric outpatient clinic” to include additional staff; revising the term “resident care plan”; removing a provision that requires certain signatures on the plan; amending s. 400.0255, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.063, F.S.; deleting an obsolete provision; amending ss. 400.071 and 400.0712, F.S.; revising applicability of general licensure requirements under part II of ch. 408, F.S., the Health Care Licensing Procedures Act, to applications for nursing home licensure; revising provisions governing inactive licenses; amending s. 400.111, F.S.; providing for disclosure of controlling interest of a nursing home facility upon request by the Agency for Health Care Administration; amending s. 400.1183, F.S.; revising grievance record maintenance and reporting requirements for nursing homes; amending s. 400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers to be designated in writing; providing an exemption to the application of discharge planning rules; providing for residents’ rights; providing for use of personal medications; providing terms of respite stay; providing for communication of patient information; requiring a physician’s order for care and proof of a physical examination; providing for services for respite patients and duties of facilities with respect to such patients; conforming a cross-reference; requiring facilities to maintain clinical records that meet specified standards; providing a fine relating to an admissions moratorium; deleting requirement for facilities to submit certain information related to management companies to the agency; deleting a requirement for facilities to notify the agency of certain bankruptcy filings to conform to changes made by the act; providing a limit on fees charged by a facility for copies of patient records; amending s. 400.142, F.S.; deleting language relating to agency adoption of rules; repealing s. 400.145, F.S., relating to records of care and treatment of residents; repealing ss. 400.0234 and 429.294, F.S., relating to availability of facility records for investigation of resident’s rights violations and defenses; amending 400.147, F.S.; removing a requirement for nursing

homes and related health care facilities to notify the agency within a specified period of time after receipt of an adverse incident report; revising reporting requirements for licensed nursing home facilities relating to adverse incidents; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; amending s. 400.179, F.S.; deleting an obsolete provision; amending s. 400.19, F.S.; revising inspection requirements; amending s. 400.23, F.S.; deleting an obsolete provision; correcting a reference; directing the agency to adopt rules for minimum staffing standards in nursing homes that serve persons under 21 years of age; providing minimum staffing standards; amending s. 400.275, F.S.; revising agency duties with regard to training nursing home surveyor teams; revising requirements for team members; amending s. 400.462, F.S.; revising the definition of the term "remuneration" as it applies to home health agencies; amending s. 400.484, F.S.; revising the schedule of home health agency inspection violations; amending s. 400.506, F.S.; deleting language relating to exemptions from penalties imposed on nurse registries if a nurse registry does not bill the Florida Medicaid Program; providing criteria for an administrator to manage a nurse registry; amending s. 400.509, F.S.; revising the service providers exempt from licensure registration to include organizations that provide companion services only for persons with developmental disabilities; amending s. 400.606, F.S.; revising the content requirements of the plan accompanying an initial or change-of-ownership application for licensure of a hospice; revising requirements relating to certificates of need for certain hospice facilities; amending s. 400.607, F.S.; revising grounds for agency action against a hospice; amending s. 400.915, F.S.; correcting an obsolete cross-reference to administrative rules; amending s. 400.931, F.S.; deleting a requirement that an applicant for a home medical equipment provider license submit a surety bond to the agency; requiring applicants to submit documentation of accreditation within a specified period of time; amending s. 400.932, F.S.; revising grounds for the imposition of administrative penalties for certain violations by an employee of a home medical equipment provider; amending s. 400.967, F.S.; revising the schedule of inspection violations for intermediate care facilities for the developmentally disabled; providing a penalty for certain violations; amending s. 400.9905, F.S.; revising the definitions of the terms "clinic" and "portable equipment provider"; providing that part X of ch. 400, F.S., the Health Care Clinic Act, does not apply to certain clinical facilities, an entity owned by a corporation with a specified amount of annual sales of health care services under certain circumstances, an entity owned or controlled by a publicly traded entity with a specified amount of annual revenues, or an entity that employs a specified number of licensed health care practitioners under certain conditions; amending s. 400.991, F.S.; conforming terminology; revising application requirements relating to documentation of financial ability to operate a mobile clinic; amending s. 408.033, F.S.; permitting fees assessed on certain health care facilities to be collected prospectively at the time of licensure renewal and prorated for the licensure period; amending s. 408.034, F.S.; revising agency authority relating to licensing of intermediate care facilities for the developmentally disabled; amending s. 408.036, F.S.; deleting an exemption from certain certificate-of-need review requirements for a hospice or a hospice inpatient facility; deleting a requirement that the agency submit a report regarding requests for exemption; amending s. 408.037, F.S.; revising certificate-of-need requirements for general hospital applicants to evaluate the applicant's parent corporation if audited financial statements of the applicant do not exist; amending s. 408.043, F.S.; revising requirements for certain freestanding inpatient hospice care facilities to obtain a certificate of need; amending s. 408.061, F.S.; revising health care facility data reporting requirements; amending s. 408.10, F.S.; removing agency authority to investigate certain consumer complaints; amending s. 408.802, F.S.; removing applicability of part II of ch. 408, F.S., relating to general licensure requirements, to private review agents; amending s. 408.804, F.S.; providing penalties for altering, defacing, or falsifying a license certificate issued by the agency or displaying such an altered, defaced, or falsified certificate; amending s. 408.806, F.S.; revising agency responsibilities for notification of licensees of impending expiration of a license; requiring payment of a late fee for a license application to be considered complete under certain circumstances; amending s. 408.8065, F.S.; requiring home health agencies, home medical equipment providers, and health care clinics to submit projected financial statements; amending s. 408.809, F.S., relating to background screening of specified employees of health care providers;

revising provisions for required rescreening; removing provisions authorizing the agency to adopt rules establishing a rescreening schedule; establishing a rescreening schedule; amending s. 408.810, F.S.; requiring disclosure of information by a controlling interest of certain court actions relating to financial instability within a specified time period; amending s. 408.813, F.S.; authorizing the agency to impose fines for unclassified violations of part II of ch. 408, F.S.; amending s. 408.815, F.S.; providing for certain mitigating circumstances to be considered for any application subject to denial; authorizing the agency to extend a license expiration date under certain circumstances; amending s. s. 409.212, F.S.; increasing the limit on the amount of additional supplementation provided by a third party under the optional state supplementation program; amending s. 409.91196, F.S.; revising components of a Medicaid prescribed-drug spending-control program; conforming a cross-reference; amending s. 409.912, F.S.; revising procedures for implementation of a Medicaid prescribed-drug spending-control program; amending s. 429.07, F.S.; deleting the requirement for an assisted living facility to obtain an additional license in order to provide limited nursing services; deleting the requirement for the agency to conduct quarterly monitoring visits of facilities that hold a license to provide extended congregate care services; deleting the requirement for the department to report annually on the status of and recommendations related to extended congregate care; deleting the requirement for the agency to conduct monitoring visits at least twice a year to facilities providing limited nursing services; eliminating the license fee for the limited nursing services license; transferring from another provision of law the requirement that the standard survey of an assisted living facility include specific actions to determine whether the facility is adequately protecting residents' rights; providing that under specified conditions an assisted living facility that has a class I or class II violation is subject to periodic unannounced monitoring; requiring a registered nurse to participate in certain monitoring visits; amending s. 429.11, F.S.; revising licensure application requirements for assisted living facilities to eliminate provisional licenses; amending s. 429.12, F.S.; deleting a requirement that a transferor of an assisted living facility advise the transferee to submit a plan for correction of certain deficiencies to the Agency for Health Care Administration before ownership of the facility is transferred; amending s. 429.14, F.S.; clarifying provisions relating to a facility's request for a hearing under certain circumstances; amending s. 429.17, F.S.; deleting provisions relating to the limited nursing services license; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 429.195, F.S.; revising the list of entities prohibited from providing rebates; providing exceptions to prohibited patient brokering for assisted living facilities; amending s. 429.23, F.S.; deleting reporting requirements for assisted living facilities relating to liability claims; amending s. 429.255, F.S.; eliminating provisions authorizing the use of volunteers to provide certain health-care-related services in assisted living facilities; authorizing assisted living facilities to provide limited nursing services; requiring an assisted living facility to be responsible for certain recordkeeping and staff to be trained to monitor residents receiving certain health-care-related services; amending s. 429.28, F.S.; deleting a requirement for a biennial survey of an assisted living facility, to conform to changes made by the act; conforming a cross-reference; amending s. 429.41, F.S., relating to rule-making; conforming provisions to changes made by the act; deleting the requirement for the Department of Elderly Affairs to submit a copy of proposed rules to the Legislature; amending s. 429.53, F.S.; revising provisions relating to consultation by the agency; revising a definition; amending s. 429.71, F.S.; revising schedule of inspection violations for adult family-care homes; amending s. 429.915, F.S.; revising agency responsibilities regarding the issuance of conditional licenses; amending s. 440.102, F.S.; deleting the requirement for laboratories to submit a monthly report to the agency with statistical information regarding the testing of employees and job applicants; amending s. 456.053, F.S.; revising the definition of the term "group practice" as it relates to financial arrangements of referring health care providers and providers of health care services to include group practices that provide radiation therapy services under certain circumstances; amending s. 483.035, F.S.; requiring certain clinical laboratories operated by one or more practitioners licensed under part I of ch. 464, F.S., the Nurse Practice Act, to be licensed under part I of ch. 483, F.S., the Florida Clinical Laboratory Law; amending s. 483.051, F.S.; establishing qualifications necessary for clinical laboratory licensure; amending s. 483.294, F.S.; revising fre-

quency of agency inspections of multiphasic health testing centers; amending s. 499.003, F.S.; removing the requirement for certain prescription drug purchasers to maintain a separate inventory of certain prescription drugs; amending s. 633.081, F.S.; limiting State Fire Marshal inspections of nursing homes to once a year; providing for additional inspections based on complaints and violations identified in the course of orientation or training activities; amending s. 766.202, F.S.; adding persons licensed under part XIV of ch. 468, F.S., relating to orthotics, prosthetics, and pedorthics, to the definition of "health care provider"; amending s. 817.505, F.S.; creating an exception to the patient brokering prohibition for assisted living facilities; amending ss. 394.4787, 400.0239, 408.07, 430.80, and 651.118, F.S.; conforming terminology and references to changes made by the act; revising a reference; establishing that assisted living facility licensure fees have been adjusted by Consumer Price Index since 1998 and are not intended to be reset by this act; providing an effective date.

—was referred to the Committees on Health Regulation; and Budget.

By Judiciary Committee and Representative(s) Hudson—

**CS for HB 567**—A bill to be entitled An act relating to judgment interest; amending s. 55.03, F.S.; requiring annual adjustments to the rate of interest payable on judgments; providing exceptions; revising the calculation of the interest rate; amending s. 717.1341, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Budget.

#### RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 2230.

*Robert L. "Bob" Ward, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed SB 2136, SB 2154 and SB 2162 as amended by the required constitutional three-fifths vote of the membership of the House; accepted the Conference Committee Report in its entirety and passed SB 2098, SB

2100, SB 2104, SB 2110, SB 2114, SB 2128, and SB 2160 as amended by the Conference Committee Report.

*Robert L. "Bob" Ward, Clerk*

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed HB 501 as amended; concurred in Senate Amendment 1 and passed CS for HB 7095 as amended; concurred in Senate Amendment 1 and passed CS for HB 7107 as amended; and concurred in Senate Amendment 1 and passed CS for HB 7109 as amended.

*Robert L. "Bob" Ward, Clerk*

#### VOTE PREFERENCE

Senator Benacquisto was recorded as voting "yea" on substitute Amendment 3 (527646) to CS for CS for CS for SB 408 which was passed as amended in the Senate on May 5, 2011.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 5 was corrected and approved.

#### CO-INTRODUCERS

Senators Altman—SR 2190; Benacquisto—SR 2190; Bennett—SR 2190; Bogdanoff—SR 2190; Braynon—SR 2190; Dean—SR 2190; Dertert—SR 2190; Diaz de la Portilla—SR 2190; Dockery—SR 2190; Evers—SR 2190; Fasano—SR 2190; Flores—SR 2190; Gaetz—SR 2190; Garcia—SR 2190; Gardiner—SR 2190; Haridopolos—SR 2190; Hays—SR 2190; Hill—SR 2190; Jones—SR 2190; Joyner—SR 2190; Latvala—SR 2190; Lynn—SR 2190; Margolis—CS for CS for SB 818, SR 2190; Montford—SR 2190; Negron—SR 2190; Norman—SR 2190; Oelrich—SR 2190; Rich—SR 2190; Richter—SR 2190; Ring—SR 2190; Sachs—SR 2224; Simmons—SR 2190; Siplin—SR 2190; Sobel—SR 2190; Storms—SR 2190; Thrasher—SR 2190; Wise—SR 2190

#### RECESS

On motion by Senator Thrasher, the Senate recessed at 1:01 a.m., May 7, for the purpose of conducting other Senate business to reconvene at 10:00 a.m. this day or upon call of the President.