

By the Committee on Rules & Calendar and Representative
Arnall

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 11.149, 11.242, 11.46, 15.182,
4 20.19, 20.22, 20.23, 20.315, 20.316, 27.0055,
5 27.365, 27.702, 28.101, 34.201, 39.01, 39.0132,
6 39.3031, 39.503, 39.821, 49.011, 50.011,
7 50.031, 50.051, 63.0427, 63.162, 72.011,
8 90.4025, 90.953, 92.53, 97.1031, 101.62,
9 101.65, 104.047, 106.082, 110.112, 110.123,
10 112.19, 112.191, 112.215, 112.3135, 112.3143,
11 112.352, 112.361, 120.57, 120.595, 120.81,
12 121.011, 121.021, 121.046, 121.051, 121.091,
13 121.125, 121.40, 122.03, 125.0104, 154.503,
14 161.36, 163.01, 163.03, 163.360, 166.231,
15 175.021, 175.071, 185.06, 186.001, 186.003,
16 186.006, 186.505, 199.023, 206.97, 206.9915,
17 212.06, 212.08, 212.12, 212.20, 213.05,
18 213.053, 215.32, 215.58, 215.96, 216.0315,
19 216.136, 216.181, 216.236, 216.237, 216.346,
20 218.21, 218.65, 220.02, 228.053, 228.055,
21 228.0565, 229.593, 230.2305, 231.261, 232.246,
22 233.17, 235.05, 235.2197, 235.435, 236.08107,
23 236.1228, and 236.685, Florida Statutes;
24 reenacting and amending s. 117.05(5), Florida
25 Statutes; and reenacting ss. 90.503(1),
26 112.313(9), 197.222(1), and 206.59(4), Florida
27 Statutes, pursuant to s. 11.242, Florida
28 Statutes; deleting provisions which have
29 expired, have become obsolete, have had their
30 effect, have served their purpose, or have been
31 impliedly repealed or superseded; replacing

1 incorrect cross-references and citations;
2 correcting grammatical, typographical, and like
3 errors; removing inconsistencies, redundancies,
4 and unnecessary repetition in the statutes;
5 improving the clarity of the statutes and
6 facilitating their correct interpretation; and
7 confirming the restoration of provisions
8 unintentionally omitted from republication in
9 the acts of the Legislature during the
10 amendatory process.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 11.149, Florida Statutes, is
15 amended to read:

16 11.149 Application ~~Inapplicability of certain sections~~
17 of ch. 68-35 ~~to the Legislative Auditing Committee.--Sections~~
18 11.143, 11.147 ~~The amendments to ss. 11.141-11.148, 11.23(1),~~
19 11.241, 11.242(6)~~11.242(6)(a), 11.243(3), 11.246(2)(a),~~
20 11.25(1), and 11.26 as created and amended ~~enacted~~ by chapter
21 68-35, Laws of Florida, shall not apply to the Legislative
22 Auditing Committee or the Auditor General.

23
24 Reviser's note.--Deletes references to
25 provisions repealed by ch. 96-318, Laws of
26 Florida, and s. 21, ch. 72-178, Laws of
27 Florida; conforms to the repeal of s.
28 11.242(6)(b)-(g) by s. 27, ch. 90-335, Laws of
29 Florida; and amends the text to reflect that
30 ss. 11.143 and 11.147 were created by ch.
31 68-35, Laws of Florida.

1 Section 2. Subsection (6) of section 11.242, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 11.242 Powers, duties, and functions as to statutory
4 revision.--The powers, duties, and functions of the Office of
5 Legislative Services in the operation and maintenance of a
6 statutory revision program shall be as follows:

7 (6) To award contracts from time to time for editorial
8 work in the preparation of copy and other necessary material,
9 and for printing ~~as defined in s. 283.60~~; and to pay for such
10 other things as are authorized to be done and performed as
11 part of a statutory revision program under the laws of this
12 state.

13
14 Reviser's note.--Amended to conform to the
15 repeal of s. 283.60 by s. 37, ch. 96-318, Laws
16 of Florida.

17
18 Section 3. Subsection (2) of section 11.46, Florida
19 Statutes, is amended to read:

20 11.46 Accounting procedures.--

21 (2) State officers and agencies referred to in this
22 section mean any state agency as defined in ss. 11.40-11.47
23 ~~11.40-11.48~~.

24
25 Reviser's note.--Amended to conform to the
26 repeal of s. 11.48 by s. 28, ch. 96-318, Laws
27 of Florida.

28
29 Section 4. Subsection (1) of section 15.182, Florida
30 Statutes, is amended to read:

1 15.182 International travel by state-funded musical,
2 cultural, or artistic organizations; notification to
3 Department of State.--

4 (1) If a musical, cultural, or artistic organization
5 that receives state funding is traveling internationally for a
6 presentation, performance, or other significant public
7 viewing, including an organization associated with a college
8 or university, such organization shall notify the Department
9 of State of its intentions to travel, together with the date,
10 time, and location of each appearance. It is the desire of the
11 Legislature that such cultural exchanges be coordinated with
12 the state's economic development goals. The Secretary of State
13 shall notify Enterprise Florida, Inc., of the intended travel
14 schedule of all such organizations, including, but not limited
15 to, symphonies, orchestras, dance troupes ~~troops~~, bands,
16 choirs, choral groups, drama troupes ~~troops~~, musical
17 performing groups, traveling exhibitions sponsored by museums,
18 and performance artists.

19
20 Reviser's note.--Amended to improve clarity.

21
22 Section 5. Paragraph (h) of subsection (3), paragraphs
23 (b) and (c) of subsection (8), and subsection (13) of section
24 20.19, Florida Statutes, 1998 Supplement, are amended to read:

25 20.19 Department of Children and Family
26 Services.--There is created a Department of Children and
27 Family Services.

28 (3) OFFICE OF STANDARDS AND EVALUATION.--There is
29 created under the secretary the Office of Standards and
30 Evaluation which has the following responsibilities:

31

1 (h) Evaluating and reporting to the Legislature,
2 beginning December 31, 1999, and by October 31 of each
3 subsequent year, on the following issues:

4 1. The effectiveness of the department's performance
5 contracting system in accomplishing program outcomes and in
6 continuously improving performance.

7 2. The adequacy of resources and internal controls
8 used by each program and service district to ensure
9 effectiveness and quality of client services provided through
10 standard contracts and other agreements.

11 3. The effectiveness and quality of contracted
12 services for each client target group, as determined by annual
13 performance reporting and results of quality assurance
14 monitoring.

15 4. The status of the department's progress in
16 complying with the provisions of this act, including the work
17 of the contract evaluation teams established pursuant to
18 paragraph (10)(g) ~~(9)(g)~~.

19 (8) HEALTH AND HUMAN SERVICES BOARDS.--

20 (b) At any time after the adoption of initial bylaws
21 pursuant to paragraph (o), a district health and human
22 services board may adopt a bylaw that enlarges the size of the
23 board up to a maximum of 23 members, or otherwise adjusts the
24 size or composition of the board, including a decision to
25 change from a district board to subdistrict boards, or from a
26 subdistrict board to a district board, if in the judgment of
27 the board, such change is necessary to adequately represent
28 the diversity of the population within the district or
29 subdistrict. In the creation of subdistrict boards, the bylaws
30 shall set the size of the board, not to exceed 15 members, and
31 shall set the number of appointments to be made by the

1 Governor and the respective boards of county commissioners in
2 the subdistrict. The Governor shall be given the authority to
3 appoint no fewer than one-fifth of the members. Current
4 members of the district board shall become members of the
5 subdistrict board in the subdistrict where they reside.
6 Vacancies on a newly created subdistrict board shall be filled
7 from among the list of nominees submitted to the subdistrict
8 nominee qualifications review committee pursuant to subsection
9 (9)~~(8)~~.

10 (c) The appointments by the Governor and the boards of
11 county commissioners are from nominees selected by the
12 appropriate district nominee qualifications review committee
13 pursuant to subsection(9)~~(8)~~. Membership of each board must
14 be representative of its district with respect to age, gender,
15 and ethnicity. For boards having 15 members or fewer, at least
16 two members must be consumers of the department's services.
17 For boards having more than 15 members, there must be at least
18 three consumers on the board. Members must have demonstrated
19 their interest and commitment to, and have appropriate
20 expertise for, meeting the health and family services needs of
21 the community. The Governor shall appoint nominees whose
22 presence on the health and human services board will help
23 assure that the board reflects the demographic characteristics
24 and consumer perspective of each of the service districts.

25 (13) CONFORMITY WITH FEDERAL STATUTES AND
26 REGULATIONS.--It is the intent of the Legislature that this
27 section not conflict with any federal statute or implementing
28 regulation governing federal grant-in-aid programs
29 administered by the department. Whenever such a conflict is
30 asserted by the applicable agency of the Federal Government,
31 the secretary of the department shall submit to the United

1 States Department of Health and Human Services, or other
2 applicable federal agency, a request for a favorable policy
3 response or a waiver of the conflicting portions. If such
4 request is approved, as certified in writing by the Secretary
5 of the United States Department of Health and Human Services
6 or head of the other applicable federal agency, the secretary
7 of the department is authorized to make the adjustments in the
8 organization and state service plan prescribed by this section
9 which are necessary for conformity to federal statutes and
10 regulations. Prior to making such adjustments, the secretary
11 shall provide to the Speaker of the House of Representatives
12 and the President of the Senate an explanation and
13 justification of the position of the department and shall
14 outline all feasible alternatives consistent with the
15 provisions of this section. These alternatives may include the
16 state supervision of local service agencies by the department
17 if such agencies are designated by the Governor. The Governor
18 is hereby authorized to designate local agencies of county
19 governments to provide services pursuant to federally required
20 state plans administered by the department. These local
21 agencies shall provide services for and on behalf of the
22 county governments included within the geographic boundaries
23 of the local agency. The board of commissioners of each county
24 within the local agency shall annually approve the service
25 plan to be provided by the local service agency. In order to
26 assure coordination with other health and family services
27 provided to citizens within each county, local service
28 agencies designated by the Governor pursuant to this section
29 shall correspond to the service districts created pursuant to
30 subsection (7)~~(6)~~. The district administrator of each service
31 district is designated the head of the local service agency.

1 As head of the local service agency, the district
2 administrator shall administer the service programs in
3 conformity with statewide policies, procedures, and guidelines
4 established by the department. The local agency shall
5 administer its program pursuant to a written agreement with
6 the department which:

7 (a) Indicates that the local agency will conduct its
8 program under the supervision of the department in accordance
9 with the state plan and in compliance with statewide standards
10 as established by the department, including standards of
11 organization and administration.

12 (b) Sets forth the methods to be followed by the
13 department in its supervision of the local agency, including
14 an evaluation of the effectiveness of the program of the local
15 agency.

16 (c) Sets forth the basis on which the department
17 participates financially in its locally administered programs.

18 (d) Indicates whether the local agency will utilize
19 another local public or nonprofit agency in the provision of
20 services and the arrangements for such utilization.

21
22 The local agency is responsible for the administration of all
23 aspects of the program within the political subdivisions which
24 it serves. In order to assure uniformity of personnel
25 standards, the local agency shall utilize the state personnel
26 rules and regulations, including provisions related to tenure,
27 selection, appointment, and qualifications of personnel.

28
29 Reviser's note.--Amended to conform to the
30 redesignation of subunits of s. 20.19 by s.
31 120, ch. 98-403, Laws of Florida.

1 Section 6. Paragraph (a) of subsection (5) of section
2 20.22, Florida Statutes, is amended to read:

3 20.22 Department of Management Services.--There is
4 created a Department of Management Services.

5 (5)(a) The Florida State Group Insurance Council is
6 created within the Division of State Group Insurance for the
7 purpose of providing joint and coordinated oversight of the
8 operation and administration of the state group insurance
9 program. The council shall consist of the state budget
10 director; an individual from the private sector with an
11 extensive health administration background, appointed by the
12 Governor; a member of the Florida Senate, appointed by the
13 President of the Senate; a member of the Florida House of
14 Representatives, appointed by the Speaker of the House of
15 Representatives; a representative of the State University
16 System, appointed by the Board of Regents; the State Insurance
17 Commissioner or his designee; the director of the Division of
18 Retirement; and two representatives of employees and retirees,
19 appointed by the Governor. Members of the council appointed by
20 the Governor shall be appointed to serve terms of 4 years
21 each. Each member of the council shall serve until a
22 successor is appointed. Additionally, the director of the
23 Division of State Group ~~Employee~~ Insurance shall be a
24 nonvoting member of the council.

25
26 Reviser's note.--Amended to improve clarity and
27 to conform to the redesignation of the Division
28 of State Employees' Insurance as the Division
29 of State Group Insurance by s. 1, ch. 97-92,
30 Laws of Florida.

31

1 Section 7. Paragraph (a) of subsection (1) and
2 paragraphs (a) and (d) of subsection (3) of section 20.23,
3 Florida Statutes, 1998 Supplement, are amended to read:

4 20.23 Department of Transportation.--There is created
5 a Department of Transportation which shall be a decentralized
6 agency.

7 (1)(a)1. The head of the Department of Transportation
8 is the Secretary of Transportation. The secretary shall be
9 appointed by the Governor from among three persons nominated
10 by the Florida Transportation Commission and shall be subject
11 to confirmation by the Senate, ~~except that any secretary that~~
12 ~~was appointed before October 1, 1987, need not have been~~
13 ~~nominated by the commission.~~ The secretary shall serve at the
14 pleasure of the Governor.

15 2. The secretary shall be a proven, effective
16 administrator who by a combination of education and experience
17 shall clearly possess a broad knowledge of the administrative,
18 financial, and technical aspects of the development,
19 operation, and regulation of transportation systems and
20 facilities or comparable systems and facilities.

21 (3)(a) The central office shall establish departmental
22 policies, rules, procedures, and standards and shall monitor
23 the implementation of such policies, rules, procedures, and
24 standards in order to ensure uniform compliance and quality
25 performance by the districts and central office units that
26 implement transportation programs. The central office
27 monitoring function shall be based on a plan that clearly
28 specifies what areas will be monitored, activities and
29 criteria used to measure compliance, and a feedback process
30 that assures monitoring findings are reported and deficiencies
31 corrected. The secretary is responsible for ensuring that the

1 central office monitoring function ~~is implemented by October~~
2 ~~1, 1990, and that it~~ functions properly thereafter. In
3 conjunction with its monitoring function, the central office
4 shall provide such training and administrative support to the
5 districts as the department determines to be necessary to
6 ensure that the department's programs are carried out in the
7 most efficient and effective manner.

8 (d)1. Policy, program, or operations offices shall be
9 established within the central office for the purposes of:

10 a. Developing policy and procedures and monitoring
11 performance to ensure compliance with these policies and
12 procedures;

13 b. Performing statewide activities which it is more
14 cost-effective to perform in a central location;

15 c. Assessing and ensuring the accuracy of information
16 within the department's financial management information
17 systems; and

18 d. Performing other activities of a statewide nature.

19 2. The following offices are established and shall be
20 headed by a manager, each of whom shall be appointed by and
21 serve at the pleasure of the secretary. The positions shall be
22 classified at a level equal to a division director:

23 a. The Office of Administration;

24 b. The Office of Policy Planning;

25 c. The Office of Design;

26 d. The Office of Construction;

27 e. The Office of Right-of-Way;

28 f. The Office of Toll Operations; and

29 g. The Office of Information Systems.

30 3. Other offices may be established in accordance with

31 s. 20.04(7)~~20.04(6)~~. The heads of such offices are exempt

1 from part II of chapter 110. No office or organization shall
2 be created at a level equal to or higher than a division
3 without specific legislative authority.

4
5 Reviser's note.--Paragraphs (1)(a) and (3)(a)
6 are amended to delete obsolete provisions, and
7 paragraph (3)(d) is amended to conform to the
8 redesignation of subunits of s. 20.04 by s. 3,
9 ch. 94-235, Laws of Florida.

10
11 Section 8. Paragraphs (a) and (b) of subsection (6) of
12 section 20.315, Florida Statutes, 1998 Supplement, are amended
13 to read:

14 20.315 Department of Corrections.--There is created a
15 Department of Corrections.

16 (6) FLORIDA CORRECTIONS COMMISSION.--

17 (a)1. The Florida Corrections Commission is hereby
18 created. The primary focus of the commission shall be on
19 corrections; however, in those instances in which the policies
20 of other components of the criminal justice system affect
21 corrections, the commission shall advise and make
22 recommendations.

23 2. The commission shall consist of nine members
24 appointed by the Governor subject to confirmation by the
25 Senate. ~~The initial members of the commission shall be~~
26 ~~appointed by October 1, 1994.~~ Members of the commission shall
27 serve terms of 4 years each, ~~except that four of the initial~~
28 ~~members shall be appointed for terms of 2 years each.~~ Members
29 must be appointed in such a manner as to equitably represent
30 all geographic areas of the state. Each member of the
31 commission must be a citizen and registered voter of the

1 state. A member of the commission shall represent the public
2 safety needs of the state as a whole and may not subordinate
3 the needs of the state to those of any particular area of the
4 state. The commission's membership should, to the extent
5 possible, contain persons who are knowledgeable about
6 construction, health care, information technology, education,
7 business, food services, law, and inmate and youthful offender
8 rehabilitation and services.

9 3. The commission is assigned to the office of the
10 Secretary of Corrections for administrative and fiscal
11 accountability purposes, but it shall otherwise function
12 independently of the control and direction of the Department
13 of Corrections.

14 (b) The primary functions of the commission are to:

15 1. Recommend major correctional policies for the
16 Governor's approval, and assure that approved policies and any
17 revisions thereto are properly executed.

18 2. Periodically review the status of the state
19 correctional system and recommend improvements therein to the
20 Governor and the Legislature.

21 3. Annually perform an in-depth review of
22 community-based intermediate sanctions and recommend to the
23 Governor and the Legislature intergovernmental approaches
24 through the Community Corrections Partnership Act for planning
25 and implementing such sanctions and programs.

26 4. Perform an in-depth evaluation of the annual budget
27 request of the Department of Corrections, the comprehensive
28 correctional master plan, and the tentative construction
29 program for compliance with all applicable laws and
30 established departmental policies. The commission may not
31 consider individual construction projects, but shall consider

1 methods of accomplishing the department's goals in the most
2 effective, efficient, and businesslike manner.

3 5. Routinely monitor the financial status of the
4 Department of Corrections to assure that the department is
5 managing revenue and any applicable bond proceeds responsibly
6 and in accordance with law and established policy.

7 6. Evaluate, at least quarterly, the efficiency,
8 productivity, and management of the Department of Corrections,
9 using performance and production standards developed by the
10 department under former subsection (18).

11 7. Provide public education on corrections and
12 criminal justice issues.

13 8. Report to the President of the Senate, the Speaker
14 of the House of Representatives, and the Governor by November
15 1 of each year.

16
17 Reviser's note.--Paragraph (6)(a) is amended to
18 delete provisions that have served their
19 purpose. Paragraph (6)(b) is amended to
20 conform to the repeal of former subsection (18)
21 by s. 1, ch. 96-278, Laws of Florida.

22
23 Section 9. Paragraph (d) of subsection (6) of section
24 20.316, Florida Statutes, 1998 Supplement, is amended to read:
25 20.316 Department of Juvenile Justice.--There is
26 created a Department of Juvenile Justice.

27 (6) INFORMATION SYSTEMS.--

28 (d) The management information system shall, at a
29 minimum:

30 1. Facilitate case management of juveniles referred to
31 or placed in the department's custody.

1 2. Provide timely access to current data and computing
2 capacity to support the outcome evaluation activities of the
3 Juvenile Justice Accountability ~~Advisory~~ Board as provided in
4 s. 985.401, legislative oversight, the Juvenile Justice
5 Estimating Conference, and other research.

6 3. Provide automated support to the quality assurance
7 and program review functions.

8 4. Provide automated support to the contract
9 management process.

10 5. Provide automated support to the facility
11 operations management process.

12 6. Provide automated administrative support to
13 increase efficiency, provide the capability of tracking
14 expenditures of funds by the department or contracted service
15 providers that are eligible for federal reimbursement, and
16 reduce forms and paperwork.

17 7. Facilitate connectivity, access, and utilization of
18 information among various state agencies, and other state,
19 federal, local, and private agencies, organizations, and
20 institutions.

21 8. Provide electronic public access to juvenile
22 justice information, which is not otherwise made confidential
23 by law or exempt from the provisions of s. 119.07(1).

24 9. Provide a system for the training of information
25 system users and user groups.

26
27 Reviser's note.--Amended to conform to the
28 redesignation of the Juvenile Justice Advisory
29 Board as the Juvenile Justice Accountability
30 Board by s. 12, ch. 98-136, Laws of Florida.
31

1 Section 10. Subsection (1) of section 27.0055, Florida
2 Statutes, is amended to read:

3 27.0055 Official court reporters.--

4 (1) The term "official court reporter" means any
5 individual appointed as an official court reporter pursuant to
6 former chapter 29 prior to the effective date of this act.

7
8 Reviser's note.--Amended to conform to the
9 repeal of former chapter 29 by s. 6, ch.
10 95-286, Laws of Florida.

11
12 Section 11. Section 27.365, Florida Statutes, is
13 amended to read:

14 27.365 Florida Prosecuting Attorneys Association;
15 annual report regarding prosecutions.--By February 1st of each
16 year ~~beginning in 1997~~, the Florida Prosecuting Attorneys
17 Association shall report to the President and Minority Leader
18 of the Senate, the Speaker and Minority Leader of the House of
19 Representatives, and to the appropriate substantive committees
20 of each chamber regarding prosecutions for offenses during the
21 previous calendar year under ss. 794.011, 794.05, 800.04, and
22 827.04(3)~~827.04(4)~~ when the victim of the offense was less
23 than 18 years of age. This report must include, by judicial
24 circuit, the following information in summary format for each
25 offense: the initial charge in each case; the age of the
26 victim and the age of the offender; the charge ultimately
27 prosecuted, if any; whether the case went to trial or was
28 resolved by plea agreement; and either the sentence imposed in
29 each case, or the status of each case on December 31st of the
30 previous year. The names ~~name~~ of sexual offense victims shall
31 not be included in the report.

1 Reviser's note.--Amended to delete a provision
2 which has served its purpose; to revise the
3 reference to s. 827.04(4) as created by s. 2,
4 ch. 96-215, Laws of Florida, to conform to the
5 redesignation of subunits of s. 827.04 by s.
6 10, ch. 96-322, Laws of Florida; and to improve
7 clarity and facilitate correct interpretation.
8

9 Section 12. Paragraph (b) of subsection (3) of section
10 27.702, Florida Statutes, 1998 Supplement, is amended to read:

11 27.702 Duties of the capital collateral regional
12 counsel; reports.--

13 (3)

14 (b) The court having jurisdiction over any nonindigent
15 or indigent-but-able-to-contribute defendant who has been
16 receiving the services of the capital collateral regional
17 counsel may assess attorney's fees and costs against the
18 defendant at any stage in the proceedings as the court may
19 deem appropriate. The determination of indigency or
20 nonindigency of any defendant shall be made by the court
21 pursuant to s. 27.52. Liability for the costs of such
22 representation may be imposed in the form of a lien against
23 the property of the nonindigent or
24 indigent-but-able-to-contribute defendant, which lien shall be
25 enforceable as provided in ~~s. 27.56~~ or s. 27.561 or s. 938.29.
26

27 Reviser's note.--Amended to conform to the
28 transfer of s. 27.56 to s. 938.29 by s. 22, ch.
29 97-271, Laws of Florida.
30
31

1 Section 13. Paragraph (b) of subsection (1) of section
2 28.101, Florida Statutes, 1998 Supplement, is amended to read:

3 28.101 Petitions and records of dissolution of
4 marriage; additional charges.--

5 (1) When a party petitions for a dissolution of
6 marriage, in addition to the filing charges in s. 28.241, the
7 clerk shall collect and receive:

8 (b) A charge of \$5. On a monthly basis, the clerk
9 shall transfer the moneys collected pursuant to this paragraph
10 to the State Treasury for deposit in the Displaced Homemaker
11 Trust Fund created in s. 446.50 ~~410.30~~. If a petitioner does
12 not have sufficient funds with which to pay this fee and signs
13 an affidavit so stating, all or a portion of the fee shall be
14 waived subject to a subsequent order of the court relative to
15 the payment of the fee.

16
17 Reviser's note.--Amended to conform to the
18 transfer of s. 410.30 to s. 446.50 by s. 89,
19 ch. 95-418, Laws of Florida.

20
21 Section 14. Section 34.201, Florida Statutes, is
22 amended to read:

23 34.201 County Article V Trust Fund.--The County
24 Article V Trust Fund is hereby created, to be administered by
25 the Supreme Court. Funds shall be credited to the trust fund
26 as provided in chapter 97-235, Laws of Florida ~~SB 722 or~~
27 ~~similar legislation~~, for the purposes set forth therein.

28
29 Reviser's note.--Amended to substitute a
30 reference to ch. 97-235, Laws of Florida, which

31

1 was similar legislation to 1997 Senate Bill
2 722, which did not pass.

3
4 Section 15. Subsections (13), (49), and (53) of
5 section 39.01, Florida Statutes, 1998 Supplement, are amended
6 to read:

7 39.01 Definitions.--When used in this chapter, unless
8 the context otherwise requires:

9 (13) "Child protection team" means a team of
10 professionals established by the Department of Health to
11 receive referrals from the protective investigators and
12 protective supervision staff of the department and to provide
13 specialized and supportive services to the program in
14 processing child abuse, abandonment, or neglect cases. A child
15 protection team shall provide consultation to other programs
16 of the department and other persons regarding child abuse,
17 abandonment, or neglect cases.

18 (49) "Parent" means a woman who gives birth to a child
19 and a man whose consent to the adoption of the child would be
20 required under s. 63.062(1)(b). If a child has been legally
21 adopted, the term "parent" means the adoptive mother or father
22 of the child. The term does not include an individual whose
23 parental relationship to the child has been legally
24 terminated, or an alleged or prospective parent, unless the
25 parental status falls within the terms of s. 39.503(1)
26 ~~39.4051(1)~~ or s. 63.062(1)(b).

27 (53) "Physician" means any licensed physician,
28 dentist, podiatric physician ~~podiatrist~~, or optometrist and
29 includes any intern or resident.

30
31

1 Reviser's note.--Subsection (13) is amended to
2 conform to the transfer of child protection
3 teams to the Department of Health by s. 2, ch.
4 98-137, Laws of Florida. Subsection (49) is
5 amended to conform to the transfer of s.
6 39.4051(1) to s. 39.503(1) by s. 64, ch.
7 98-403, Laws of Florida. Subsection (53) is
8 amended to conform to the redesignation of
9 podiatrists as podiatric physicians by ch.
10 98-166, Laws of Florida.

11
12 Section 16. Paragraph (b) of subsection (4) of section
13 39.0132, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 39.0132 Oaths, records, and confidential
16 information.--

17 (4)

18 (b) The department shall disclose to the school
19 superintendent the presence of any child in the care and
20 custody or under the jurisdiction or supervision of the
21 department who has a known history of sexual behavior with
22 other juveniles; is an alleged juvenile sex offender, as
23 defined in s. 39.01 ~~415.50165~~; or has pled guilty or nolo
24 contendere to, or has been found to have committed, a
25 violation of chapter 794, chapter 796, chapter 800, s.
26 827.071, or s. 847.0133, regardless of adjudication. Any
27 employee of a district school board who knowingly and
28 willfully discloses such information to an unauthorized person
29 commits a misdemeanor of the second degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31

1 Reviser's note.--Amended to conform to the
2 repeal of s. 415.50165 by s. 173, ch. 98-403,
3 Laws of Florida, and the addition of the
4 definition of "alleged juvenile sexual
5 offender" to s. 39.01 by s. 20, ch. 98-403.

6
7 Section 17. Section 39.3031, Florida Statutes, 1998
8 Supplement, is amended to read:

9 39.3031 Rules for implementation of ss. 39.303
10 ~~415.5055~~ and 39.305 ~~415.5095~~.--The Department of Health, in
11 consultation with the Department of Children and Family
12 Services, shall adopt rules governing the child protection
13 teams and the sexual abuse treatment program pursuant to ss.
14 39.303 ~~415.5055~~ and 39.305 ~~415.5095~~, including definitions,
15 organization, roles and responsibilities, eligibility,
16 services and their availability, qualifications of staff, and
17 a waiver-request process.

18
19 Reviser's note.--Amended to conform to the
20 transfer of s. 415.5055 to s. 39.303 by s. 40,
21 ch. 98-403, Laws of Florida, and the transfer
22 of s. 415.5095 to s. 39.305 by s. 43, ch.
23 98-403.

24
25 Section 18. Subsection (6) of section 39.503, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 39.503 Identity or location of parent or legal
28 custodian unknown; special procedures.--

29 (6) The diligent search required by subsection (5)
30 must include, at a minimum, inquiries of all relatives of the
31 parent or prospective parent made known to the petitioner,

1 inquiries of all offices of program areas of the department
2 likely to have information about the parent or prospective
3 parent, inquiries of other state and federal agencies likely
4 to have information about the parent or prospective parent,
5 inquiries of appropriate utility and postal providers, and
6 inquiries of appropriate law enforcement agencies. Pursuant to
7 s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4)
8 ~~653(c)(B)(4)~~, the department, as the state agency
9 administering Titles IV-B and IV-E of the act, shall be
10 provided access to the federal and state parent locator
11 service for diligent search activities.

12

13 Reviser's note.--Amended to conform to the
14 correct United States Code location of the
15 referenced material.

16

17 Section 19. Subsection (1) of section 415.5077,
18 Florida Statutes (renumbered as section 39.821, 1998
19 Supplement), is amended to read:

20

39.821 Qualifications of guardians ad litem.--

21

(1) Because of the special trust or responsibility
22 placed in a guardian ad litem, the Guardian Ad Litem Program
23 may use any private funds collected by the program, or any
24 state funds so designated, to conduct a security background
25 investigation before certifying a volunteer to serve. A
26 security background investigation must include, but need not
27 be limited to, employment history checks, checks of
28 references, local criminal records checks through local law
29 enforcement agencies, and statewide criminal records checks
30 through the Department of Law Enforcement. Upon request, an
31 employer shall furnish a copy of the personnel record for the

1 employee or former employee who is the subject of a security
2 background investigation conducted under this section. The
3 information contained in the personnel record may include, but
4 need not be limited to, disciplinary matters and the reason
5 why the employee was terminated from employment. An employer
6 who releases a personnel record for purposes of a security
7 background investigation is presumed to have acted in good
8 faith and is not liable for information contained in the
9 record without a showing that the employer maliciously
10 falsified the record. A security background investigation
11 conducted under this section must ensure that a person is not
12 certified as a guardian ad litem if the person has been
13 convicted of, regardless of adjudication, or entered a plea of
14 nolo contendere or guilty to, any offense prohibited under the
15 provisions of the Florida Statutes specified in s. 435.04(2)
16 or under any similar law in another jurisdiction. Before
17 certifying an applicant to serve as a guardian ad litem, the
18 chief judge of the circuit court may request a federal
19 criminal records check of the applicant through the Federal
20 Bureau of Investigation. In analyzing and evaluating the
21 information obtained in the security background investigation,
22 the program must give particular emphasis to past activities
23 involving children, including, but not limited to,
24 child-related criminal offenses or child abuse. The program
25 has the sole discretion in determining whether to certify a
26 person based on his or her security background investigation.
27 The information collected pursuant to the security background
28 investigation is confidential and exempt from s. 119.07(1).
29 ~~This exemption is subject to the Open Government Sunset Review~~
30 ~~Act in accordance with s. 119.14.~~
31

1 Reviser's note.--Amended to conform to the
2 repeal of s. 119.14 by s. 1, ch. 95-217, Laws
3 of Florida.

4
5 Section 20. Subsection (13) of section 49.011, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 49.011 Service of process by publication; cases in
8 which allowed.--Service of process by publication may be made
9 in any court on any person mentioned in s. 49.021 in any
10 action or proceeding:

11 (13) For termination of parental rights pursuant to
12 part IX ~~IV~~ of chapter 39.

13
14 Reviser's note.--Amended to conform to the
15 redesignation of part IV of chapter 39 as part
16 IX by ch. 98-403, Laws of Florida.

17
18 Section 21. Section 50.011, Florida Statutes, is
19 amended to read:

20 50.011 Where and in what language legal notices to be
21 published.--Whenever by statute an official or legal
22 advertisement or a publication, or notice in a newspaper has
23 been or is directed or permitted in the nature of or in lieu
24 of process, or for constructive service, or in initiating,
25 assuming, reviewing, exercising or enforcing jurisdiction or
26 power, or for any purpose, including all legal notices and
27 advertisements of sheriffs and tax collectors, the
28 contemporaneous and continuous intent and meaning of such
29 legislation all and singular, existing or repealed, is and has
30 been and is hereby declared to be and to have been, and the
31 rule of interpretation is and has been, a publication in a

1 newspaper printed and published periodically once a week or
2 oftener, containing at least 25 percent of its words in the
3 English language, entered or qualified to be admitted and
4 entered as periodicals ~~second-class~~ matter at a post office in
5 the county where published, for sale to the public generally,
6 available to the public generally for the publication of
7 official or other notices and customarily containing
8 information of a public character or of interest or of value
9 to the residents or owners of property in the county where
10 published, or of interest or of value to the general public.

11

12 Reviser's note.--Amended to conform to the
13 redesignation of second-class matter as
14 periodicals by the United States Postal
15 Service; see 61 F.R. 10123-10124, March 12,
16 1996.

17

18 Section 22. Section 50.031, Florida Statutes, is
19 amended to read:

20 50.031 Newspapers in which legal notices and process
21 may be published.--No notice or publication required to be
22 published in a newspaper in the nature of or in lieu of
23 process of any kind, nature, character or description provided
24 for under any law of the state, whether heretofore or
25 hereafter enacted, and whether pertaining to constructive
26 service, or the initiating, assuming, reviewing, exercising or
27 enforcing jurisdiction or power, by any court in this state,
28 or any notice of sale of property, real or personal, for
29 taxes, state, county or municipal, or sheriff's, guardian's or
30 administrator's or any sale made pursuant to any judicial
31 order, decree or statute or any other publication or notice

1 | pertaining to any affairs of the state, or any county,
2 | municipality or other political subdivision thereof, shall be
3 | deemed to have been published in accordance with the statutes
4 | providing for such publication, unless the same shall have
5 | been published for the prescribed period of time required for
6 | such publication, in a newspaper which at the time of such
7 | publication shall have been in existence for 1 year and shall
8 | have been entered as periodicals ~~second-class mail~~ matter at a
9 | post office in the county where published, or in a newspaper
10 | which is a direct successor of a newspaper which together have
11 | been so published; provided, however, that nothing herein
12 | contained shall apply where in any county there shall be no
13 | newspaper in existence which shall have been published for the
14 | length of time above prescribed. No legal publication of any
15 | kind, nature or description, as herein defined, shall be valid
16 | or binding or held to be in compliance with the statutes
17 | providing for such publication unless the same shall have been
18 | published in accordance with the provisions of this section.
19 | Proof of such publication shall be made by uniform affidavit.

20 |
21 | Reviser's note.--Amended to conform to the
22 | redesignation of second-class mail matter as
23 | periodicals by the United States Postal
24 | Service; see 61 F.R. 10123-10124, March 12,
25 | 1996.

26 |
27 | Section 23. Section 50.051, Florida Statutes, is
28 | amended to read:

29 | 50.051 Proof of publication; form of uniform
30 | affidavit.--The printed form upon which all such affidavits
31 |

1 establishing proof of publication are to be executed shall be
2 substantially as follows:

3

4

NAME OF NEWSPAPER

5

6

Published (Weekly or Daily)

7

8

(Town or City) (County) FLORIDA

9

10 STATE OF FLORIDA

11

12 COUNTY OF:

13

14

15

16

17

18

Before the undersigned authority personally appeared
...., who on oath says that he or she is of the, a
.... newspaper published at in County, Florida; that
the attached copy of advertisement, being a in the matter
of in the Court, was published in said newspaper in
the issues of

19

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Affiant further says that the said is a newspaper
published at, in said County, Florida, and that the
said newspaper has heretofore been continuously published in
said County, Florida, each and has been entered as
periodicals ~~second-class mail~~ matter at the post office in
...., in said County, Florida, for a period of 1 year
next preceding the first publication of the attached copy of
advertisement; and affiant further says that he or she has
neither paid nor promised any person, firm or corporation any
discount, rebate, commission or refund for the purpose of
securing this advertisement for publication in the said
newspaper.

1 Sworn to and subscribed before me this day of,
2 19...., by, who is personally known to me or who has
3 produced (type of identification) as identification.

4
5
6 ...(Signature of Notary Public)...

7
8 ...(Print, Type, or Stamp Commissioned Name of Notary
9 Public)...

10
11 ...(Notary Public)...

12
13 Reviser's note.--Amended to conform to the
14 redesignation of second-class mail matter as
15 periodicals by the United States Postal
16 Service; see 61 F.R. 10123-10124, March 12,
17 1996.

18
19 Section 24. Subsection (1) of section 63.0427, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 63.0427 Adopted minor's right to continued
22 communication or contact with siblings.--

23 (1) A child whose parents have had their parental
24 rights terminated and whose custody has been awarded to the
25 department pursuant to s. 39.811 ~~39.469~~, and who is the
26 subject of a petition for adoption under this chapter, shall
27 have the right to have the court consider the appropriateness
28 of postadoption communication or contact, including, but not
29 limited to, visits, letters and cards, or telephone calls,
30 with his or her siblings who are not included in the petition
31 for adoption. The court shall determine if the best interests

1 of the child support such continued communication or contact
2 and shall consider the following in making such determination:

3 (a) Any orders of the court pursuant to s. 39.811(7)
4 ~~39.469(7)~~.

5 (b) Recommendations of the department, the foster
6 parents if other than the adoptive parents, and the guardian
7 ad litem.

8 (c) Statements of prospective adoptive parents.

9 (d) Any other information deemed relevant and material
10 by the court.

11

12 If the court determines that the child's best interests will
13 be served by postadoption communication or contact with any
14 sibling, the court shall so order, stating the nature and
15 frequency for the communication or contact. This order shall
16 be made a part of the final adoption order, but in no event
17 shall continuing validity of the adoption be contingent upon
18 such postadoption communication or contact, nor shall the
19 ability of the adoptive parents and child to change residence
20 within or outside the State of Florida be impaired by such
21 communication or contact.

22

23 Reviser's note.--Amended to conform to the
24 transfer of s. 39.469 to s. 39.811 by s. 93,
25 ch. 98-403, Laws of Florida.

26

27 Section 25. Subsection (6) of section 63.162, Florida
28 Statutes, is amended to read:

29 63.162 Hearings and records in adoption proceedings;
30 confidential nature.--

31

1 (6) Subject to the provisions of subsection (4)
2 ~~paragraph (d)~~, identifying information regarding the birth
3 parents, adoptive parents, and adoptee may not be disclosed
4 unless a birth parent, adoptive parent, or adoptee has
5 authorized in writing the release of such information
6 concerning himself or herself. Specific names or identifying
7 information must not be given in a family medical history.
8 All nonidentifying information, including the family medical
9 history and social history of the adoptee and the birth
10 parents, when available, must be furnished to the adoptive
11 parents before the adoption becomes final and to the adoptee,
12 upon the adoptee's request, after he or she reaches majority.
13 Upon the request of the adoptive parents, all nonidentifying
14 information obtained before or after the adoption has become
15 final must be furnished to the adoptive parents.

16
17 Reviser's note.--Amended to conform to the
18 redesignation of subunits of s. 63.162
19 following the repeal of former subsection (2)
20 by s. 23, ch. 96-406, Laws of Florida.

21
22 Section 26. Paragraph (a) of subsection (1) of section
23 72.011, Florida Statutes, 1998 Supplement, is amended to read:

24 72.011 Jurisdiction of circuit courts in specific tax
25 matters; administrative hearings and appeals; time for
26 commencing action; parties; deposits.--

27 (1)(a) A taxpayer may contest the legality of any
28 assessment or denial of refund of tax, fee, surcharge, permit,
29 interest, or penalty provided for under s. 125.0104, s.
30 125.0108, chapter 198, chapter 199, chapter 201, chapter 203,
31 chapter 206, chapter 207, chapter 210, chapter 211, chapter

1 212, chapter 213, chapter 220, chapter 221, s. 370.07(3),
2 chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195,
3 ~~s. 403.7197~~, s. 538.09, s. 538.25, chapter 550, chapter 561,
4 chapter 562, chapter 563, chapter 564, chapter 565, chapter
5 624, or s. 681.117 by filing an action in circuit court; or,
6 alternatively, the taxpayer may file a petition under the
7 applicable provisions of chapter 120. However, once an action
8 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
9 120.57, or s. 120.80(14)(b), no action relating to the same
10 subject matter may be filed by the taxpayer in circuit court,
11 and judicial review shall be exclusively limited to appellate
12 review pursuant to s. 120.68; and once an action has been
13 initiated in circuit court, no action may be brought under
14 chapter 120.

15

16 Reviser's note.--Amended to conform to the
17 repeal of s. 403.7197, by s. 26, ch. 97-94,
18 Laws of Florida.

19

20 Section 27. Section 90.4025, Florida Statutes, is
21 amended to read:

22 90.4025 Admissibility of paternity determination in
23 certain criminal prosecutions.--If a person less than 18 years
24 of age gives birth to a child and the paternity of that child
25 is established under chapter 742, such evidence of paternity
26 is admissible in a criminal prosecution under ss. 794.011,
27 794.05, 800.04, and 827.04(3)~~827.04(4)~~.

28

29 Reviser's note.--Amended to revise the
30 reference to s. 827.04(4) as created by s. 2,
31 ch. 96-215, Laws of Florida, to conform to the

1 redesignation of subunits of s. 827.04 by s.
2 10, ch. 96-322, Laws of Florida.

3
4 Section 28. Subsection (1) of section 90.503, Florida
5 Statutes, is reenacted to read:

6 90.503 Psychotherapist-patient privilege.--

7 (1) For purposes of this section:

8 (a) A "psychotherapist" is:

9 1. A person authorized to practice medicine in any
10 state or nation, or reasonably believed by the patient so to
11 be, who is engaged in the diagnosis or treatment of a mental
12 or emotional condition, including alcoholism and other drug
13 addiction;

14 2. A person licensed or certified as a psychologist
15 under the laws of any state or nation, who is engaged
16 primarily in the diagnosis or treatment of a mental or
17 emotional condition, including alcoholism and other drug
18 addiction;

19 3. A person licensed or certified as a clinical social
20 worker, marriage and family therapist, or mental health
21 counselor under the laws of this state, who is engaged
22 primarily in the diagnosis or treatment of a mental or
23 emotional condition, including alcoholism and other drug
24 addiction; or

25 4. Treatment personnel of facilities licensed by the
26 state pursuant to chapter 394, chapter 395, or chapter 397, of
27 facilities designated by the Department of Health and
28 Rehabilitative Services pursuant to chapter 394 as treatment
29 facilities, or of facilities defined as community mental
30 health centers pursuant to s. 394.907(1), who are engaged
31 primarily in the diagnosis or treatment of a mental or

1 emotional condition, including alcoholism and other drug
2 addiction.

3 (b) A "patient" is a person who consults, or is
4 interviewed by, a psychotherapist for purposes of diagnosis or
5 treatment of a mental or emotional condition, including
6 alcoholism and other drug addiction.

7 (c) A communication between psychotherapist and
8 patient is "confidential" if it is not intended to be
9 disclosed to third persons other than:

10 1. Those persons present to further the interest of
11 the patient in the consultation, examination, or interview.

12 2. Those persons necessary for the transmission of the
13 communication.

14 3. Those persons who are participating in the
15 diagnosis and treatment under the direction of the
16 psychotherapist.

17
18 Reviser's note.--Section 19, ch. 93-39, Laws of
19 Florida, purported to amend s. 90.503(1), but
20 failed to republish paragraphs (b) and (c). In
21 the absence of affirmative evidence that the
22 Legislature intended to repeal paragraphs (b)
23 and (c), coupled with the fact that the
24 amendment by s. 19, ch. 93-39, affirmatively
25 evidences an intent to preserve the existing
26 paragraph structure, subsection (1) is
27 reenacted to confirm that the omission was not
28 intended.

29
30 Section 29. Subsection (1) of section 90.953, Florida
31 Statutes, is amended to read:

1 90.953 Admissibility of duplicates.--A duplicate is
2 admissible to the same extent as an original, unless:

3 (1) The document or writing is a negotiable instrument
4 as defined in s. 673.1041, a security as defined in s.
5 678.1021 ~~678.102~~, or any other writing that evidences a right
6 to the payment of money, is not itself a security agreement or
7 lease, and is of a type that is transferred by delivery in the
8 ordinary course of business with any necessary endorsement or
9 assignment.

10
11 Reviser's note.--Amended to conform to the
12 repeal of former s. 678.102 by s. 25, ch.
13 98-11, Laws of Florida, and the creation of s.
14 678.1021, which also defines "security," by s.
15 1, ch. 98-11.

16
17 Section 30. Subsection (1) of section 92.53, Florida
18 Statutes, is amended to read:

19 92.53 Videotaping of testimony of victim or witness
20 under age 16 or person with mental retardation.--

21 (1) On motion and hearing in camera and a finding that
22 there is a substantial likelihood that a victim or witness who
23 is under the age of 16 or who is a person with mental
24 retardation as defined in s. 393.063(44)~~393.063(41)~~would
25 suffer at least moderate emotional or mental harm due to the
26 presence of the defendant if the child or person with mental
27 retardation is required to testify in open court, or that such
28 victim or witness is otherwise unavailable as defined in s.
29 90.804(1), the trial court may order the videotaping of the
30 testimony of the victim or witness in a case, whether civil or
31

1 criminal in nature, in which videotaped testimony is to be
2 utilized at trial in lieu of trial testimony in open court.

3
4 Reviser's note.--Amended to conform to the
5 redesignation of s. 393.063(41) as s.
6 393.036(42) by s. 3, ch. 94-154, Laws of
7 Florida, and further redesignation as s.
8 393.063(43) by s. 1, ch. 95-293, Laws of
9 Florida, and as s. 393.063(44) by s. 23, ch.
10 98-171, Laws of Florida.

11
12 Section 31. Subsections (3) and (4) of section
13 97.1031, Florida Statutes, are amended to read:

14 97.1031 Notice of change of residence within the same
15 county, change of name, or change of party.--

16 (3) When an elector seeks to change party affiliation,
17 the elector must provide a signed, written notification of
18 such intent to the supervisor and obtain a registration
19 identification card reflecting the new party affiliation,
20 subject to the issuance restriction in s. 97.071(4)~~97.071(3)~~.

21 (4) The supervisor shall make the necessary changes in
22 the elector's records as soon as practical upon receipt of
23 such notice of a change of address of legal residence, name,
24 or party affiliation and shall issue the new registration
25 identification card as required by s. 97.071(4)~~97.071(3)~~.

26
27 Reviser's note.--Amended to conform to the
28 redesignation of subunits by s. 7, ch. 98-129,
29 Laws of Florida.

1 Section 32. Paragraph (b) of subsection (4) of section
2 101.62, Florida Statutes, 1998 Supplement, is amended to read:

3 101.62 Request for absentee ballots.--

4 (4)

5 (b) As soon as the remainder of the absentee ballots
6 are printed, the supervisor shall provide an absentee ballot
7 to each elector by whom a request for that ballot has been
8 made by one of the following means:

9 1. By nonforwardable, return-if-undeliverable mail to
10 the elector's current mailing address on file with the
11 supervisor, unless the elector specifies in the request that:

12 a. The elector is absent from the county and does not
13 plan to return before the day of the election;

14 b. The elector is temporarily unable to occupy the
15 residence because of hurricane, tornado, flood, fire, or other
16 emergency or natural disaster; or

17 c. The elector is in a hospital, assisted-living
18 facility, nursing home, short-term medical or rehabilitation
19 facility, or correctional facility,

20
21 in which case the supervisor shall mail the ballot by
22 nonforwardable, return-if-undeliverable mail to any other
23 address the elector specifies in the request.

24 2. By forwardable mail to voters who are entitled to
25 vote by absentee ballot under the Uniformed and Overseas
26 Citizens Voting Act.

27 3. By personal delivery to the elector, upon
28 presentation of the identification required in s. 101.657.

29 4. By delivery to a designee on election day or up to
30 4 days prior to the day of an election. Any elector may
31 designate in writing a person to pick up the ballot for the

1 elector; however, the person designated may not pick up more
2 than two absentee ballots per election, other than the
3 designee's own ballot, except that additional ballots may be
4 picked up for members of the designee's immediate family. For
5 purposes of this section, "immediate family" means the
6 designee's spouse or the parent, child, grandparent, or
7 sibling of the designee or of the designee's spouse. The
8 designee shall provide to the supervisor the written
9 authorization by the elector and a picture identification of
10 the designee and must complete an affidavit. The designee
11 shall state in the affidavit that the designee is authorized
12 by the elector to pick up that ballot and shall indicate if
13 the elector is a member of the designee's immediate family
14 and, if so, the relationship. The department shall prescribe
15 the form of the affidavit. If the supervisor is satisfied that
16 the designee is authorized to pick up the ballot and that the
17 signature of the elector on the written authorization matches
18 the signature of the elector on file, the supervisor shall
19 give the ballot to that designee for delivery to the elector.

20
21 Reviser's note.--Amended to improve clarity and
22 facilitate correct interpretation.

23
24 Section 33. Section 101.65, Florida Statutes, 1998
25 Supplement, is amended to read:

26 101.65 Instructions to absent electors.--The
27 supervisor shall enclose with each absentee ballot separate
28 printed instructions in substantially the following form:

29
30 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

31

- 1 1. VERY IMPORTANT. In order to ensure that your
2 absentee ballot will be counted, it should be completed and
3 returned as soon as possible so that it can reach the
4 supervisor of elections of the county in which your precinct
5 is located no later than 7 p.m. on the day of the election.
- 6 2. Mark your ballot in secret as instructed on the
7 ballot. You must mark your own ballot unless you are unable to
8 do so because of blindness, disability, or inability to read
9 or write.
- 10 3. Place your marked ballot in the enclosed secrecy
11 envelope.
- 12 4. Insert the secrecy envelope into the enclosed
13 mailing envelope which is addressed to the supervisor.
- 14 5. Seal the mailing envelope and completely fill out
15 the Voter's Certificate on the back of the mailing envelope.
- 16 6. VERY IMPORTANT. In order for your absentee ballot
17 to be counted, you must sign your name on the line above
18 (Voter's Signature), place the last four digits of your Social
19 Security number in the space provided, and your ballot must be
20 witnessed in either of the following manners:
 - 21 a. One witness, who is a registered voter in the
22 state, must affix his or her signature, printed name, address,
23 voter identification number, and county of registration on the
24 voter's certificate. Each witness is limited to witnessing
25 five ballots per election unless certified as an absentee
26 ballot coordinator. A candidate may not serve as an attesting
27 witness.
 - 28 b. Any notary or other officer entitled to administer
29 oaths or any Florida supervisor of elections or deputy
30 supervisor of elections, other than a candidate, may serve as
31 an attesting witness.

1 7. Mail, deliver, or have delivered the completed
2 mailing envelope. Be sure there is sufficient postage if
3 mailed.

4 8. FELONY NOTICE. It is a felony under Florida law to
5 accept any gift, payment, or gratuity in exchange for your
6 vote for a candidate. It is also a felony under Florida law to
7 vote in an election using a false identity or false address,
8 or under any other circumstances making your ballot false or
9 ~~of~~ fraudulent.

10

11 Reviser's note.--Amended to improve clarity and
12 facilitate correct interpretation.

13

14 Section 34. Subsection (4) of section 104.047, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 104.047 Absentee voting.--

17 (4) Any person who marks or designates a choice on the
18 ballot of another person, except as provided in s. 101.051, s.
19 101.655, or s. 101.661 ~~101.66~~, is guilty of a felony of the
20 third degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

22

23 Reviser's note.--Amended to conform to the
24 redesignation of s. 101.66 by the reviser
25 incident to the compilation of the 1998
26 Supplement to the Florida Statutes 1997.

27

28 Section 35. Subsection (3) of section 106.082, Florida
29 Statutes, is amended to read:

30 106.082 Commissioner of Agriculture candidates;
31 campaign contribution limits.--

1 (3) No employee of the Department of Agriculture may
2 solicit a campaign contribution for any candidate for the
3 office of Commissioner of Agriculture from any person or
4 business who is licensed, inspected, or otherwise authorized
5 to do business as a food outlet or convenience store pursuant
6 to chapter 500; or any director, officer, lobbyist, or
7 controlling interest of that person; or any political
8 committee or committee of continuous existence that represents
9 that person. For purposes of this section, "employee of the
10 department" means any person employed in the Department of
11 Agriculture holding a position in the Senior Management
12 Service as defined in s. 110.402 ~~220.402~~; any person holding a
13 position in the Selected Exempt Service as defined in s.
14 110.602; any person having authority over food outlet or
15 convenience store regulation, or inspection supervision; or
16 any person, hired on a contractual basis, having the power
17 normally conferred upon such person, by whatever title.

18
19 Reviser's note.--Amended to correct an apparent
20 error. There has never been a s. 220.402, and
21 the Senior Management Service is created in s.
22 110.402.

23
24 Section 36. Subsection (4) of section 110.112, Florida
25 Statutes, is amended to read:

26 110.112 Affirmative action; equal employment
27 opportunity.--

28 (4) The state, its agencies and officers shall ensure
29 freedom from discrimination in employment as provided by the
30 Florida Civil Human Rights Act of 1992 ~~1977~~, by s. 112.044,
31 and by this chapter.

1 Reviser's note.--Amended to conform to the
2 redesignation of the Human Rights Act of 1997
3 as the Florida Civil Rights Act of 1992 by s.
4 1, ch. 92-177, Laws of Florida.

5
6 Section 37. Paragraph (b) of subsection (4) and
7 paragraph (c) of subsection (5) of section 110.123, Florida
8 Statutes, 1998 Supplement, are amended to read:

9 110.123 State group insurance program.--

10 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE;
11 LIMITATION ON ACTIONS TO PAY AND COLLECT PREMIUMS.--

12 (b) If a state officer or full-time state employee
13 selects membership in a health maintenance organization as
14 authorized by paragraph(3)(h)+3)+(g), the officer or employee
15 is entitled to a state contribution toward individual and
16 dependent membership as provided by the Legislature through
17 the appropriations act.

18 (5) DIVISION OF STATE GROUP INSURANCE; POWERS AND
19 DUTIES.--The division is responsible for the administration of
20 the state group insurance program. The division shall
21 initiate and supervise the program as established by this
22 section and shall adopt such rules as are necessary to perform
23 its responsibilities. To implement this program, the division
24 shall, with prior approval by the Legislature:

25 (c) Contract on a competitive proposal basis with an
26 insurance carrier or carriers, or professional administrator,
27 determined by the Department of Insurance to be fully
28 qualified, financially sound, and capable of meeting all
29 servicing requirements. Alternatively, the division may
30 self-insure any plan or plans contained in the state group
31 insurance program subject to approval based on actuarial

1 soundness by the Department of Insurance. The division may
2 contract with an insurance company or professional
3 administrator qualified and approved by the Department of
4 Insurance to administer such plan. Before entering into any
5 contract, the division shall advertise for competitive
6 proposals, and such contract shall be let upon the
7 consideration of the benefits provided in relationship to the
8 cost of such benefits. In determining which entity to contract
9 with, the division shall, at a minimum, consider: the
10 entity's previous experience and expertise in administering
11 group insurance programs of the type it proposes to
12 administer; the entity's ability to specifically perform its
13 contractual obligations in this state and other governmental
14 jurisdictions; the entity's anticipated administrative costs
15 and claims experience; the entity's capability to adequately
16 provide service coverage and sufficient number of experienced
17 and qualified personnel in the areas of claims processing,
18 recordkeeping, and underwriting, as determined by the
19 division; the entity's accessibility to state employees and
20 providers; the financial solvency of the entity, ~~and~~ using
21 accepted business sector measures of financial performance.
22 The division may contract for medical services which will
23 improve the health or reduce medical costs for employees who
24 participate in the state group insurance plan.

25
26 Final decisions concerning the existence of coverage or
27 benefits under the state group health insurance plan shall not
28 be delegated or deemed to have been delegated by the division.

29
30 Reviser's note.--Paragraph (4)(b) is amended to
31 conform to the fact that paragraph (3)(e) was

1 redesignated as paragraph (3)(h), rather than
2 paragraph (3)(g), by s. 3, ch. 97-92, Laws of
3 Florida. Paragraph (5)(c) was amended to
4 improve clarity and facilitate correct
5 interpretation.

6
7 Section 38. Paragraph (h) of subsection (2) of section
8 112.19, Florida Statutes, is amended to read:

9 112.19 Law enforcement, correctional, and correctional
10 probation officers; death benefits.--

11 (2)

12 (h)1. Any employer who employs a full-time law
13 enforcement, correctional, or correctional probation officer
14 who, on or after January 1, 1995, suffers a catastrophic
15 injury, as defined in s. 440.02(37)~~440.02(34)~~, in the line of
16 duty shall pay the entire premium of the employer's health
17 insurance plan for the injured employee, the injured
18 employee's spouse, and for each dependent child of the injured
19 employee until the child reaches the age of majority or until
20 the end of the calendar year in which the child reaches the
21 age of 25 if the child continues to be dependent for support,
22 or the child is a full-time or part-time student and is
23 dependent for support. The term "health insurance plan" does
24 not include supplemental benefits that are not part of the
25 basic group health insurance plan. If the injured employee
26 subsequently dies, the employer shall continue to pay the
27 entire health insurance premium for the surviving spouse until
28 remarried, and for the dependent children, under the
29 conditions outlined in this paragraph. However:

30 a. Health insurance benefits payable from any other
31 source shall reduce benefits payable under this section.

1 b. It is unlawful for a person to willfully and
2 knowingly make, or cause to be made, or to assist, conspire
3 with, or urge another to make, or cause to be made, any false,
4 fraudulent, or misleading oral or written statement to obtain
5 health insurance coverage as provided under this paragraph. A
6 person who violates this sub-subparagraph commits a
7 misdemeanor of the first degree, punishable as provided in s.
8 775.082 or s. 775.083.

9 c. In addition to any applicable criminal penalty,
10 upon conviction for a violation as described in
11 sub-subparagraph b., a law enforcement, correctional, or
12 correctional probation officer or other beneficiary who
13 receives or seeks to receive health insurance benefits under
14 this paragraph shall forfeit the right to receive such health
15 insurance benefits, and shall reimburse the employer for all
16 benefits paid due to the fraud or other prohibited activity.
17 For purposes of this sub-subparagraph, "conviction" means a
18 determination of guilt that is the result of a plea or trial,
19 regardless of whether adjudication is withheld.

20 2. In order for the officer, spouse, and dependent
21 children to be eligible for such insurance coverage, the
22 injury must have occurred as the result of the officer's
23 response to fresh pursuit, the officer's response to what is
24 reasonably believed to be an emergency, or an unlawful act
25 perpetrated by another. Except as otherwise provided herein,
26 nothing in this paragraph shall be construed to limit health
27 insurance coverage for which the officer, spouse, or dependent
28 children may otherwise be eligible, except that a person who
29 qualifies under this section shall not be eligible for the
30 health insurance subsidy provided under chapter 121, chapter
31 175, or chapter 185.

1 Reviser's note.--Amended to conform to the
2 redesignation of subunits of s. 440.02 by s. 1,
3 ch. 98-174, Laws of Florida.

4
5 Section 39. Paragraph (g) of subsection (2) of section
6 112.191, Florida Statutes, is amended to read:

7 112.191 Firefighters; death benefits.--
8 (2)

9 (g)1. Any employer who employs a full-time firefighter
10 who, on or after January 1, 1995, suffers a catastrophic
11 injury, as defined in s. 440.02(37)~~440.02(34)~~, in the line of
12 duty shall pay the entire premium of the employer's health
13 insurance plan for the injured employee, the injured
14 employee's spouse, and for each dependent child of the injured
15 employee until the child reaches the age of majority or until
16 the end of the calendar year in which the child reaches the
17 age of 25 if the child continues to be dependent for support,
18 or the child is a full-time or part-time student and is
19 dependent for support. The term "health insurance plan" does
20 not include supplemental benefits that are not part of the
21 basic group health insurance plan. If the injured employee
22 subsequently dies, the employer shall continue to pay the
23 entire health insurance premium for the surviving spouse until
24 remarried, and for the dependent children, under the
25 conditions outlined in this paragraph. However:

26 a. Health insurance benefits payable from any other
27 source shall reduce benefits payable under this section.

28 b. It is unlawful for a person to willfully and
29 knowingly make, or cause to be made, or to assist, conspire
30 with, or urge another to make, or cause to be made, any false,
31 fraudulent, or misleading oral or written statement to obtain

1 health insurance coverage as provided under this paragraph. A
2 person who violates this sub-subparagraph commits a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 c. In addition to any applicable criminal penalty,
6 upon conviction for a violation as described in
7 sub-subparagraph b., a firefighter or other beneficiary who
8 receives or seeks to receive health insurance benefits under
9 this paragraph shall forfeit the right to receive such health
10 insurance benefits, and shall reimburse the employer for all
11 benefits paid due to the fraud or other prohibited activity.
12 For purposes of this sub-subparagraph, "conviction" means a
13 determination of guilt that is the result of a plea or trial,
14 regardless of whether adjudication is withheld.

15 2. In order for the firefighter, spouse, and dependent
16 children to be eligible for such insurance coverage, the
17 injury must have occurred as the result of the firefighter's
18 response to what is reasonably believed to be an emergency
19 involving the protection of life or property, or an unlawful
20 act perpetrated by another. Except as otherwise provided
21 herein, nothing in this paragraph shall be construed to limit
22 health insurance coverage for which the firefighter, spouse,
23 or dependent children may otherwise be eligible, except that a
24 person who qualifies for benefits under this section shall not
25 be eligible for the health insurance subsidy provided under
26 chapter 121, chapter 175, or chapter 185.

27
28 Notwithstanding any provision of this section to the contrary,
29 the death benefits provided in paragraphs (b), (c), and (f)
30 shall also be applicable and paid in cases where a firefighter
31 received bodily injury prior to July 1, 1993, and subsequently

1 died on or after July 1, 1993, as a result of such
2 in-line-of-duty injury.

3
4 Reviser's note.--Amended to conform to the
5 redesignation of subunits of s. 440.02 by s. 1,
6 ch. 98-174, Laws of Florida.

7
8 Section 40. Paragraph (b) of subsection (11) of
9 section 112.215, Florida Statutes, is amended to read:

10 112.215 Government employees; deferred compensation
11 program.--

12 (11) With respect to any funds held pursuant to a
13 deferred compensation plan, any plan provider which is a bank
14 or savings association and which provides time deposit
15 accounts and certificates of deposit as an investment product
16 to the plan participants may, with the approval of the State
17 Board of Administration for providers in the state plan, or
18 with the approval of the appropriate official or body
19 designated by ordinance for a county, municipal, or other
20 political subdivision plan, be exempt from the provisions of
21 chapter 280 requiring it to be a qualified public depository,
22 provided:

23 (b) Said collateral shall be of the kind permitted by
24 s. ss. 280.13 ~~and 280.14~~ and shall be pledged in the manner
25 provided for by the applicable provisions of chapter 280.

26
27 The Treasurer shall have all the applicable powers provided in
28 ss. 280.04, 280.05, and 280.08 relating to the sale or other
29 disposition of the pledged collateral.

1 Reviser's note.--Amended to conform to the
2 repeal of s. 280.14 by s. 17, ch. 96-216, Laws
3 of Florida.

4
5 Section 41. Subsection (9) of section 112.313, Florida
6 Statutes, is reenacted to read:

7 112.313 Standards of conduct for public officers,
8 employees of agencies, and local government attorneys.--

9 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT
10 FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

11 (a)1. It is the intent of the Legislature to implement
12 by statute the provisions of s. 8(e), Art. II of the State
13 Constitution relating to legislators, statewide elected
14 officers, appointed state officers, and designated public
15 employees.

16 2. As used in this paragraph:

17 a. "Employee" means:

18 (I) Any person employed in the executive or
19 legislative branch of government holding a position in the
20 Senior Management Service as defined in s. 110.402 or any
21 person holding a position in the Selected Exempt Service as
22 defined in s. 110.602 or any person having authority over
23 policy or procurement employed by the Department of the
24 Lottery.

25 (II) The Auditor General, the Sergeant at Arms and
26 Secretary of the Senate, and the Sergeant at Arms and Clerk of
27 the House of Representatives.

28 (III) The executive director of the Legislative
29 Committee on Intergovernmental Relations and the executive
30 director and deputy executive director of the Commission on
31 Ethics.

1 (IV) An executive director, staff director, or deputy
2 staff director of each joint committee, standing committee, or
3 select committee of the Legislature; an executive director,
4 staff director, executive assistant, analyst, or attorney of
5 the Office of the President of the Senate, the Office of the
6 Speaker of the House of Representatives, the Senate Majority
7 Party Office, Senate Minority Party Office, House Majority
8 Party Office, or House Minority Party Office; or any person,
9 hired on a contractual basis, having the power normally
10 conferred upon such persons, by whatever title.

11 (V) The Chancellor and Vice Chancellors of the State
12 University System; the general counsel to the Board of
13 Regents; and the president, vice presidents, and deans of each
14 state university.

15 (VI) Any person having the power normally conferred
16 upon the positions referenced in this sub-subparagraph.

17 b. "Appointed state officer" means any member of an
18 appointive board, commission, committee, council, or authority
19 of the executive or legislative branch of state government
20 whose powers, jurisdiction, and authority are not solely
21 advisory and include the final determination or adjudication
22 of any personal or property rights, duties, or obligations,
23 other than those relative to its internal operations.

24 c. "State agency" means an entity of the legislative,
25 executive, or judicial branch of state government over which
26 the Legislature exercises plenary budgetary and statutory
27 control.

28 3. No member of the Legislature, appointed state
29 officer, or statewide elected officer shall personally
30 represent another person or entity for compensation before the
31 government body or agency of which the individual was an

1 officer or member for a period of 2 years following vacation
2 of office. No member of the Legislature shall personally
3 represent another person or entity for compensation during his
4 or her term of office before any state agency other than
5 judicial tribunals or in settlement negotiations after the
6 filing of a lawsuit.

7 4. No agency employee shall personally represent
8 another person or entity for compensation before the agency
9 with which he or she was employed for a period of 2 years
10 following vacation of position, unless employed by another
11 agency of state government.

12 5. Any person violating this paragraph shall be
13 subject to the penalties provided in s. 112.317 and a civil
14 penalty of an amount equal to the compensation which the
15 person receives for the prohibited conduct.

16 6. This paragraph is not applicable to:

17 a. A person employed by the Legislature or other
18 agency prior to July 1, 1989;

19 b. A person who was employed by the Legislature or
20 other agency on July 1, 1989, whether or not the person was a
21 defined employee on July 1, 1989;

22 c. A person who was a defined employee of the State
23 University System or the Public Service Commission who held
24 such employment on December 31, 1994;

25 d. A person who has reached normal retirement age as
26 defined in s. 121.021(29), and who has retired under the
27 provisions of chapter 121 by July 1, 1991; or

28 e. Any appointed state officer whose term of office
29 began before January 1, 1995, unless reappointed to that
30 office on or after January 1, 1995.

31

1 (b) In addition to the provisions of this part which
2 are applicable to legislators and legislative employees by
3 virtue of their being public officers or employees, the
4 conduct of members of the Legislature and legislative
5 employees shall be governed by the ethical standards provided
6 in the respective rules of the Senate or House of
7 Representatives which are not in conflict herewith.

8
9 Reviser's note.--Section 1, ch. 94-277, Laws of
10 Florida, purported to amend s. 112.313(9), but
11 failed to republish paragraph (9)(b). In the
12 absence of affirmative evidence that the
13 Legislature intended to repeal paragraph
14 (9)(b), coupled with the fact that the form of
15 the amendment by s. 1, ch. 94-277,
16 affirmatively evidences an intent to retain the
17 existing paragraph structure of the subsection,
18 subsection (9) is reenacted to confirm that the
19 omission was not intended.

20
21 Section 42. Subsection (3) of section 112.3135,
22 Florida Statutes, 1998 Supplement, is amended to read:
23 112.3135 Restriction on employment of relatives.--
24 (3) An agency may prescribe regulations authorizing
25 the temporary employment, in the event of an emergency as
26 defined in s. 252.34(3)~~252.34(2)~~, of individuals whose
27 employment would be otherwise prohibited by this section.

28
29 Reviser's note.--Amended to conform to the
30 redesignation of subunits of s. 252.34 by s.
31 10, ch. 93-211, Laws of Florida.

1 Section 43. Paragraph (a) of subsection (3) of section
2 112.3143, Florida Statutes, is amended to read:

3 112.3143 Voting conflicts.--

4 (3)(a) No county, municipal, or other local public
5 officer shall vote in an official capacity upon any measure
6 which would inure to his or her special private gain or loss;
7 which he or she knows would inure to the special private gain
8 or loss of any principal by whom he or she is retained or to
9 the parent organization or subsidiary of a corporate principal
10 by which he or she is retained, other than an agency as
11 defined in s. 112.312(2)~~112.312(3)~~; or which he or she knows
12 would inure to the special private gain or loss of a relative
13 or business associate of the public officer. Such public
14 officer shall, prior to the vote being taken, publicly state
15 to the assembly the nature of the officer's interest in the
16 matter from which he or she is abstaining from voting and,
17 within 15 days after the vote occurs, disclose the nature of
18 his or her interest as a public record in a memorandum filed
19 with the person responsible for recording the minutes of the
20 meeting, who shall incorporate the memorandum in the minutes.

21
22 Reviser's note.--Amended to conform to the fact
23 that "agency" is defined in s. 112.312(2),
24 rather than s. 112.312(3).
25

26 Section 44. Paragraph (b) of subsection (2) of section
27 112.352, Florida Statutes, is amended to read:

28 112.352 Definitions.--The following words and phrases
29 as used in this act shall have the following meaning unless a
30 different meaning is required by the context:
31

1 (2) "Retired member" shall mean any person who had
2 both attained age 65 and retired prior to January 1, 1966, and
3 is receiving benefits under any of the following systems:

4 (b) Supreme Court Justices, District Courts of Appeal
5 Judges and Circuit Judges Retirement System, created by
6 authority of former chapter 123.

7
8 Reviser's note.--Amended to conform to the
9 repeal of the provisions of former ch. 123 by
10 s. 20, ch. 97-180, Laws of Florida.

11
12 Section 45. Paragraph (b) of subsection (2) of section
13 112.361, Florida Statutes, is amended to read:

14 112.361 Additional and updated supplemental retirement
15 benefits.--

16 (2) DEFINITIONS.--As used in this section, unless a
17 different meaning is required by the context:

18 (b) "Retired member" means any person:

19 1. Who either:

20 a. Had both attained age 65 and retired for reasons
21 other than disability prior to January 1, 1968; or

22 b. Had retired because of disability prior to January
23 1, 1968, and who, if he or she had been covered under the
24 Social Security Act, would have been eligible for disability
25 benefits under Title II of the Social Security Act; and

26 2. Who is receiving benefits under any of the
27 following systems:

28 a. State and County Officers and Employees Retirement
29 System created by authority of chapter 122;

1 b. Supreme Court Justices, District Courts of Appeal
2 Judges and Circuit Judges Retirement System created by
3 authority of former chapter 123;

4 c. Teachers' Retirement System of the state created by
5 authority of chapter 238; or

6 d. Highway Patrol Pension Trust Fund created by
7 authority of chapter 321.

8

9 In addition, "retired member" includes any state official or
10 state employee who retired prior to January 1, 1958, and is
11 receiving benefits by authority of s. 112.05.

12

13 Reviser's note.--Amended to conform to the
14 repeal of the provisions of former ch. 123 by
15 s. 20, ch. 97-180, Laws of Florida.

16

17 Section 46. Subsection (5) of section 117.05, Florida
18 Statutes, 1998 Supplement, is reenacted and amended to read:

19 117.05 Use of notary commission; unlawful use; notary
20 fee; seal; duties; employer liability; name change;
21 advertising; photocopies; penalties.--

22 (5) A notary public may not notarize a signature on a
23 document unless he or she personally knows, or has
24 satisfactory evidence, that the person whose signature is to
25 be notarized is the individual who is described in and who is
26 executing the instrument. A notary public shall certify in the
27 certificate of acknowledgment or jurat the type of
28 identification, either based on personal knowledge or other
29 form of identification, upon which the notary public is
30 relying.

31

1 (a) For purposes of this subsection, "personally
2 knows" means having an acquaintance, derived from association
3 with the individual, which establishes the individual's
4 identity with at least a reasonable certainty.

5 (b) For the purposes of this subsection, "satisfactory
6 evidence" means the absence of any information, evidence, or
7 other circumstances which would lead a reasonable person to
8 believe that the person whose signature is to be notarized is
9 not the person he or she claims to be and any one of the
10 following:

11 1. The sworn written statement of one credible witness
12 personally known to the notary public or the sworn written
13 statement of two credible witnesses whose identities are
14 proven to the notary public upon the presentation of
15 satisfactory evidence that each of the following is true:

16 a. That the person whose signature is to be notarized
17 is the person named in the document;

18 b. That the person whose signature is to be notarized
19 is personally known to the witnesses;

20 c. That it is the reasonable belief of the witnesses
21 that the circumstances of the person whose signature is to be
22 notarized are such that it would be very difficult or
23 impossible for that person to obtain another acceptable form
24 of identification;

25 d. That it is the reasonable belief of the witnesses
26 that the person whose signature is to be notarized does not
27 possess any of the identification documents specified in
28 subparagraph 2.; and

29 e. That the witnesses do not have a financial interest
30 in nor are parties to the underlying transaction; or
31

- 1 2. Reasonable reliance on the presentation to the
2 notary public of any one of the following forms of
3 identification, if the document is current or has been issued
4 within the past 5 years and bears a serial or other
5 identifying number:
- 6 a. A Florida identification card or driver's license
7 issued by the public agency authorized to issue driver's
8 licenses;
- 9 b. A passport issued by the Department of State of the
10 United States;
- 11 c. A passport issued by a foreign government if the
12 document is stamped by the United States Immigration and
13 Naturalization Service;
- 14 d. A driver's license or an identification card issued
15 by a public agency authorized to issue driver's licenses in a
16 state other than Florida, a territory of the United States, or
17 Canada or Mexico;
- 18 e. An identification card issued by any branch of the
19 armed forces of the United States;
- 20 f. An inmate identification card issued on or after
21 January 1, 1991, by the Florida Department of Corrections for
22 an inmate who is in the custody of the department;
- 23 g. An inmate identification card issued by the United
24 States Department of Justice, Bureau of ~~Federal~~ Prisons, for
25 an inmate who is in the custody of the department;
- 26 h. A sworn, written statement from a sworn law
27 enforcement officer that the forms of identification for an
28 inmate in an institution of confinement were confiscated upon
29 confinement and that the person named in the document is the
30 person whose signature is to be notarized; or
31

1 i. An identification card issued by the United States
2 Immigration and Naturalization Service.

3
4 Reviser's note.--Section 5, ch. 98-246, Laws of
5 Florida, purported to amend s. 117.05 in its
6 entirety, but failed to republish paragraph
7 (5)(a). In the absence of affirmative evidence
8 that the Legislature intended to repeal
9 paragraph (5)(a), it is reenacted to confirm
10 that the omission was not intended. Paragraph
11 (5)(b) is amended to conform to the title of
12 the Bureau of Prisons as provided in 18 U.S.C.
13 s. 4041.

14
15 Section 47. Paragraphs (d) and (e) of subsection (1)
16 of section 120.57, Florida Statutes, 1998 Supplement, are
17 amended to read:

18 120.57 Additional procedures for particular cases.--

19 (1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS
20 INVOLVING DISPUTED ISSUES OF MATERIAL FACT.--

21 (d) Notwithstanding s. 120.569(2)(g)~~120.569(2)(e)~~,
22 similar fact evidence of other violations, wrongs, or acts is
23 admissible when relevant to prove a material fact in issue,
24 such as proof of motive, opportunity, intent, preparation,
25 plan, knowledge, identity, or absence of mistake or accident,
26 but it is inadmissible when the evidence is relevant solely to
27 prove bad character or propensity. When the state in an
28 administrative proceeding intends to offer evidence of other
29 acts or offenses under this paragraph, the state shall furnish
30 to the party whose substantial interests are being determined
31 and whose other acts or offenses will be the subject of such

1 evidence, no fewer than 10 days before commencement of the
2 proceeding, a written statement of the acts or offenses it
3 intends to offer, describing them and the evidence the state
4 intends to offer with particularity. Notice is not required
5 for evidence of acts or offenses which is used for impeachment
6 or on rebuttal.

7 (e)1. Any agency action that determines the
8 substantial interests of a party and that is based on an
9 unadopted rule is subject to de novo review by an
10 administrative law judge.

11 2. The agency action shall not be presumed valid or
12 invalid. The agency must demonstrate that the unadopted rule:

13 a. Is within the powers, functions, and duties
14 delegated by the Legislature or, if the agency is operating
15 pursuant to authority derived from the State Constitution, is
16 within that authority;

17 b. Does not enlarge, modify, or contravene the
18 specific provisions of law implemented;

19 c. Is not vague, establishes adequate standards for
20 agency decisions, or does not vest unbridled discretion in the
21 agency;

22 d. Is not arbitrary or capricious;

23 e. Is not being applied to the substantially affected
24 party without due notice;

25 f. Is supported by competent and substantial evidence;
26 and

27 g. Does not impose excessive regulatory costs on the
28 regulated person, county, or city.

29 3. The recommended and final orders in any proceeding
30 shall be governed by the provisions of paragraphs (k) ~~(i)~~ and
31 (l) ~~(j)~~, except that the administrative law judge's

1 determination regarding the unadopted rule shall not be
2 rejected by the agency unless the agency first determines from
3 a review of the complete record, and states with particularity
4 in the order, that such determination is clearly erroneous or
5 does not comply with essential requirements of law. In any
6 proceeding for review under s. 120.68, if the court finds that
7 the agency's rejection of the determination regarding the
8 unadopted rule does not comport with the provisions of this
9 subparagraph, the agency action shall be set aside and the
10 court shall award to the prevailing party the reasonable costs
11 and a reasonable attorney's fee for the initial proceeding and
12 the proceeding for review.

13
14 Reviser's note.--Paragraph (1)(d) is amended to
15 conform to the redesignation of subunits of s.
16 120.569(2) by s. 4, ch. 98-200, Laws of
17 Florida. Paragraph (1)(e) is amended to conform
18 to the redesignation of subunits of s. 120.57
19 by s. 5, ch. 98-200, Laws of Florida.

20
21 Section 48. Paragraph (c) of subsection (1) of section
22 120.595, Florida Statutes, is amended to read:

23 120.595 Attorney's fees.--

24 (1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION
25 120.57(1).--

26 (c) In proceedings pursuant to s. 120.57(1), and upon
27 motion, the administrative law judge shall determine whether
28 any party participated in the proceeding for an improper
29 purpose as defined by this subsection and s. 120.569(2)(e)
30 ~~120.569(2)(c)~~. In making such determination, the
31 administrative law judge shall consider whether the

1 nonprevailing adverse party has participated in two or more
2 other such proceedings involving the same prevailing party and
3 the same project as an adverse party and in which such two or
4 more proceedings the nonprevailing adverse party did not
5 establish either the factual or legal merits of its position,
6 and shall consider whether the factual or legal position
7 asserted in the instant proceeding would have been cognizable
8 in the previous proceedings. In such event, it shall be
9 rebuttably presumed that the nonprevailing adverse party
10 participated in the pending proceeding for an improper
11 purpose.

12

13 Reviser's note.--Amended to conform to the
14 redesignation of subunits of s. 120.569(2) by
15 s. 4, ch. 98-200, Laws of Florida.

16

17 Section 49. Subsection (4) of section 120.81, Florida
18 Statutes, is amended to read:

19 120.81 Exceptions and special requirements; general
20 areas.--

21 (4) REGULATION OF PROFESSIONS.--Notwithstanding s.
22 120.569(2)(g)~~120.569(2)(e)~~, in a proceeding against a
23 licensed professional or in a proceeding for licensure of an
24 applicant for professional licensure which involves
25 allegations of sexual misconduct:

26 (a) The testimony of the victim of the sexual
27 misconduct need not be corroborated.

28 (b) Specific instances of prior consensual sexual
29 activity between the victim of the sexual misconduct and any
30 person other than the offender is inadmissible, unless:

31

1 1. It is first established to the administrative law
2 judge in a proceeding in camera that the victim of the sexual
3 misconduct is mistaken as to the identity of the perpetrator
4 of the sexual misconduct; or

5 2. If consent by the victim of the sexual misconduct
6 is at issue and it is first established to the administrative
7 law judge in a proceeding in camera that such evidence tends
8 to establish a pattern of conduct or behavior on the part of
9 such victim which is so similar to the conduct or behavior in
10 the case that it is relevant to the issue of consent.

11 (c) Reputation evidence relating to the prior sexual
12 conduct of a victim of sexual misconduct is inadmissible.

13
14 Reviser's note.--Amended to conform to the
15 redesignation of subunits of s. 120.569(2) by
16 s. 4, ch. 98-200, Laws of Florida.

17
18 Section 50. Paragraph (c) of subsection (3) of section
19 121.011, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 121.011 Florida Retirement System.--

22 (3) PRESERVATION OF RIGHTS.--

23 (c) Any member of the Supreme Court Justices, District
24 Courts of Appeal Judges, and Circuit Judges' Retirement
25 System, former chapter 123, who terminates his or her service
26 as a justice or judge and accepts employment covered under
27 this chapter and elects to transfer to the Florida Retirement
28 System rather than retain his or her vested rights under
29 former chapter 123 may transfer to the Florida Retirement
30 System. All contributions of such member, including matching
31 contributions, shall be transferred from the judicial

1 retirement trust fund to the system trust fund, and his or her
2 normal retirement benefit shall conform with s. 121.091 from
3 November 30, 1970, or from date of transfer thereafter. Any
4 justice or judge electing to transfer to the Florida
5 Retirement System pursuant to the provisions of this paragraph
6 may, at any time prior to retirement, pay for and receive
7 credit for any service performed in any position covered by
8 the existing systems as defined in this chapter for which he
9 or she has not already received credit. The amount of such
10 payments and the credit received for such service shall be the
11 same as required for a member to obtain credit for prior
12 service pursuant to s. 8(2), chapter 70-112, Laws of Florida,
13 appearing as s. 121.081(2). Any justice or judge who elects to
14 transfer to the Florida Retirement System as provided herein
15 and who retires under the provisions of this chapter shall be
16 eligible for judicial service pursuant to the applicable
17 provisions of law if he or she has had no less than 5 years of
18 judicial service at the time of retirement.

19
20 Reviser's note.--Amended to conform to the
21 repeal of the provisions of former ch. 123 by
22 s. 20, ch. 97-180, Laws of Florida.

23
24 Section 51. Subsection (2), paragraph (b) of
25 subsection (39), paragraph (a) of subsection (52), and
26 paragraph (a) of subsection (53) of section 121.021, Florida
27 Statutes, 1998 Supplement, are amended to read:

28 121.021 Definitions.--The following words and phrases
29 as used in this chapter have the respective meanings set forth
30 unless a different meaning is plainly required by the context:
31

1 (2) "Existing systems" means the State and County
2 Officers and Employees' Retirement System, the retirement
3 system for school teachers, and the highway patrol pensions
4 and pension trust fund, which are consolidated in s.
5 121.011(2). On and after July 1, 1972, the term "existing
6 systems" shall also include the retirement system for justices
7 and judges established by former chapter 123 and as
8 consolidated with the Florida Retirement System in s. 121.046.

9 (39)

10 (b) "Termination" for a member electing to participate
11 under the Deferred Retirement Option Program occurs when the
12 Deferred Retirement Option Program participant ceases all
13 employment relationships with employers under this system in
14 accordance with s. 121.091(13), but in the event the Deferred
15 Retirement Option Program participant should be employed by
16 any such employer within the next calendar month, termination
17 will be deemed not to have occurred, except as provided in s.
18 121.091(13)(b)4.c.~~121.091(13)(b)5.b.~~A leave of absence shall
19 constitute a continuation of the employment relationship.

20 (52) "Regularly established position" is defined as
21 follows:

22 (a) In a state agency, the term means a position which
23 is authorized and established pursuant to law and is
24 compensated from a salaries appropriation pursuant to s.
25 216.011(1)(z)1. and 2.~~216.011(1)(x)1. and 2.~~, or an
26 established position which is authorized pursuant to s.
27 216.262(1)(a) and (b) and is compensated from a salaries
28 account as provided by rule.

29 (53) "Temporary position" is defined as follows:

30 (a) In a state agency, the term means an employment
31 position which is compensated from an other personal services

1 (OPS) account, as provided for in s. 216.011(1)(z)
2 ~~216.011(1)(x)~~.

3
4 Reviser's note.--Subsection (2) is amended to
5 conform to the repeal of the provisions of
6 former ch. 123 by s. 20, ch. 97-180, Laws of
7 Florida. Paragraph (39)(b) is amended to
8 conform to the redesignation of subunits of s.
9 121.091 by s. 1, ch. 98-18, Laws of Florida.
10 Paragraphs (52)(a) and (53)(a) are amended to
11 conform to the redesignation of subunits of s.
12 216.011 by s. 1, ch. 98-73, Laws of Florida.

13
14 Section 52. Subsections (1), (2), and (3) and
15 paragraph (a) of subsection (5) of section 121.046, Florida
16 Statutes, are amended to read:

17 121.046 Merger of the Judicial Retirement System into
18 the Florida Retirement System Act.--

19 (1) Any person who is elected or appointed to office
20 in this state as Supreme Court justice, district court of
21 appeal judge, or circuit judge on or after July 1, 1972, shall
22 not be eligible for membership, rights, or any privileges
23 under former chapter 123, the Judicial Retirement System,
24 unless such justice or judge is already a member of said
25 retirement system when elected or appointed to such office.

26 (2) Former chapter 123, the Judicial Retirement
27 System, is hereby merged as a separate instrument appended to
28 this chapter, the "Florida Retirement System Act," and the
29 administration of said former chapter 123, the Judicial
30 Retirement System, shall be merged into the administration of
31 the Florida Retirement System.

1 (3) The rights of members of the Judicial Retirement
2 System established by former chapter 123 shall not be
3 impaired, nor shall their benefits be reduced, by virtue of
4 any provision of this act or any provision of the Florida
5 Retirement System Act, except that if a member of the Judicial
6 Retirement System, otherwise eligible, elects, prior to June
7 30, 1973, to transfer to the Florida Retirement System, he or
8 she shall be transferred to the Florida Retirement System and,
9 from the date his or her transfer becomes effective, shall be
10 subject to the provisions of the Florida Retirement System
11 established by this chapter, together with any relevant
12 provisions of this act and shall have his or her benefits
13 calculated accordingly.

14 (5)(a) Effective July 1, 1972, the Judicial Retirement
15 System established by former chapter 123 shall be merged into
16 this chapter, the Florida Retirement System Act, and the
17 Florida Retirement System shall assume:

18 1. All liabilities related to the payment of benefits
19 to members and their beneficiaries;

20 2. The administration and payment of benefits now
21 accrued or which may accrue in the future for the benefit of
22 members, beneficiaries and survivors; and

23 3. All obligations in regard to funding, including any
24 actuarial deficit which may now or hereafter exist in the
25 Judicial Retirement System.

26

27 Reviser's note.--Amended to conform to the
28 repeal of the provisions of former ch. 123 by
29 s. 20, ch. 97-180, Laws of Florida.

30

31

1 Section 53. Paragraph (c) of subsection (2) of section
2 121.051, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 121.051 Participation in the system.--

5 (2) OPTIONAL PARTICIPATION.--

6 (c) Employees of members of the Florida State
7 Community College System or charter technical career centers
8 sponsored by members of the Florida State Community College
9 System, as designated in s. 240.3031, who are members of the
10 Regular Class of the Florida Retirement System and who comply
11 with the criteria set forth in this paragraph and in s.
12 240.3195 may elect, in lieu of participating in the Florida
13 Retirement System, to withdraw from the Florida Retirement
14 System altogether and participate in a lifetime monthly
15 annuity program, to be known as the State Community College
16 System Optional Retirement Program, which may be provided by
17 the employing agency under s. 240.3195. Pursuant thereto:

18 1. The cost to the employer for such annuity shall
19 equal the normal cost portion of the employer retirement
20 contribution which would be required if the employee were a
21 member of the Regular Class, plus the portion of the
22 contribution rate required by s. 112.363(8) that would
23 otherwise be assigned to the Retiree Health Insurance Subsidy
24 Trust Fund, and less an amount approved by the employer to
25 provide for the administration of the optional retirement
26 program. The employer providing such annuity shall contribute
27 an additional amount to the Florida Retirement System Trust
28 Fund equal to the unfunded actuarial accrued liability portion
29 of the Regular Class contribution rate.

30 2. The decision to participate in such an optional
31 retirement program shall be irrevocable for as long as the

1 employee holds a position eligible for participation. Any
2 service creditable under the Florida Retirement System shall
3 be retained after the member withdraws from the Florida
4 Retirement System; however, additional service credit in the
5 Florida Retirement System shall not be earned while a member
6 of the optional retirement program.

7 3. Participation in an optional annuity program shall
8 be limited to those employees who satisfy the following
9 eligibility criteria:

10 a. The employee must be otherwise eligible for
11 membership in the Regular Class of the Florida Retirement
12 System, as provided in s. 121.021(11) and (12).

13 b. The employee must be employed in a full-time
14 position classified in the Accounting Manual for Florida's
15 Public Community Colleges as:

16 (I) Instructional; or

17 (II) Executive Management, Instructional Management,
18 or Institutional Management, if a community college determines
19 that recruiting to fill a vacancy in the position is to be
20 conducted in the national or regional market, and:

21 (A) The duties and responsibilities of the position
22 include either the formulation, interpretation, or
23 implementation of policies; or

24 (B) The duties and responsibilities of the position
25 include the performance of functions that are unique or
26 specialized within higher education and that frequently
27 involve the support of the mission of the community college.

28 c. The employee must be employed in a position not
29 included in the Senior Management Service Class of the Florida
30 Retirement System, as described in s. 121.055.

31

1 4. Participants in the program are subject to the same
2 reemployment limitations, renewed membership provisions, and
3 forfeiture provisions as are applicable to regular members of
4 the Florida Retirement System under ss. 121.091(9), 121.122,
5 and 121.091(5), respectively.

6 5. Eligible community college employees shall be
7 compulsory members of the Florida Retirement System until,
8 pursuant to the procedures set forth in s. 240.3195, the first
9 day of the next full calendar month following the filing of
10 both a written election to withdraw and a completed
11 application for an individual contract or certificate with the
12 program administrator and receipt of such election by the
13 division.

14
15 Reviser's note.--Amended to conform to the
16 redesignation of the State Community College
17 System as the Florida Community College System
18 by s. 15, ch. 98-58, Laws of Florida.

19
20 Section 54. Paragraph (b) of subsection (9) and
21 paragraphs (a), (b), and (d) of subsection (13) of section
22 121.091, Florida Statutes, 1998 Supplement, are amended to
23 read:

24 121.091 Benefits payable under the system.--Benefits
25 may not be paid under this section unless the member has
26 terminated employment as provided in s. 121.021(39)(a) or
27 begun participation in the Deferred Retirement Option Program
28 as provided in subsection (13), and a proper application has
29 been filed in the manner prescribed by the division. The
30 division may cancel an application for retirement benefits
31 when the member or beneficiary fails to timely provide the

1 information and documents required by this chapter and the
2 division's rules. The division shall adopt rules establishing
3 procedures for application for retirement benefits and for the
4 cancellation of such application when the required information
5 or documents are not received.

6 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

7 (b)1. Any person who is retired under this chapter,
8 except under the disability retirement provisions of
9 subsection (4), may be reemployed by any private or public
10 employer after retirement and receive retirement benefits and
11 compensation from his or her employer without any limitations,
12 except that a person may not receive both a salary from
13 reemployment with any agency participating in the Florida
14 Retirement System and retirement benefits under this chapter
15 for a period of 12 months immediately subsequent to the date
16 of retirement. However, a DROP participant shall continue
17 employment and receive a salary during the period of
18 participation in the Deferred Retirement Option Program, as
19 provided in subsection (13).

20 2. Any person to whom the limitation in subparagraph
21 1. applies who violates such reemployment limitation and who
22 is reemployed with any agency participating in the Florida
23 Retirement System before completion of the 12-month limitation
24 period shall give timely notice of this fact in writing to the
25 employer and to the division and shall have his or her
26 retirement benefits suspended for the balance of the 12-month
27 limitation period. Any person employed in violation of this
28 paragraph and any employing agency which knowingly employs or
29 appoints such person without notifying the Division of
30 Retirement to suspend retirement benefits shall be jointly and
31 severally liable for reimbursement to the retirement trust

1 fund of any benefits paid during the reemployment limitation
2 period. To avoid liability, such employing agency shall have
3 a written statement from the retiree that he or she is not
4 retired from a state-administered retirement system. Any
5 retirement benefits received while reemployed during this
6 reemployment limitation period shall be repaid to the
7 retirement trust fund, and retirement benefits shall remain
8 suspended until such repayment has been made. Benefits
9 suspended beyond the reemployment limitation shall apply
10 toward repayment of benefits received in violation of the
11 reemployment limitation.

12 3. A district school board may reemploy a retired
13 member as a substitute or hourly teacher, education
14 paraprofessional, transportation assistant, bus driver, or
15 food service worker on a noncontractual basis after he or she
16 has been retired for 1 calendar month, in accordance with s.
17 121.021(39). Any retired member who is reemployed within 1
18 calendar month after retirement shall void his or her
19 application for retirement benefits. District school boards
20 reemploying such teachers, education paraprofessionals,
21 transportation assistants, bus drivers, or food service
22 workers are subject to the retirement contribution required by
23 subparagraph 7. Reemployment of a retired member as a
24 substitute or hourly teacher, education paraprofessional,
25 transportation assistant, bus driver, or food service worker
26 is limited to 780 hours during the first 12 months of his or
27 her retirement. Any retired member reemployed for more than
28 780 hours during his or her first 12 months of retirement
29 shall give timely notice in writing to the employer and to the
30 division of the date he or she will exceed the limitation.
31 The division shall suspend his or her retirement benefits for

1 the remainder of the first 12 months of retirement. Any
2 person employed in violation of this subparagraph and any
3 employing agency which knowingly employs or appoints such
4 person without notifying the Division of Retirement to suspend
5 retirement benefits shall be jointly and severally liable for
6 reimbursement to the retirement trust fund of any benefits
7 paid during the reemployment limitation period. To avoid
8 liability, such employing agency shall have a written
9 statement from the retiree that he or she is not retired from
10 a state-administered retirement system. Any retirement
11 benefits received by a retired member while reemployed in
12 excess of 780 hours during the first 12 months of retirement
13 shall be repaid to the Retirement System Trust Fund, and his
14 or her retirement benefits shall remain suspended until
15 repayment is made. Benefits suspended beyond the end of the
16 retired member's first 12 months of retirement shall apply
17 toward repayment of benefits received in violation of the
18 780-hour reemployment limitation.

19 4. A community college board of trustees may reemploy
20 a retired member as an adjunct instructor, that is, an
21 instructor who is noncontractual and part-time, or as a
22 participant in a phased retirement program within the Florida
23 ~~State~~ Community College System, after he or she has been
24 retired for 1 calendar month, in accordance with s.
25 121.021(39). Any retired member who is reemployed within 1
26 calendar month after retirement shall void his or her
27 application for retirement benefits. Boards of trustees
28 reemploying such instructors are subject to the retirement
29 contribution required in subparagraph 7. A retired member may
30 be reemployed as an adjunct instructor for no more than 780
31 hours during the first 12 months of retirement. Any retired

1 member reemployed for more than 780 hours during the first 12
2 months of retirement shall give timely notice in writing to
3 the employer and to the division of the date he or she will
4 exceed the limitation. The division shall suspend his or her
5 retirement benefits for the remainder of the first 12 months
6 of retirement. Any person employed in violation of this
7 subparagraph and any employing agency which knowingly employs
8 or appoints such person without notifying the Division of
9 Retirement to suspend retirement benefits shall be jointly and
10 severally liable for reimbursement to the retirement trust
11 fund of any benefits paid during the reemployment limitation
12 period. To avoid liability, such employing agency shall have
13 a written statement from the retiree that he or she is not
14 retired from a state-administered retirement system. Any
15 retirement benefits received by a retired member while
16 reemployed in excess of 780 hours during the first 12 months
17 of retirement shall be repaid to the Retirement System Trust
18 Fund, and retirement benefits shall remain suspended until
19 repayment is made. Benefits suspended beyond the end of the
20 retired member's first 12 months of retirement shall apply
21 toward repayment of benefits received in violation of the
22 780-hour reemployment limitation.

23 5. The State University System may reemploy a retired
24 member as an adjunct faculty member or as a participant in a
25 phased retirement program within the State University System
26 after the retired member has been retired for 1 calendar
27 month, in accordance with s. 121.021(39). Any retired member
28 who is reemployed within 1 calendar month after retirement
29 shall void his or her application for retirement benefits.
30 The State University System is subject to the retired
31 contribution required in subparagraph 7., as appropriate. A

1 retired member may be reemployed as an adjunct faculty member
2 or a participant in a phased retirement program for no more
3 than 780 hours during the first 12 months of his or her
4 retirement. Any retired member reemployed for more than 780
5 hours during the first 12 months of retirement shall give
6 timely notice in writing to the employer and to the division
7 of the date he or she will exceed the limitation. The
8 division shall suspend his or her retirement benefits for the
9 remainder of the first 12 months of retirement. Any person
10 employed in violation of this subparagraph and any employing
11 agency which knowingly employs or appoints such person without
12 notifying the Division of Retirement to suspend retirement
13 benefits shall be jointly and severally liable for
14 reimbursement to the retirement trust fund of any benefits
15 paid during the reemployment limitation period. To avoid
16 liability, such employing agency shall have a written
17 statement from the retiree that he or she is not retired from
18 a state-administered retirement system. Any retirement
19 benefits received by a retired member while reemployed in
20 excess of 780 hours during the first 12 months of retirement
21 shall be repaid to the Retirement System Trust Fund, and
22 retirement benefits shall remain suspended until repayment is
23 made. Benefits suspended beyond the end of the retired
24 member's first 12 months of retirement shall apply toward
25 repayment of benefits received in violation of the 780-hour
26 reemployment limitation.

27 6. The Board of Trustees of the Florida School for the
28 Deaf and the Blind may reemploy a retired member as a
29 substitute teacher, substitute residential instructor, or
30 substitute nurse on a noncontractual basis after he or she has
31 been retired for 1 calendar month, in accordance with s.

1 121.021(39). Any retired member who is reemployed within 1
2 calendar month after retirement shall void his or her
3 application for retirement benefits. The Board of Trustees of
4 the Florida School for the Deaf and the Blind reemploying such
5 teachers, residential instructors, or nurses is subject to the
6 retirement contribution required by subparagraph 7.
7 Reemployment of a retired member as a substitute teacher,
8 substitute residential instructor, or substitute nurse is
9 limited to 780 hours during the first 12 months of his or her
10 retirement. Any retired member reemployed for more than 780
11 hours during the first 12 months of retirement shall give
12 timely notice in writing to the employer and to the division
13 of the date he or she will exceed the limitation. The division
14 shall suspend his or her retirement benefits for the remainder
15 of the first 12 months of retirement. Any person employed in
16 violation of this subparagraph and any employing agency which
17 knowingly employs or appoints such person without notifying
18 the Division of Retirement to suspend retirement benefits
19 shall be jointly and severally liable for reimbursement to the
20 retirement trust fund of any benefits paid during the
21 reemployment limitation period. To avoid liability, such
22 employing agency shall have a written statement from the
23 retiree that he or she is not retired from a
24 state-administered retirement system. Any retirement benefits
25 received by a retired member while reemployed in excess of 780
26 hours during the first 12 months of retirement shall be repaid
27 to the Retirement System Trust Fund, and his or her retirement
28 benefits shall remain suspended until payment is made.
29 Benefits suspended beyond the end of the retired member's
30 first 12 months of retirement shall apply toward repayment of
31

1 benefits received in violation of the 780-hour reemployment
2 limitation.

3 7. The employment by an employer of any retiree or
4 DROP participant of any state-administered retirement system
5 shall have no effect on the average final compensation or
6 years of creditable service of the retiree or DROP
7 participant. Prior to July 1, 1991, upon employment of any
8 person, other than an elected officer as provided in s.
9 121.053, who has been retired under any state-administered
10 retirement program, the employer shall pay retirement
11 contributions in an amount equal to the unfunded actuarial
12 liability portion of the employer contribution which would be
13 required for regular members of the Florida Retirement System.
14 Effective July 1, 1991, contributions shall be made as
15 provided in s. 121.122 for retirees with renewed membership or
16 subsection (13) with respect to DROP participants.

17 8. Any person who has previously retired and who is
18 holding an elective public office or an appointment to an
19 elective public office eligible for the Elected State and
20 County Officers' Class on or after July 1, 1990, shall be
21 enrolled in the Florida Retirement System as provided in s.
22 121.053(1)(b) or, if holding an elective public office that
23 does not qualify for the Elected State and County Officers'
24 Class on or after July 1, 1991, shall be enrolled in the
25 Florida Retirement System as provided in s. 121.122, and shall
26 continue to receive retirement benefits as well as
27 compensation for the elected officer's service for as long as
28 he or she remains in elective office. However, any retired
29 member who served in an elective office prior to July 1, 1990,
30 suspended his or her retirement benefit, and had his or her
31 Florida Retirement System membership reinstated shall, upon

1 retirement from such office, have his or her retirement
2 benefit recalculated to include the additional service and
3 compensation earned.

4 9. Any person who is holding an elective public office
5 which is covered by the Florida Retirement System and who is
6 concurrently employed in nonelected covered employment may
7 elect to retire while continuing employment in the elective
8 public office, provided that he or she shall be required to
9 terminate his or her nonelected covered employment. Any
10 person who exercises this election shall receive his or her
11 retirement benefits in addition to the compensation of the
12 elective office without regard to the time limitations
13 otherwise provided in this subsection. No person who seeks to
14 exercise the provisions of this subparagraph, as the same
15 existed prior to May 3, 1984, shall be deemed to be retired
16 under those provisions, unless such person is eligible to
17 retire under the provisions of this subparagraph, as amended
18 by chapter 84-11, Laws of Florida.

19 10. The limitations of this paragraph apply to
20 reemployment in any capacity with an "employer" as defined in
21 s. 121.021(10), irrespective of the category of funds from
22 which the person is compensated.

23 11. From July 1, 1997, through December 31, 1998,
24 notwithstanding the limitations of this subsection, except
25 that any retiree who is reemployed within 1 calendar month
26 after retirement shall void his or her application for
27 retirement benefits, any retiree of the Florida Retirement
28 System may be reemployed by a covered employer during the 2nd
29 through 12th months of the reemployment limitation period
30 without suspending his or her retirement benefits, provided
31 that the reemployment is for the sole purpose of working on

1 the technical aspects of correcting or replacing the computer
2 systems and programs necessary to resolve the year 2000 date
3 problem for computing which confronts all public employers
4 covered by the Florida Retirement System.

5 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
6 and subject to the provisions of this section, the Deferred
7 Retirement Option Program, hereinafter referred to as the
8 DROP, is a program under which an eligible member of the
9 Florida Retirement System may elect to participate, deferring
10 receipt of retirement benefits while continuing employment
11 with his or her Florida Retirement System employer. The
12 deferred monthly benefits shall accrue in the System Trust
13 Fund on behalf of the participant, plus interest compounded
14 monthly, for the specified period of the DROP participation,
15 as provided in paragraph (c). Upon termination of employment,
16 the participant shall receive the total DROP benefits and
17 begin to receive the previously determined normal retirement
18 benefits. Participation in the DROP does not guarantee
19 employment for the specified period of DROP.

20 (a) Eligibility of member to participate in the
21 DROP.--All active Florida Retirement System members in a
22 regularly established position, and all active members of
23 either the Teachers' Retirement System established in chapter
24 238 or the State and County Officers' and Employees'
25 Retirement System established in chapter 122 which systems are
26 consolidated within the Florida Retirement System under s.
27 121.011, are eligible to elect participation in the DROP
28 provided that:

29 1. The member is not a renewed member of the Florida
30 Retirement System under s. 121.122, or a member of the State
31 Community College System Optional Retirement Program under s.

1 121.051, the Senior Management Service Optional Annuity
2 Program under s. 121.055, or the optional retirement program
3 for the State University System under s. 121.35.
4 2. Election to participate is made within 12 months
5 immediately following the date on which the member first
6 reaches normal retirement date, or, for a member who reaches
7 normal retirement date based on service before he or she
8 reaches age 62, or age 55 for Special Risk Class members,
9 election to participate may be deferred to the 12 months
10 immediately following the date the member attains 57, or age
11 50 for Special Risk Class members. For a member who first
12 reached normal retirement date or the deferred eligibility
13 date described above prior to the effective date of this
14 section, election to participate shall be made within 12
15 months after the effective date of this section. A member who
16 fails to make an election within such 12-month limitation
17 period shall forfeit all rights to participate in the DROP.
18 The member shall advise his or her employer and the division
19 in writing of the date on which the DROP shall begin. Such
20 beginning date may be subsequent to the 12-month election
21 period, but must be within the 60-month limitation period as
22 provided in subparagraph (b)1. When establishing eligibility
23 of the member to participate in the DROP or the 60-month
24 maximum participation period, the member may elect to include
25 or exclude any optional service credit purchased by the member
26 from the total service used to establish the normal retirement
27 date. A member with dual normal retirement dates shall be
28 eligible to elect to participate in DROP within 12 months
29 after attaining normal retirement date in either class.
30 3. The employer of a member electing to participate in
31 the DROP, or employers if dually employed, shall acknowledge

1 in writing to the division the date the member's participation
2 in the DROP begins and the date the member's employment and
3 DROP participation will terminate.

4 4. Simultaneous employment of a participant by
5 additional Florida Retirement System employers subsequent to
6 the commencement of participation in the DROP shall be
7 permissible provided such employers acknowledge in writing a
8 DROP termination date no later than the participant's existing
9 termination date or the 60-month limitation period as provided
10 in subparagraph (b)1.

11 5. A DROP participant may change employers while
12 participating in the DROP, subject to the following:

13 a. A change of employment must take place without a
14 break in service so that the member receives salary for each
15 month of continuous DROP participation. If a member receives
16 no salary during a month, DROP participation shall cease
17 unless the employer verifies a continuation of the employment
18 relationship for such participant pursuant to s.
19 121.021(39)(b).

20 b. Such participant and new employer shall notify the
21 division on forms required by the division as to the identity
22 of the new employer.

23 c. The new employer shall acknowledge, in writing, the
24 participant's DROP termination date, which may be extended but
25 not beyond the original 60-month period provided in
26 subparagraph (b)1., shall acknowledge liability for any
27 additional retirement contributions and interest required if
28 the participant fails to timely terminate employment, and
29 shall be subject to the adjustment required in
30 sub-subparagraph (c)5.d. ~~(c)4.d.~~

31 (b) Participation in the DROP.--

1 1. An eligible member may elect to participate in the
2 DROP for a period not to exceed a maximum of 60 calendar
3 months immediately following the date on which the member
4 first reaches his or her normal retirement date or the date to
5 which he or she is eligible to defer his or her election to
6 participate as provided in subparagraph (a)2. However, a
7 member who has reached normal retirement date prior to the
8 effective date of the DROP shall be eligible to participate in
9 the DROP for a period of time not to exceed 60 calendar months
10 immediately following the effective date of the DROP, except a
11 member of the Special Risk Class who has reached normal
12 retirement date prior to the effective date of the DROP and
13 whose total accrued value exceeds 75 percent of average final
14 compensation as of his or her effective date of retirement
15 shall be eligible to participate in the DROP for no more than
16 36 calendar months immediately following the effective date of
17 the DROP.

18 2. Upon deciding to participate in the DROP, the
19 member shall submit, on forms required by the division:
20 a. A written election to participate in the DROP;
21 b. Selection of the DROP participation and termination
22 dates, which satisfy the limitations stated in paragraph (a)
23 and subparagraph 1. Such termination date shall be in a
24 binding letter of resignation with the employer, establishing
25 a deferred termination date. The member may change the
26 termination date within the limitations of subparagraph 1.,
27 but only with the written approval of his employer;
28 c. A properly completed DROP application for service
29 retirement as provided in this section; and
30 d. Any other information required by the division.

31

1 3. The DROP participant shall be a retiree under the
2 Florida Retirement System for all purposes, except for
3 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,
4 121.053, and 121.122. However, participation in the DROP does
5 not alter the participant's employment status and such
6 employee shall not be deemed retired from employment until his
7 or her deferred resignation is effective and termination
8 occurs as provided in s. 121.021(39).

9 4. Elected officers shall be eligible to participate
10 in the DROP subject to the following:

11 a. An elected officer who reaches normal retirement
12 date during a term of office may defer the election to
13 participate in the DROP until the next succeeding term in that
14 office. Such elected officer who exercises this option may
15 participate in the DROP for up to 60 calendar months or a
16 period of no longer than such succeeding term of office,
17 whichever is less.

18 b. An elected or a nonelected participant may run for
19 a term of office while participating in DROP and, if elected,
20 extend the DROP termination date accordingly, except, however,
21 if such additional term of office exceeds the 60-month
22 limitation established in subparagraph 1., and the officer
23 does not resign from office within such 60-month limitation,
24 the retirement and the participant's DROP shall be null and
25 void as provided in sub-subparagraph (c)5.d. ~~(c)4.d.~~

26 c. An elected officer who is dually employed and
27 elects to participate in DROP shall be required to satisfy the
28 definition of termination within the 60-month limitation
29 period as provided in subparagraph 1. for the nonelected
30 position and may continue employment as an elected officer as
31 provided in s. 121.053. The elected officer will be enrolled

1 as a renewed member in the Elected State and County Officers'
2 Class or the Regular Class, as provided in ss. 121.053 and
3 121.22, on the first day of the month after termination of
4 employment in the nonelected position and termination of DROP.
5 Distribution of the DROP benefits shall be made as provided in
6 paragraph (c).

7 (d) Death benefits under the DROP.--

8 1. Upon the death of a DROP participant, the named
9 beneficiary shall be entitled to apply for and receive the
10 accrued benefits in the DROP as provided in sub-subparagraph
11 (c)5.b.~~(c)4.b.~~

12 2. The normal retirement benefit accrued to the DROP
13 during the month of a participant's death shall be the final
14 monthly benefit credited for such DROP participant.

15 3. Eligibility to participate in the DROP terminates
16 upon death of the participant. If the participant dies on or
17 after the effective date of enrollment in the DROP, but prior
18 to the first monthly benefit being credited to the DROP,
19 Florida Retirement System benefits shall be paid in accordance
20 with subparagraph (7)(c)1. or subparagraph 2.

21 4. A DROP participants' survivors shall not be
22 eligible to receive Florida Retirement System death benefits
23 as provided in paragraph (7)(d).

24

25 Reviser's note.--Paragraph (9)(b) is amended to
26 conform to the redesignation of the State
27 Community College System as the Florida
28 Community College System by s. 15, ch. 98-58,
29 Laws of Florida. Paragraphs (13)(a), (b), and
30 (d) are amended to conform to the redesignation
31

1 of subunits of s. 121.091 by s. 1, ch. 98-18,
2 Laws of Florida.

3
4 Section 55. Section 121.125, Florida Statutes, is
5 amended to read:

6 121.125 Credit for workers' compensation payment
7 periods.--A member of the retirement system created by this
8 chapter who has been eligible or becomes eligible to receive
9 workers' compensation payments for an injury or illness
10 occurring during his or her employment while a member of any
11 state retirement system shall, upon return to active
12 employment with a covered employer for 1 calendar month or
13 upon approval for disability retirement in accordance with s.
14 121.091(4), receive full retirement credit for the period
15 prior to such return to active employment or disability
16 retirement for which the workers' compensation payments were
17 received. However, no member may receive retirement credit
18 for any such period occurring after the earlier of the date
19 maximum medical improvement has been attained as defined in s.
20 440.02(9)~~440.02(8)~~ or the date termination has occurred as
21 defined in s. 121.021(39). The employer of record at the time
22 of the worker's compensation injury or illness shall make the
23 required retirement contributions based on the member's rate
24 of monthly compensation immediately prior to his or her
25 receiving workers' compensation payments for retirement credit
26 received by the member.

27
28 Reviser's note.--Amended to conform to the
29 redesignation of subunits of s. 440.02 by s. 1,
30 ch. 98-174, Laws of Florida.

31

1 Section 56. Paragraph (b) of subsection (13) of
2 section 121.40, Florida Statutes, 1998 Supplement, is amended
3 to read:

4 121.40 Cooperative extension personnel at the
5 Institute of Food and Agricultural Sciences; supplemental
6 retirement benefits.--

7 (13) INVESTMENT OF THE TRUST FUND.--

8 (b) Costs incurred in carrying out the provisions of
9 this section ~~part~~ shall be deducted from the interest earnings
10 accruing to the trust fund.

11
12 Reviser's note.--Amended to improve clarity and
13 facilitate correct interpretation. Chapter 121
14 is not divided into parts.

15
16 Section 57. Subsection (7) of section 122.03, Florida
17 Statutes, is amended to read:

18 122.03 Contributions; participants; prior service
19 credit.--

20 (7) A member of the retirement system created by this
21 chapter who has been eligible or becomes eligible to receive
22 workers' compensation payments for an injury or illness
23 occurring during his or her employment while a member of any
24 state retirement system shall, upon his or her return to
25 active employment with a covered employer for 1 calendar month
26 or upon his or her approval for disability retirement in
27 accordance with s. 122.09, receive full retirement credit for
28 the period prior to such return to active employment or
29 disability retirement for which the workers' compensation
30 payments were received. However, no member may receive
31 retirement credit for any such period occurring after the

1 earlier of the date maximum medical improvement has been
2 attained as defined in s. 440.02(9)~~440.02(8)~~ or the date
3 termination has occurred as defined in s. 121.021(39). The
4 employer of record at the time of the worker's compensation
5 injury or illness shall make the required employee and
6 employer retirement contributions based on the member's rate
7 of monthly compensation immediately prior to receipt of
8 workers' compensation payments.

9

10 Reviser's note.--Amended to conform to the
11 redesignation of subunits of s. 440.02 by s. 1,
12 ch. 98-174, Laws of Florida.

13

14 Section 58. Paragraph (d) of subsection (5) of section
15 125.0104, Florida Statutes, 1998 Supplement, is amended to
16 read:

17 125.0104 Tourist development tax; procedure for
18 levying; authorized uses; referendum; enforcement.--

19 (5) AUTHORIZED USES OF REVENUE.--

20 (d) Any use of the local option tourist development
21 tax revenues collected pursuant to this section for a purpose
22 not expressly authorized by paragraph (3)(l) or paragraph
23 (3)(n)~~(3)(o)~~ or paragraph (a), paragraph (b), or paragraph (c)
24 of this subsection is expressly prohibited.

25

26 Reviser's note.--Amended to conform to the
27 redesignation of subunits of s. 125.0104(3) by
28 s. 46, ch. 96-397, Laws of Florida.

29

30 Section 59. Paragraph (e) of subsection (2) of section
31 154.503, Florida Statutes, is amended to read:

1 154.503 Primary Care for Children and Families
2 Challenge Grant Program; creation; administration.--
3 (2) The department shall:
4 (e) Coordinate with the primary care program developed
5 pursuant to s. 154.011, the Florida Healthy Kids Corporation
6 program created in s. 624.91, the school health services
7 program created in ss. 381.0056 ~~402.32~~ and 381.0057 ~~402.321~~,
8 the Healthy Communities, Healthy People Program created in s.
9 381.734 ~~408.604~~, and the volunteer health care provider
10 program developed pursuant to s. 766.1115.

11
12 Reviser's note.--Amended to conform to the
13 transfer of s. 402.32 to s. 381.0056 by s. 48,
14 ch. 97-237, Laws of Florida; the transfer of s.
15 402.321 to s. 381.0057 by s. 49, ch. 97-237;
16 and the transfer of s. 408.604 to s. 381.734 by
17 s. 2, ch. 98-224, Laws of Florida.

18
19 Section 60. Section 161.36, Florida Statutes, is
20 amended to read:

21 161.36 General powers of authority.--In order to most
22 effectively carry out the purposes of this part, the board of
23 county commissioners, as the county beach and shore
24 preservation authority and as the governing body of each beach
25 and shore preservation district established thereby, shall be
26 possessed of broad powers to do all manner of things necessary
27 or desirable in pursuance of this end; provided, however,
28 nothing herein shall diminish or impair the regulatory
29 authority of the department or Division of Marine Resources
30 under ~~s. 370.02(2)~~, or part I of this chapter, or the Board of
31 Trustees of the Internal Improvement Trust Fund under chapter

1 253. Such powers shall specifically include, but not be
2 limited to, the following:
3 (1) To make contracts and enter into agreements;
4 (2) To sue and be sued;
5 (3) To acquire and hold lands and property by any
6 lawful means;
7 (4) To exercise the power of eminent domain;
8 (5) To enter upon private property for purposes of
9 making surveys, soundings, drillings and examinations, and
10 such entry shall not be deemed a trespass;
11 (6) To construct, acquire, operate and maintain works
12 and facilities;
13 (7) To make rules and regulations; and
14 (8) To do any and all other things specified or
15 implied in this part.

16
17 Reviser's note.--Amended to conform to the
18 repeal of s. 370.02 by s. 4, ch. 94-356, Laws
19 of Florida.

20
21 Section 61. Paragraph (h) of subsection (3) of section
22 163.01, Florida Statutes, is amended to read:

23 163.01 Florida Interlocal Cooperation Act of 1969.--

24 (3) As used in this section:

25 (h) "Local government liability pool" means a
26 reciprocal insurer as defined in s. 629.021 ~~or limited~~
27 ~~reciprocal insurer as defined in s. 629.50~~ or any
28 self-insurance program created pursuant to s. 768.28(15)
29 ~~768.28(14)~~, formed and controlled by counties or
30 municipalities of this state to provide liability insurance
31 coverage for counties, municipalities, or other public

1 agencies of this state, which pool may contract with other
2 parties for the purpose of providing claims administration,
3 processing, accounting, and other administrative facilities.

4
5 Reviser's note.--Amended to conform to the
6 repeal of s. 629.50 by s. 4, ch. 93-259, Laws
7 of Florida, and the redesignation of subunits
8 of s. 768.28 by s. 70, ch. 94-209, Laws of
9 Florida.

10
11 Section 62. Paragraph (c) of subsection (1) of section
12 163.03, Florida Statutes, is amended to read:

13 163.03 Secretary of Community Affairs; powers and
14 duties; function of Department of Community Affairs with
15 respect to federal grant-in-aid programs.--

16 (1) The Secretary of Community Affairs shall:

17 (c) Under the direction of the Governor, administer
18 programs to apply rapidly all available aid to communities
19 stricken by an emergency as defined in s. 252.34(3)~~252.34(2)~~
20 and, for this purpose, provide liaison with federal agencies
21 and other public and private agencies.

22
23 Reviser's note.--Amended to conform to the
24 redesignation of subunits of s. 252.34 by s.
25 10, ch. 93-211, Laws of Florida.

26
27 Section 63. Subsection (10) of section 163.360,
28 Florida Statutes, 1998 Supplement, is amended to read:

29 163.360 Community redevelopment plans.--

30 (10) Notwithstanding any other provisions of this
31 part, when the governing body certifies that an area is in

1 need of redevelopment or rehabilitation as a result of an
2 emergency under s. 252.34(3)~~252.34(2)~~, with respect to which
3 the Governor has certified the need for emergency assistance
4 under federal law, that area may be certified as a "blighted
5 area," and the governing body may approve a community
6 redevelopment plan and community redevelopment with respect to
7 such area without regard to the provisions of this section
8 requiring a general plan for the county or municipality and a
9 public hearing on the community redevelopment.

10

11 Reviser's note.--Amended to conform to the
12 redesignation of subunits of s. 252.34 by s.
13 10, ch. 93-211, Laws of Florida.

14

15 Section 64. Paragraph (b) of subsection (8) of section
16 166.231, Florida Statutes, 1998 Supplement, is amended to
17 read:

18 166.231 Municipalities; public service tax.--

19 (8)

20 (b) If an area that is nominated as an enterprise zone
21 pursuant to s. 290.0055 has not yet been designated pursuant
22 to s. 290.0065, a municipality may enact an ordinance for such
23 exemption; however, the ordinance shall not be effective until
24 such area is designated pursuant to s. 290.0065.

25

26 Reviser's note.--Amended to improve clarity and
27 facilitate correct interpretation.

28

29 Section 65. Section 175.021, Florida Statutes, is
30 amended to read:

31

1 175.021 Legislative declaration.--It is hereby
2 declared by the Legislature that firefighters, as hereinafter
3 defined, perform state and municipal functions; that it is
4 their duty to extinguish fires, to protect life, and to
5 protect property at their own risk and peril; that it is their
6 duty to prevent conflagration and to continuously instruct
7 school personnel, public officials, and private citizens in
8 the prevention of fires and firesafety; that they protect both
9 life and property from local emergencies as defined in s.
10 252.34(3)~~252.34(2)~~; and that their activities are vital to
11 the public safety. It is further declared that firefighters
12 employed by special fire control districts serve under the
13 same circumstances and perform the same duties as firefighters
14 employed by municipalities and should therefore be entitled to
15 the benefits available under this chapter. Therefore, the
16 Legislature declares that it is a proper and legitimate state
17 purpose to provide a uniform retirement system for the benefit
18 of firefighters as hereinafter defined and intends, in
19 implementing the provisions of s. 14, Art. X of the State
20 Constitution as they relate to municipal and special district
21 firefighters' pension trust fund systems and plans, that such
22 retirement systems or plans be managed, administered,
23 operated, and funded in such manner as to maximize the
24 protection of the firefighters' pension trust funds. This
25 chapter hereby establishes minimum standards for the operation
26 and funding of municipal and special district firefighters'
27 pension trust fund systems and plans, hereinafter referred to
28 as firefighters' pension trust funds.
29
30
31

1 Reviser's note.--Amended to conform to the
2 redesignation of subunits of s. 252.34 by s.
3 10, ch. 93-211, Laws of Florida.

4
5 Section 66. Paragraph (b) of subsection (7) of section
6 175.071, Florida Statutes, 1998 Supplement, is amended to
7 read:

8 175.071 General powers and duties of board of
9 trustees.--For any municipality, special fire control
10 district, chapter plan, local law municipality, local law
11 special fire control district, or local law plan under this
12 chapter:

13 (7) To assist the board in meeting its
14 responsibilities under this chapter, the board, if it so
15 elects, may:

16 (b) Employ an independent actuary, as defined in s.
17 175.032(4)~~175.032(6)~~, at the pension fund's expense.

18
19 If the board chooses to use the municipality's or special
20 district's legal counsel or actuary, or chooses to use any of
21 the municipality's or special district's other professional,
22 technical, or other advisers, it must do so only under terms
23 and conditions acceptable to the board.

24
25 Reviser's note.--Amended to conform to the
26 redesignation of subunits of s. 175.032 by s.
27 13, ch. 93-193, Laws of Florida.

28
29 Section 67. Paragraph (b) of subsection (6) of section
30 185.06, Florida Statutes, 1998 Supplement, is amended to read:

31

1 185.06 General powers and duties of board of
2 trustees.--For any municipality, chapter plan, local law
3 municipality, or local law plan under this chapter:

4 (6) To assist the board in meeting its
5 responsibilities under this chapter, the board, if it so
6 elects, may:

7 (b) Employ an independent actuary, as defined in s.
8 185.02(5)~~185.02(7)~~, at the pension fund's expense.

9
10 If the board chooses to use the municipality's or special
11 district's legal counsel or actuary, or chooses to use any of
12 the municipality's other professional, technical, or other
13 advisers, it must do so only under terms and conditions
14 acceptable to the board.

15
16 Reviser's note.--Amended to conform to the
17 redesignation of subunits of s. 185.02 by s.
18 40, ch. 93-193, Laws of Florida.

19
20 Section 68. Section 186.001, Florida Statutes, is
21 amended to read:

22 186.001 Short title.--Sections 186.001-186.031,
23 186.801-186.901 ~~186-801-186.911~~ shall be known and may be
24 cited as the "Florida State Comprehensive Planning Act of
25 1972."

26
27 Reviser's note.--Amended to conform to the
28 repeal of s. 186.911 by s. 1, ch. 95-145, Laws
29 of Florida.

1 Section 69. Section 186.003, Florida Statutes, 1998
2 Supplement, is amended to read:

3 186.003 Definitions.--As used in ss. 186.001-186.031
4 and 186.801-186.901 ~~186-801-186.911~~, the term:

5 (1) "Executive Office of the Governor" means the
6 Office of Planning and Budgeting of the Executive Office of
7 the Governor.

8 (2) "Goal" means the long-term end toward which
9 programs and activities are ultimately directed.

10 (3) "Objective" means a specific, measurable,
11 intermediate end that is achievable and marks progress toward
12 a goal.

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

15 (5) "Regional planning agency" means the regional
16 planning council created pursuant to ss. 186.501-186.515 to
17 exercise responsibilities under ss. 186.001-186.031 and
18 186.801-186.901 ~~186-801-186.911~~ in a particular region of the
19 state.

20 (6) "State agency" means each executive department,
21 the Game and Fresh Water Fish Commission, the Parole
22 Commission, and the Department of Military Affairs.

23 (7) "State agency strategic plan" means the statement
24 of priority directions that an agency will take to carry out
25 its mission within the context of the state comprehensive plan
26 and within the context of any other statutory mandates and
27 authorizations given to the agency, pursuant to ss.
28 186.021-186.022.

29 (8) "State comprehensive plan" means the state
30 planning document required in s. 19, Art. III of the State
31 Constitution and published as ss. 187.101 and 187.201.

1 Reviser's note.--Amended to conform to the
2 repeal of s. 186.911 by s. 1, ch. 95-145, Laws
3 of Florida.

4
5 Section 70. Section 186.006, Florida Statutes, is
6 amended to read:

7 186.006 Powers and responsibilities of Executive
8 Office of the Governor.--For the purpose of establishing
9 consistency and uniformity in the state and regional planning
10 process and in order to ensure that the intent of ss.

11 186.001-186.031 and 186.801-186.901 ~~186-801-186.911~~ is
12 accomplished, the Executive Office of the Governor shall:

13 (1) Identify and monitor on a continuing basis
14 statewide conditions and trends which impact the state.

15 (2) Prepare, and update or revise regularly, the state
16 comprehensive plan.

17 (3) Designate the geographic boundaries of
18 comprehensive planning districts.

19 (4) Designate, and prepare or direct to be prepared,
20 specific data, assumptions, forecasts, and projections for use
21 by each state or regional agency in the preparation of plans.

22 (5) Coordinate planning among federal, state,
23 regional, and local levels of government and between this
24 state and other states.

25 (6) Prepare or direct appropriate state or regional
26 agencies to prepare such studies, reports, data collections,
27 or analyses as are necessary or useful in the preparation or
28 revision of the state comprehensive plan, state agency
29 functional plans, or strategic regional policy plans.

30
31

1 (7) Act as the state clearinghouse and designate the
2 regional planning councils as the regional data
3 clearinghouses.

4 (8) Direct state agencies and regional agencies to
5 prepare and implement, consistent with their authority and
6 responsibilities under law, such plans as are necessary to
7 further the purposes and intent of the state comprehensive
8 plan.

9 (9) Provide such data and information to public and
10 private agencies and to the public as it may have available.

11 (10) Using federal, state, local, or private funds,
12 contract with public agencies or private firms or consultants
13 for specialized services or research facilities, whenever such
14 services or facilities are not otherwise available to it.

15 (11) Perform such other functions as are necessary to
16 carry out the intent of ss. 186.001-186.031 and
17 186.801-186.901 ~~186-801-186.911~~.

18
19 Reviser's note.--Amended to conform to the
20 repeal of s. 186.911 by s. 1, ch. 95-145, Laws
21 of Florida.

22
23 Section 71. Subsection (11) of section 186.505,
24 Florida Statutes, is amended to read:

25 186.505 Regional planning councils; powers and
26 duties.--Any regional planning council created hereunder shall
27 have the following powers:

28 (11) To cooperate, in the exercise of its planning
29 functions, with federal and state agencies in planning for
30 emergency management under s. 252.34(4) ~~252.34(3)~~.

31

1 Reviser's note.--Amended to conform to the
2 redesignation of subunits of s. 252.34 by s.
3 10, ch. 93-211, Laws of Florida.

4
5 Section 72. Subsection (1) of section 197.222, Florida
6 Statutes, is reenacted to read:

7 197.222 Prepayment of estimated tax by installment
8 method.--

9 (1) Taxes collected pursuant to this chapter may be
10 prepaid in installments as provided in this section. A
11 taxpayer may elect to prepay by installments for each tax
12 notice with taxes estimated to be more than \$100. A taxpayer
13 who elects to prepay taxes shall make payments based upon an
14 estimated tax equal to the actual taxes levied upon the
15 subject property in the prior year. Such taxpayer shall
16 complete and file an application for each tax notice to prepay
17 such taxes by installment with the tax collector prior to May
18 1 of the year in which the taxpayer elects to prepay taxes in
19 installments pursuant to this section. The application shall
20 be made on forms supplied by the department and provided to
21 the taxpayer by the tax collector. After submission of an
22 initial application, a taxpayer shall not be required to
23 submit additional annual applications as long as he or she
24 continues to elect to prepay taxes in installments pursuant to
25 this section. However, if in any year the taxpayer does not
26 so elect, reapplication shall be required for a subsequent
27 election to do so. Installment payments shall be made
28 according to the following schedule:

29 (a) The first payment of one-quarter of the total
30 amount of estimated taxes due shall be made not later than
31 June 30 of the year in which the taxes are assessed. A

1 6-percent discount applied against the amount of the
2 installment shall be granted for such payment. The tax
3 collector may accept a late payment of the first installment
4 under this paragraph within 30 days after June 30; such late
5 payment must be accompanied by a penalty of 5 percent of the
6 amount of the installment due.

7 (b) The second payment of one-quarter of the total
8 amount of estimated taxes due shall be made not later than
9 September 30 of the year in which the taxes are assessed. A
10 4.5-percent discount applied against the amount of the
11 installment shall be granted for such payment.

12 (c) The third payment of one-quarter of the total
13 amount of estimated taxes due, plus one-half of any adjustment
14 made pursuant to a determination of actual tax liability,
15 shall be made not later than December 31 of the year in which
16 taxes are assessed. A 3-percent discount applied against the
17 amount of the installment shall be granted for such payment.

18 (d) The fourth payment of one-quarter of the total
19 amount of estimated taxes due, plus one-half of any adjustment
20 made pursuant to a determination of actual tax liability,
21 shall be made not later than March 31 following the year in
22 which taxes are assessed. No discount shall be granted for
23 such payment.

24 (e) For purposes of this section, when an installment
25 due date falls on a Saturday, Sunday, or legal holiday, the
26 due date for the installment shall be the next working day, if
27 the installment payment is delivered to a designated
28 collection office of the tax collector. Taxpayers making such
29 payment shall be entitled to the applicable discount rate
30 authorized in this section.

31

1 Reviser's note.--Section 1, ch. 97-17, Laws of
2 Florida, purported to amend s. 197.222(1)(a) as
3 that paragraph was amended by s. 2, ch. 96-288,
4 Laws of Florida, but it failed to incorporate
5 the amendment by ch. 96-288 to the introduction
6 to subsection (1). In the absence of
7 affirmative evidence of legislative intent to
8 repeal the amendment by s. 2, ch. 96-288,
9 subsection (1) is reenacted to confirm that the
10 omission was not intended.

11
12 Section 73. Paragraph (h) of subsection (9) of section
13 199.023, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 199.023 Definitions.--As used in this chapter:

16 (9) "Banking organization" means:

17 (h) A Florida export finance corporation organized and
18 existing pursuant to the provisions of part V ~~VI~~ of chapter
19 288.

20
21 Reviser's note.--Amended to conform to the
22 redesignation of parts in chapter 288
23 necessitated by the repeal of former part IV by
24 s. 2, ch. 93-205, Laws of Florida.

25
26 Section 74. Subsection (4) of section 206.59, Florida
27 Statutes, is reenacted to read:

28 206.59 Department to make rules; powers.--

29 (4) The department may assess and collect any tax,
30 penalty, or interest against any person who purchases,
31

1 receives, or disposes of motor fuel in violation of any
2 provision of this part.

3
4 Reviser's note.--Section 13, ch. 96-323, Laws
5 of Florida, purported to amend s. 206.59, as
6 amended by ch. 95-417, Laws of Florida, but did
7 not set out in full the amended section to
8 include subsection (4). In the absence of
9 affirmative evidence that the Legislature
10 intended to repeal the omitted material,
11 subsection (4) is reenacted to confirm that the
12 omission was not intended.

13
14 Section 75. Section 206.97, Florida Statutes, is
15 amended to read:

16 206.97 Applicability of specified sections of part
17 I.--The provisions of ss. 206.01, 206.02, 206.026, 206.027,
18 206.028, 206.04, 206.051, 206.052, 206.054, 206.055, 206.07,
19 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12,
20 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18,
21 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22,
22 206.23, 206.24, 206.25, 206.27, 206.28, 206.41, ~~206.415,~~
23 206.416, 206.43, 206.435, 206.44, 206.48, 206.49, 206.56,
24 206.59, 206.606, 206.608, 206.61, and 206.62 of part I of this
25 chapter shall, as far as lawful or practicable, be applicable
26 to the tax herein levied and imposed and to the collection
27 thereof as if fully set out in this part. However, no
28 provision of any such section shall apply if it conflicts with
29 any provision of this part.

30
31

1 Reviser's note.--Amended to conform to the
2 repeal of s. 206.415 by s. 12, ch. 83-3, Laws
3 of Florida.

4
5 Section 76. Subsection (3) of section 206.9915,
6 Florida Statutes, is amended to read:

7 206.9915 Legislative intent and general provisions.--

8 (3) The provisions of ss. 206.01, 206.02, 206.026,
9 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06,
10 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11,
11 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175,
12 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215,
13 206.22, 206.24, 206.27, 206.28, 206.416, 206.42, ~~206.425~~,
14 206.44, 206.48, 206.49, 206.56, 206.59, 206.86, 206.87,
15 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745,
16 206.94, 206.945, and 206.9815 shall, as far as lawful or
17 practicable, be applicable to the levy and collection of taxes
18 imposed pursuant to this part as if fully set out in this part
19 and made expressly applicable to the taxes imposed herein.

20

21 Reviser's note.--Amended to conform to the
22 repeal of s. 206.425 by s. 3, ch. 97-94, Laws
23 of Florida.

24

25 Section 77. Paragraph (e) of subsection (1) of section
26 212.06, Florida Statutes, 1998 Supplement, is amended to read:

27 212.06 Sales, storage, use tax; collectible from
28 dealers; "dealer" defined; dealers to collect from purchasers;
29 legislative intent as to scope of tax.--

30 (1)

31

1 (e)1. Notwithstanding any other provision of this
2 chapter, tax shall not be imposed on any vessel registered
3 pursuant to s. 327.13 ~~327.11~~ by a vessel dealer or vessel
4 manufacturer with respect to a vessel used solely for
5 demonstration, sales promotional, or testing purposes. The
6 term "promotional purposes" shall include, but not be limited
7 to, participation in fishing tournaments. For the purposes of
8 this paragraph, "promotional purposes" means the entry of the
9 vessel in a marine-related event where prospective purchasers
10 would be in attendance, where the vessel is entered in the
11 name of the dealer or manufacturer, and where the vessel is
12 clearly marked as for sale, on which vessel the name of the
13 dealer or manufacturer is clearly displayed, and which vessel
14 has never been transferred into the dealer's or manufacturer's
15 accounting books from an inventory item to a capital asset for
16 depreciation purposes.

17 2. The provisions of this paragraph do not apply to
18 any vessel when used for transporting persons or goods for
19 compensation; when offered, let, or rented to another for
20 consideration; when offered for rent or hire as a means of
21 transportation for compensation; or when offered or used to
22 provide transportation for persons solicited through personal
23 contact or through advertisement on a "share expense" basis.

24
25 Reviser's note.--Amended to conform to the
26 correct location of the referenced material.

27
28 Section 78. Subsection (6), paragraphs (v) and (oo) of
29 subsection (7), subsection (13), and paragraph (f) of
30 subsection (15) of section 212.08, Florida Statutes, 1998
31 Supplement, are amended to read:

1 212.08 Sales, rental, use, consumption, distribution,
2 and storage tax; specified exemptions.--The sale at retail,
3 the rental, the use, the consumption, the distribution, and
4 the storage to be used or consumed in this state of the
5 following are hereby specifically exempt from the tax imposed
6 by this chapter.

7 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.--There are
8 also exempt from the tax imposed by this chapter sales made to
9 the United States Government, a state, or any county,
10 municipality, or political subdivision of a state when payment
11 is made directly to the dealer by the governmental entity.
12 This exemption shall not inure to any transaction otherwise
13 taxable under this chapter when payment is made by a
14 government employee by any means, including, but not limited
15 to, cash, check, or credit card when that employee is
16 subsequently reimbursed by the governmental entity. This
17 exemption does not include sales of tangible personal property
18 made to contractors employed either directly or as agents of
19 any such government or political subdivision thereof when such
20 tangible personal property goes into or becomes a part of
21 public works owned by such government or political
22 subdivision. A determination whether a particular transaction
23 is properly characterized as an exempt sale to a government
24 entity or a taxable sale to a contractor shall be based on the
25 substance of the transaction rather than the form in which the
26 transaction is cast. The department shall adopt rules that
27 give special consideration to factors that govern the status
28 of the tangible personal property before its affixation to
29 real property. In developing these rules, assumption of the
30 risk of damage or loss is of paramount consideration in the
31 determination. This exemption does not include sales, rental,

1 use, consumption, or storage for use in any political
2 subdivision or municipality in this state of machines and
3 equipment and parts and accessories therefor used in the
4 generation, transmission, or distribution of electrical energy
5 by systems owned and operated by a political subdivision in
6 this state for transmission or distribution expansion.
7 Likewise exempt are charges for services rendered by radio and
8 television stations, including line charges, talent fees, or
9 license fees and charges for films, videotapes, and
10 transcriptions used in producing radio or television
11 broadcasts. The exemption provided in this subsection does not
12 include sales, rental, use, consumption, or storage for use in
13 any political subdivision or municipality in this state of
14 machines and equipment and parts and accessories therefor used
15 in providing two-way telecommunications services to the public
16 for hire by the use of a telecommunications facility, as
17 defined in s. 364.02(13), and for which a certificate is
18 required under chapter 364, which facility is owned and
19 operated by any county, municipality, or other political
20 subdivision of the state. Any immunity of any political
21 subdivision of the state or other entity of local government
22 from taxation of the property used to provide
23 telecommunication services that is taxed as a result of this
24 section is hereby waived. However, the exemption provided in
25 this subsection includes transactions taxable under this
26 chapter part ~~part~~ which are for use by the operator of a public-use
27 airport, as defined in s. 332.004 ~~322-004~~, in providing such
28 telecommunications services for the airport or its tenants,
29 concessionaires, or licensees, or which are for use by a
30 public hospital for the provision of such telecommunications
31 services.

1 (7) MISCELLANEOUS EXEMPTIONS.--
2 (v) Professional services.--
3 1. Also exempted are professional, insurance, or
4 personal service transactions that involve sales as
5 inconsequential elements for which no separate charges are
6 made.
7 2. The personal service transactions exempted pursuant
8 to subparagraph 1. do not exempt the sale of information
9 services involving the furnishing of printed, mimeographed, or
10 multigraphed matter, or matter duplicating written or printed
11 matter in any other manner, other than professional services
12 and services of employees, agents, or other persons acting in
13 a representative or fiduciary capacity or information services
14 furnished to newspapers and radio and television stations. As
15 used in this subparagraph, the term "information services"
16 includes the services of collecting, compiling, or analyzing
17 information of any kind or nature and furnishing reports
18 thereof to other persons.
19 3. This exemption does not apply to any service
20 warranty transaction taxable under s. 212.0506.
21 4. This exemption does not apply to any service
22 transaction taxable under s. 212.05(1)(j)~~212.05(1)(k)~~.
23 (o) Complimentary meals.--Also exempt from the tax
24 imposed by this chapter ~~part~~ are food or drinks that are
25 furnished as part of a packaged room rate by any person
26 offering for rent or lease any transient living accommodations
27 as described in s. 509.013(4)(a) which are licensed under part
28 I of chapter 509 and which are subject to the tax under s.
29 212.03, if a separate charge or specific amount for the food
30 or drinks is not shown. Such food or drinks are considered to
31 be sold at retail as part of the total charge for the

1 transient living accommodations. Moreover, the person offering
2 the accommodations is not considered to be the consumer of
3 items purchased in furnishing such food or drinks and may
4 purchase those items under conditions of a sale for resale.

5
6 Exemptions provided to any entity by this subsection shall not
7 inure to any transaction otherwise taxable under this chapter
8 when payment is made by a representative or employee of such
9 entity by any means, including, but not limited to, cash,
10 check, or credit card even when that representative or
11 employee is subsequently reimbursed by such entity.

12 (13) No transactions shall be exempt from the tax
13 imposed by this chapter except those expressly exempted
14 herein. All laws granting tax exemptions, to the extent they
15 may be inconsistent or in conflict with this chapter,
16 including, but not limited to, the following designated laws,
17 shall yield to and be superseded by the provisions of this
18 subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31,
19 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 258.14,
20 315.11, 348.65, 348.762, 349.13, ~~374.132~~, 403.1834, 616.07,
21 and 623.09, ~~637.131~~, ~~and 637.291~~ and the following Laws of
22 Florida, acts of the year indicated: s. 31, chapter 30843,
23 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955;
24 s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13,
25 chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter
26 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s.
27 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter
28 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681.

29 (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.--
30
31

1 (f) For the purpose of the exemption provided in this
2 subsection, the term "qualified business" means a business
3 which is:

4 1. First occupying a new structure to which electrical
5 service, other than that used for construction purposes, has
6 not been previously provided or furnished;

7 2. Newly occupying an existing, remodeled, renovated,
8 or rehabilitated structure to which electrical service, other
9 than that used for remodeling, renovation, or rehabilitation
10 of the structure, has not been provided or furnished in the
11 three preceding billing periods; or

12 3. Occupying a new, remodeled, rebuilt, renovated, or
13 rehabilitated structure for which a refund has been granted
14 pursuant to paragraph (5)(g) ~~(5)(h)~~.

15
16 Reviser's note.--Subsection (6) and paragraph
17 (7)(oo) are amended to conform to the repeal of
18 part II of chapter 212 by s. 115, ch. 95-417,
19 Laws of Florida, ratified by s. 4, ch. 97-94,
20 Laws of Florida. Subsection (6) is also
21 amended to reference the correct location of
22 the definition of public-use airport. Paragraph
23 (7)(v) is amended to conform to the
24 redesignation of paragraphs of s. 212.05(1) as
25 a result of the repeal of former paragraph
26 (1)(g) by s. 20, ch. 97-94. Subsection (13) is
27 amended to conform to the repeal of s. 374.132
28 by s. 1, ch. 93-265, Laws of Florida, and the
29 repeal of ss. 637.131 and 637.291 by s. 57, ch.
30 93-148, Laws of Florida. Paragraph (15)(f) is
31 amended to conform to the repeal of former s.

1 212.08(5)(e) by s. 10, ch. 92-173, Laws of
2 Florida.

3
4 Section 79. Paragraph (c) of subsection (2) of section
5 212.12, Florida Statutes, 1998 Supplement, is amended to read:

6 212.12 Dealer's credit for collecting tax; penalties
7 for noncompliance; powers of Department of Revenue in dealing
8 with delinquents; brackets applicable to taxable transactions;
9 records required.--

10 (2)

11 (c) Dealers filing a consolidated return pursuant to
12 s. 212.11(1)(e)~~212.11(1)(d)~~ shall be subject to the penalty
13 established in paragraph (b) unless the dealer has paid the
14 required estimated tax for his or her consolidated return as a
15 whole without regard to each location. If the dealer fails to
16 pay the required estimated tax for his or her consolidated
17 return as a whole, each filing location shall stand on its own
18 with respect to calculating penalties pursuant to paragraph
19 (b).

20

21 Reviser's note.--Amended to conform to the
22 redesignation of subunits of s. 212.11(1) by s.
23 11, ch. 94-353, Laws of Florida.

24

25 Section 80. Paragraph (e) of subsection (6) of section
26 212.20, Florida Statutes, 1998 Supplement, is amended to read:

27 212.20 Funds collected, disposition; additional powers
28 of department; operational expense; refund of taxes
29 adjudicated unconstitutionally collected.--

30 (6) Distribution of all proceeds under this chapter
31 shall be as follows:

1 (e) Proceeds from the fees imposed under ss.
2 212.05(1)(i)3.~~212.05(1)(j)3.~~ and 212.18(3) shall remain with
3 the General Revenue Fund.

4
5 Reviser's note.--Amended to conform to the
6 redesignation of paragraphs of s. 212.05(1) as
7 a result of the repeal of former paragraph
8 (1)(g) by s. 20, ch. 97-94, Laws of Florida.

9
10 Section 81. Section 213.05, Florida Statutes, is
11 amended to read:

12 213.05 Department of Revenue; control and
13 administration of revenue laws.--The Department of Revenue
14 shall have only those responsibilities for ad valorem taxation
15 specified to the department in chapter 192, taxation, general
16 provisions; chapter 193, assessments; chapter 194,
17 administrative and judicial review of property taxes; chapter
18 195, property assessment administration and finance; chapter
19 196, exemption; chapter 197, tax collections, sales, and
20 liens; chapter 199, intangible personal property taxes; and
21 chapter 200, determination of millage. The Department of
22 Revenue shall have the responsibility of regulating,
23 controlling, and administering all revenue laws and performing
24 all duties as provided in s. 125.0104, the Local Option
25 Tourist Development Act; s. 125.0108, tourist impact tax;
26 chapter 198, estate taxes; chapter 201, excise tax on
27 documents; chapter 203, gross receipts taxes; chapter 206,
28 motor and other fuel taxes; chapter 211, tax on production of
29 oil and gas and severance of solid minerals; chapter 212, tax
30 on sales, use, and other transactions; chapter 220, income tax
31 code; chapter 221, emergency excise tax; ss. 336.021 and

1 336.025, taxes on motor fuel and special fuel; s. 370.07(3),
2 Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill
3 prevention and control; s. 403.718, waste tire fees; s.
4 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint
5 disposal fees; ~~s. 403.7197, advance disposal fees~~; s. 538.09,
6 registration of secondhand dealers; s. 538.25, registration of
7 secondary metals recyclers; s. 624.4621 ~~440.57~~, group
8 self-insurer's fund premium tax; s. 624.5091, retaliatory tax;
9 s. 624.475, commercial self-insurance fund premium tax; ss.
10 624.509-624.511, insurance code: administration and general
11 provisions; s. 624.515, State Fire Marshal regulatory
12 assessment; s. 627.357, medical malpractice self-insurance
13 premium tax; s. 629.5011, reciprocal insurers premium tax; and
14 s. 681.117, motor vehicle warranty enforcement.

15
16 Reviser's note.--Amended to conform to the
17 repeal of s. 403.7197 by s. 26, ch. 97-94, Laws
18 of Florida, and the transfer of s. 440.57 to s.
19 624.4621 by s. 79, ch. 93-415, Laws of Florida.

20
21 Section 82. Paragraph (1) of subsection (7) of section
22 213.053, Florida Statutes, 1998 Supplement, is amended to
23 read:

24 213.053 Confidentiality and information sharing.--

25 (7) Notwithstanding any other provision of this
26 section, the department may provide:

27 (1) Payment information relative to chapters 199, 201,
28 212, 220, and 221 to the Office of Tourism, Trade, and
29 Economic Development ~~Department of Commerce~~ in its
30 administration of the tax refund program for qualified defense
31 contractors authorized by s. 288.1045 ~~288.104~~ and the tax

1 refund program for qualified target industry businesses
2 authorized by s. 288.106.

3
4 Disclosure of information under this subsection shall be
5 pursuant to a written agreement between the executive director
6 and the agency. Such agencies, governmental or
7 nongovernmental, shall be bound by the same requirements of
8 confidentiality as the Department of Revenue. Breach of
9 confidentiality is a misdemeanor of the first degree,
10 punishable as provided by s. 775.082 or s. 775.083.

11
12 Reviser's note.--Amended to conform to the
13 redesignation of references to the Department
14 of Commerce as the Office of Tourism, Trade,
15 and Economic Development for purposes of s.
16 288.106 by s. 44, ch. 96-320, Laws of Florida;
17 the repeal of s. 288.104 by s. 8, ch. 96-348,
18 Laws of Florida; and the enactment of a new
19 statute governing the qualified defense
20 contractor tax refund program, s. 288.1045, by
21 s. 1, ch. 96-348.

22
23 Section 83. Paragraph (b) of subsection (2) of section
24 215.32, Florida Statutes, 1998 Supplement, is amended to read:
25 215.32 State funds; segregation.--

26 (2) The source and use of each of these funds shall be
27 as follows:

28 (b)1. The trust funds shall consist of moneys received
29 by the state which under law or under trust agreement are
30 segregated for a purpose authorized by law. The state agency
31 or branch of state government receiving or collecting such

1 moneys shall be responsible for their proper expenditure as
2 provided by law. Upon the request of the state agency or
3 branch of state government responsible for the administration
4 of the trust fund, the Comptroller may establish accounts
5 within the trust fund at a level considered necessary for
6 proper accountability. Once an account is established within a
7 trust fund, the Comptroller may authorize payment from that
8 account only upon determining that there is sufficient cash
9 and releases at the level of the account.

10 2. In order to maintain a minimum number of trust
11 funds in the State Treasury, each state agency or the judicial
12 branch may consolidate, if permitted under the terms and
13 conditions of their receipt, the trust funds administered by
14 it; provided, however, the agency or judicial branch employs
15 effectively a uniform system of accounts sufficient to
16 preserve the integrity of such trust funds; and provided,
17 further, that consolidation of trust funds is approved by the
18 Administration Commission or the Chief Justice.

19 3. All such moneys are hereby appropriated to be
20 expended in accordance with the law or trust agreement under
21 which they were received, subject always to the provisions of
22 chapter 216 relating to the appropriation of funds and to the
23 applicable laws relating to the deposit or expenditure of
24 moneys in the State Treasury.

25 4.a. Notwithstanding any provision of law restricting
26 the use of trust funds to specific purposes, unappropriated
27 cash balances from selected trust funds may be authorized by
28 the Legislature for transfer to the Budget Stabilization Fund
29 and Working Capital Fund in the General Appropriations Act.

30 b. This subparagraph does not apply to trust funds
31 required by federal programs or mandates; trust funds

1 established for bond covenants, indentures, or resolutions
2 whose revenues are legally pledged by the state or public body
3 to meet debt service or other financial requirements of any
4 debt obligations of the state or any public body; the State
5 Transportation Trust Fund; the trust fund containing the net
6 annual proceeds from the Florida Education Lotteries; the
7 Florida Retirement Trust Fund; trust funds under the
8 management of the Board of Regents, where such trust funds are
9 for auxiliary enterprises, self-insurance, and contracts,
10 grants, and donations, as those terms are defined by general
11 law; trust funds that serve as clearing funds or accounts for
12 the Comptroller or state agencies; trust funds that account
13 for assets held by the state in a trustee capacity as an agent
14 or fiduciary for individuals, private organizations, or other
15 governmental units; and other trust funds authorized by the
16 State Constitution.

17

18 Reviser's note.--Amended to conform to the
19 title of the fund as provided in numerous
20 references throughout s. 215.32.

21

22 Section 84. Subsection (5) of section 215.58, Florida
23 Statutes, is amended to read:

24 215.58 Definitions.--The following words or terms when
25 used in this act shall have the following meanings:

26 (5) "Division" shall mean the Division of Bond Finance
27 ~~of said department.~~

28

29 Reviser's note.--Amended to conform to the
30 transfer of the Division of Bond Finance from
31 the Department of General Services to the State

1 Board of Administration by s. 2, ch. 92-279,
2 Laws of Florida.

3
4 Section 85. Paragraph (a) of subsection (3) of section
5 215.96, Florida Statutes, 1998 Supplement, is amended to read:

6 215.96 Coordinating council and design and
7 coordination staff.--

8 (3) The coordinating council, assisted by the design
9 and coordination staff, shall have the following duties,
10 powers, and responsibilities pertaining to the Florida
11 Financial Management Information System:

12 (a) To conduct such studies and to establish
13 committees, workgroups, and teams to develop recommendations
14 for rules, policies, procedures, principles, and standards to
15 the board as necessary to assist the board in its efforts to
16 design, implement, and perpetuate a financial management
17 information system, including, but not limited to, the
18 establishment of common data codes, the development of
19 integrated financial management policies that address the
20 information and management needs of the functional owner
21 subsystems, and the development of a strategic plan pursuant
22 to the requirements set forth in s. 186.022(9). The
23 coordinating council shall make available a copy of the
24 approved plan in writing or through electronic means to each
25 of the coordinating council members, the fiscal committees of
26 the Legislature, ~~the Joint Legislative Information Technology~~
27 ~~Resources Committee~~, and any interested person.

28
29 Reviser's note.--Amended to conform to the
30 repeal of s. 11.39, which created the Joint
31 Legislative Information Technology Resource

1 Committee, by s. 5, ch. 98-136, Laws of
2 Florida.

3
4 Section 86. Section 216.0315, Florida Statutes, is
5 amended to read:

6 216.0315 Budgets of state agencies that have
7 international programs.--Each state agency that has an
8 international program funded from the budget of that agency
9 must establish a separate fiscal category for it in the
10 legislative budget request submitted under s. 216.031. ~~In~~
11 ~~addition, the agency must transmit a copy of the legislative~~
12 ~~budget request that contains the separate fiscal category for~~
13 ~~an international program to the Florida International Affairs~~
14 ~~Commission.~~

15
16 Reviser's note.--Amended to conform to the
17 repeal of s. 288.803, which created the Florida
18 International Affairs Commission, by s. 67, ch.
19 96-320, Laws of Florida.

20
21 Section 87. Paragraph (b) of subsection (9) of section
22 216.136, Florida Statutes, 1998 Supplement, is amended to
23 read:

24 216.136 Consensus estimating conferences; duties and
25 principals.--

26 (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

27 (b) Principals.--The Executive Office of the Governor,
28 the Office of Economic and Demographic Research, and
29 professional staff who have forecasting expertise from the
30 Department of Juvenile Justice, the Department of Health and
31 Rehabilitative Services Alcohol, Drug Abuse, and Mental Health

1 Program Office, the Department of Law Enforcement, the Senate
2 Appropriations Committee staff, the House of Representatives
3 Appropriations Committee staff, or their designees, are the
4 principals of the Juvenile Justice Estimating Conference. The
5 responsibility of presiding over sessions of the conference
6 shall be rotated among the principals. To facilitate policy
7 and legislative recommendations, the conference may call upon
8 professional staff of the Juvenile Justice Accountability
9 ~~Advisory~~ Board and appropriate legislative staff.

10

11 Reviser's note.--Amended to conform to the
12 redesignation of the Juvenile Justice Advisory
13 Board as the Juvenile Justice Accountability
14 Board by s. 12, ch. 98-136, Laws of Florida.

15

16 Section 88. Paragraph (d) of subsection (2) of section
17 216.181, Florida Statutes, 1998 Supplement, is amended to
18 read:

19 216.181 Approved budgets for operations and fixed
20 capital outlay.--

21 (2) Amendments to the original approved operating
22 budgets for operational and fixed capital outlay expenditures
23 must comply with the following guidelines in order to be
24 approved by the Governor or Administration Commission as
25 provided in this chapter for the executive branch and the
26 Chief Justice for the judicial branch:

27 (d) For amendments that involve trust funds, there
28 must be adequate and appropriate revenues available in the
29 trust fund and the amendment must be consistent with the laws
30 authorizing such trust funds and the laws relating to the use
31 of the trust funds. However, a trust fund shall not be

1 increased in excess of the original approved budget, except as
2 provided in subsection (11) ~~(10)~~.

3

4 Reviser's note.--Amended to conform to the
5 redesignation of subunits of s. 216.181 by s.
6 6, ch. 97-286, Laws of Florida.

7

8 Section 89. Section 216.236, Florida Statutes, is
9 amended to read:

10 216.236 Innovation Investment Program; funding;
11 recordkeeping and reporting.--The amount of \$1 million of any
12 funds appropriated from the General Revenue Fund for the
13 purpose of funding the Innovation Investment Program shall be
14 available on a payback basis. Innovative project proposals
15 funded on a payback basis shall include the requirements of s.
16 216.235(5) and, if applicable, s. 216.235(6), and shall be
17 submitted to the department no later than May 15. The State
18 Innovation Committee or its designee shall review and evaluate
19 such proposal as to its technical feasibility. Funds for the
20 innovative project shall be available to the agency on July 1.
21 Any of such funds which are not awarded by July 1 shall be
22 used for funding innovative projects submitted for funding
23 pursuant to s. 216.237 ~~section 3~~. Loans made under this
24 section shall be repaid, without interest, from savings
25 realized by the agency as a result of implementing the
26 innovative project by no later than July 30 of the following
27 fiscal year in which the funds were received by the agency.
28 Any agency awarded funds pursuant to this section shall
29 maintain detailed accounting records showing all expenses,
30 loan transfers, savings, or other financial actions concerning
31 the project. Any savings realized as a result of implementing

1 the innovative project shall be quantified, validated, and
2 verified by the agency. By July 1 of the following fiscal year
3 in which the funds were received, a final report of the
4 results of the implementation of each innovative project shall
5 be submitted by each participating agency to the Governor's
6 Office of Planning and Budgeting and the legislative
7 appropriations committees, along with a budget amendment to
8 reimburse the General Revenue Fund.

9
10 Reviser's note.--Amended to facilitate correct
11 interpretation. The reference to section 3
12 appeared in the second of four sections
13 relating to the innovation investment program;
14 these sections were added to existing C.S. for
15 H.B. 2497 (which became ch. 94-249, Laws of
16 Florida) by Senate Amendment 1B, p. 1469 of the
17 1994 Senate Journal. Internal references
18 within the material relating to the innovation
19 investment program were not updated to conform
20 to their new placement. Section 3 of that
21 material became s. 53, ch. 94-249, which was
22 codified as s. 216.237.

23
24 Section 90. Section 216.237, Florida Statutes, is
25 amended to read:

26 216.237 Availability of any remaining funds; agency
27 maintenance of accounting records.--Any remaining funds from
28 the General Revenue Fund and trust fund spending authority not
29 awarded to agencies pursuant to s. 216.236 ~~section 2 of this~~
30 ~~bill~~ shall be available to agencies for innovative projects
31 which generate a cost savings, increase revenue, or improve

1 service delivery. Innovative projects which generate a cost
2 savings shall receive greater consideration when awarding
3 innovation investment funds. Any trust fund authority granted
4 under this program shall be utilized in a manner consistent
5 with the statutory authority for the use of said trust fund.
6 Any savings realized as a result of implementing the
7 innovative project shall be used by the agency to establish an
8 internal innovations fund. State agencies which are awarded
9 funds for innovative projects shall utilize the chart of
10 accounts used by the State Automated Management Accounting
11 System in the manner described in s. 215.93(3). Such chart of
12 accounts shall be developed and amended in consultation with
13 the Department of Banking and Finance and the Executive Office
14 of the Governor to separate and account for the savings that
15 result from the implementation of the innovative projects and
16 to keep track of how the innovative funds are reinvested by
17 the state agency to fund additional innovative projects, which
18 may include, but not be limited to, expenditures for training
19 and information technology resources. Guidelines for the
20 establishment of such internal innovations fund shall be
21 provided by the Department of Management Services. Any agency
22 awarded funds under this section shall maintain detailed
23 accounting records showing all expenses, loan transfers,
24 savings, or other financial actions concerning the project.
25 Any savings realized as a result of implementing the
26 innovative project shall be quantified, validated, and
27 verified by the agency. A final report of the results of the
28 implementation of each innovative project shall be submitted
29 by each participating agency to the Governor's Office of
30 Planning and Budgeting and the legislative appropriations
31 committees by June 30 of the fiscal year in which the funds

1 were received and ensuing fiscal years for the life of the
2 project.

3
4 Reviser's note.--Amended to facilitate correct
5 interpretation. The reference to section 2
6 appeared in the third of four sections relating
7 to the innovation investment program; these
8 sections were added to existing C.S. for H.B.
9 2497 (which became ch. 94-249, Laws of Florida)
10 by Senate Amendment 1B, p. 1469 of the 1994
11 Senate Journal. Internal references within the
12 material relating to the innovation investment
13 program were not updated to conform to their
14 new placement. Section 2 of that material
15 became s. 52, ch. 94-249, which was codified as
16 s. 216.236.

17
18 Section 91. Section 216.346, Florida Statutes, is
19 amended to read:

20 216.346 Contracts between state agencies; restriction
21 on overhead or other indirect costs.--In any contract between
22 state agencies, including any contract involving the State
23 University System or the Florida State Community College
24 System, the agency receiving the contract or grant moneys
25 shall charge no more than 5 percent of the total cost of the
26 contract or grant for overhead or indirect costs or any other
27 costs not required for the payment of direct costs.

28
29 Reviser's note.--Amended to conform to the
30 redesignation of the State Community College

31

1 System as the Florida Community College System
2 by s. 15, ch. 98-58, Laws of Florida.

3
4 Section 92. Paragraph (b) of subsection (6) of section
5 218.21, Florida Statutes, is amended to read:

6 218.21 Definitions.--As used in this part, the
7 following words and terms shall have the meanings ascribed
8 them in this section, except where the context clearly
9 indicates a different meaning:

10 (6) "Guaranteed entitlement" means the amount of
11 revenue which must be shared with an eligible unit of local
12 government so that:

13 (b) No eligible municipality shall receive less funds
14 from the Revenue Sharing Trust Fund for Municipalities in any
15 fiscal year than the aggregate amount it received from the
16 state in fiscal year 1971-1972 under the provisions of the
17 then-existing s. 210.20(2)(a), tax on cigarettes; s.
18 323.16(3), road tax; and s. 206.605, tax on motor fuel; ~~except~~
19 ~~that for the 1993-1994 fiscal year, any government exercising~~
20 ~~municipal powers pursuant to s. 6(f), Art. VIII of the State~~
21 ~~Constitution shall not receive less funds from any such~~
22 ~~revenue sharing trust fund than the aggregate amount it~~
23 ~~received from the state in the preceding state fiscal year~~
24 ~~under the provisions of this part, plus a 7 percent increase~~
25 ~~in such amount. Effective in the 1994-1995 fiscal year and~~
26 ~~thereafter, Any government exercising municipal powers under~~
27 s. 6(f), Art. VIII of the State Constitution may not receive
28 less than the aggregate amount it received from the Revenue
29 Sharing Trust Fund for Municipalities in the preceding fiscal
30 year, plus a percentage increase in such amount equal to the

31

1 percentage increase of the Revenue Sharing Trust Fund for
2 Municipalities for the preceding fiscal year.

3
4 Reviser's note.--Amended to delete provisions
5 that have served their purpose.

6
7 Section 93. Subsections (5) and (6) of section 218.65,
8 Florida Statutes, 1998 Supplement, are amended to read:

9 218.65 Emergency distribution.--

10 (5) At the beginning of each fiscal year, the
11 Department of Revenue shall calculate a base allocation for
12 each eligible county equal to the difference between the
13 current per capita limitation times the county's population,
14 minus prior year ordinary distributions to the county pursuant
15 to ss. 212.20(6)(f)3.~~212.20(6)(g)3.~~, 218.61, and 218.62. If
16 moneys deposited into the Local Government Half-cent Sales Tax
17 Clearing Trust Fund pursuant to s. 212.20(6)(f)4.

18 ~~212.20(6)(g)4.~~, excluding moneys appropriated for supplemental
19 distributions pursuant to subsection (7), for the current year
20 are less than or equal to the sum of the base allocations,
21 each eligible county shall receive a share of the appropriated
22 amount proportional to its base allocation. If the deposited
23 amount exceeds the sum of the base allocations, each county
24 shall receive its base allocation, and the excess appropriated
25 amount shall be distributed equally on a per capita basis
26 among the eligible counties.

27 (6) There is hereby annually appropriated from the
28 Local Government Half-cent Sales Tax Clearing Trust Fund the
29 distribution provided in s. 212.20(6)(f)4.~~212.20(6)(g)4.~~ to
30 be used for emergency and supplemental distributions pursuant
31 to this section.

1 Reviser's note.--Amended to conform to the
2 repeal of former s. 212.20(6)(c) by s. 23, ch.
3 96-397, Laws of Florida.

4
5 Section 94. Subsection (9) of section 220.02, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 220.02 Legislative intent.--

8 (9) It is the intent of the Legislature that the
9 export finance corporation investment credit provided in s.
10 220.188 be applicable to those corporations, banks, and
11 savings associations which purchase qualified investments in
12 export finance corporations organized under part V ~~VI~~ of
13 chapter 288.

14
15 Reviser's note.--Amended to conform to the
16 redesignation of parts of chapter 288
17 necessitated by the repeal of the provisions of
18 former part IV of chapter 288 by s. 2, ch.
19 93-205, Laws of Florida.

20
21 Section 95. Paragraph (a) of subsection (9) of section
22 228.053, Florida Statutes, is amended to read:

23 228.053 Developmental research schools.--

24 (9) FUNDING.--

25 (a) Each developmental research school shall be
26 allocated its proportional share of operating funds from the
27 Florida Education Finance Program as provided in s. 236.081
28 and the General Appropriations Act. The nonvoted ad valorem
29 millage that would otherwise be required for developmental
30 research schools shall be allocated from state funds. The
31 required local effort funds calculated pursuant to s. 236.081

1 shall be allocated from state funds to the schools as a part
2 of the allocation of operating funds pursuant to s. 236.081.
3 Each eligible developmental research school shall also receive
4 a proportional share of the sparsity supplement as calculated
5 pursuant to s. 236.081. In addition, each developmental
6 research school shall receive its proportional share of all
7 categorical funds, with the exception of s. ss. 236.083 and
8 ~~236.0835~~, and new categorical funds enacted after July 1,
9 1994, for the purpose of elementary or secondary academic
10 program enhancement. The sum of funds available as provided in
11 this paragraph shall be included annually in the Florida
12 Education Finance Program and appropriate categorical programs
13 funded in the General Appropriations Act.

14

15 Reviser's note.--Amended to conform to the
16 repeal of s. 236.0835 by s. 49, ch. 94-232,
17 Laws of Florida.

18

19 Section 96. Paragraph (d) of subsection (1) of section
20 228.055, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 228.055 Regional autism centers.--

23 (1) Six regional autism centers are established to
24 provide nonresidential resource and training services for
25 persons of all ages and of all levels of intellectual
26 functioning who have autism, as defined in s. 393.063; who
27 have a pervasive developmental disorder that is not otherwise
28 specified; who have an autistic-like disability; who have a
29 dual sensory impairment; or who have a sensory impairment with
30 other handicapping conditions. Each center shall be
31 operationally and fiscally independent and shall provide

1 services within its geographical region of the state. Each
2 center shall coordinate services within and between state and
3 local agencies and school districts but may not duplicate
4 services provided by those agencies or school districts. The
5 respective locations and service areas of the centers are:

6 (d) The Louis de la Parte Florida Mental Health
7 Institute at the University of South Florida, which serves
8 Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands,
9 Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee,
10 Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

11
12 Reviser's note.--Amended to conform to the
13 redesignation of the Florida Mental Health
14 Institute as the Louis de la Parte Florida
15 Mental Health Institute by s. 3, ch. 96-196,
16 Laws of Florida.

17
18 Section 97. Paragraph (b) of subsection (7) of section
19 228.0565, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 228.0565 Deregulated public schools.--

22 (7) EXEMPTION FROM STATUTES.--

23 (b) Teachers employed by or under contract to a
24 deregulated public school shall be certified as required by
25 chapter 231. A deregulated public school may employ or
26 contract with skilled selected noncertified personnel to
27 provide instructional services or to assist instructional
28 staff members as education paraprofessionals ~~teacher-aides~~ in
29 the same manner as defined in chapter 231. A deregulated
30 public school may not employ an individual to provide
31 instructional services or to serve as an education

1 paraprofessional ~~a teacher aide~~ if the individual's
2 certification or licensure as an educator is suspended or
3 revoked by this or any other state. The qualifications of
4 teachers shall be disclosed to parents.

5
6 Reviser's note.--Amended to conform to the
7 redesignation of teacher aides by ch. 98-292,
8 Laws of Florida.

9
10 Section 98. Subsection (3) of section 229.593, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 229.593 Florida Commission on Education Reform and
13 Accountability.--

14 (3) Recognized statewide organizations representing
15 each interest enumerated in this section shall submit no fewer
16 than two nor more than three nominees to the appropriate
17 public official for consideration. The public officials shall
18 appoint members representative of the ethnic, racial, gender,
19 and economic population of the state. The term of each
20 appointed private citizen member shall be for 4 years. A
21 vacancy shall be filled for the remainder of the unexpired
22 term by the person who had appointment jurisdiction of the
23 vacated member. Members shall serve until their successors
24 are duly appointed. ~~Provisions of s. 11.611(8)(b) to the~~
25 ~~contrary notwithstanding,~~ Private citizen members shall be
26 appointed as provided in this section and are not subject to
27 confirmation by the Senate. Members of the commission may be
28 removed for cause by the appointing authority. Any member
29 who, without cause, fails to attend three consecutive meetings
30 may be removed by the appointing authority.

31

1 Reviser's note.--Amended to conform to the
2 repeal of s. 11.611 by s. 5, ch. 91-429, Laws
3 of Florida; ratified by s. 33, ch. 96-318, Laws
4 of Florida.

5
6 Section 99. Subsection (2) of section 230.2305,
7 Florida Statutes, is amended to read:

8 230.2305 Prekindergarten early intervention program.--

9 (2) ELIGIBILITY.--There is hereby created the
10 prekindergarten early intervention program for children who
11 are 3 and 4 years of age. A prekindergarten early
12 intervention program shall be administered by a district
13 school board and shall receive state funds pursuant to
14 subsection(6)~~(5)~~. Each public school district shall make
15 reasonable efforts to accommodate the needs of children for
16 extended day and extended year services without compromising
17 the quality of the 6-hour, 180-day program. The school
18 district shall report on such efforts. School district
19 participation in the prekindergarten early intervention
20 program shall be at the discretion of each school district.

21 (a) At least 75 percent of the children projected to
22 be served by the district program shall be economically
23 disadvantaged 4-year-old children of working parents,
24 including migrant children or children whose parents
25 participate in the WAGES Program. Other children projected to
26 be served by the district program may include any of the
27 following up to a maximum of 25 percent of the total number of
28 children served:

29 1. Three-year-old and four-year-old children who are
30 referred to the school system who may not be economically
31 disadvantaged but who are abused, prenatally exposed to

1 alcohol or harmful drugs, or from foster homes, or who are
2 marginal in terms of Exceptional Student Education placement.
3 2. Three-year-old children and four-year-old children
4 who may not be economically disadvantaged but who are eligible
5 students with disabilities and served in an exceptional
6 student education program with required special services,
7 aids, or equipment and who are reported for partial funding in
8 the K-12 Florida Education Finance Program. These students
9 may be funded from prekindergarten early intervention program
10 funds the portion of the time not funded by the K-12 Florida
11 Education Finance Program for the actual instructional time or
12 one full-time equivalent student membership, whichever is the
13 lesser. These students with disabilities shall be counted
14 toward the 25-percent student limit based on full-time
15 equivalent student membership funded part-time by
16 prekindergarten early intervention program funds. Also,
17 3-year-old or 4-year-old eligible students with disabilities
18 who are reported for funding in the K-12 Florida Education
19 Finance Program in an exceptional student education program as
20 provided in s. 236.081(1)(c) may be mainstreamed in the
21 prekindergarten early intervention program if such programming
22 is reflected in the student's individual educational plan; if
23 required special services, aids, or equipment are provided;
24 and if there is no operational cost to prekindergarten early
25 intervention program funds. Exceptional education students
26 who are reported for maximum K-12 Florida Education Finance
27 Program funding and who are not reported for early
28 intervention funding shall not count against the 75-percent or
29 25-percent student limit as stated in this paragraph.
30 3. Economically disadvantaged 3-year-old children.
31

1 4. Economically disadvantaged children, children with
2 disabilities, and children at risk of future school failure,
3 from birth to age four, who are served at home through home
4 visitor programs and intensive parent education programs such
5 as the Florida First Start Program.

6 5. Children who meet federal and state requirements
7 for eligibility for the migrant preschool program but who do
8 not meet the criteria of "economically disadvantaged" as
9 defined in paragraph (b), who shall not pay a fee.

10 6. After the groups listed in subparagraphs 1., 2.,
11 3., and 4. have been served, 3-year-old and 4-year-old
12 children who are not economically disadvantaged and for whom a
13 fee is paid for the children's participation.

14 (b) An "economically disadvantaged" child shall be
15 defined as a child eligible to participate in the free lunch
16 program. Notwithstanding any change in a family's economic
17 status or in the federal eligibility requirements for free
18 lunch, a child who meets the eligibility requirements upon
19 initial registration for the program shall be considered
20 eligible until the child reaches kindergarten age. In order
21 to assist the school district in establishing the priority in
22 which children shall be served, and to increase the efficiency
23 in the provision of child care services in each district, the
24 district shall enter into a written collaborative agreement
25 with other publicly funded early education and child care
26 programs within the district. Such agreement shall be
27 facilitated by the interagency coordinating council and shall
28 set forth, among other provisions, the measures to be
29 undertaken to ensure the programs' achievement and compliance
30 with the performance standards established in subsection (3)
31 and for maximizing the public resources available to each

1 program. In addition, the central agency for state-subsidized
2 child care or the local service district of the Department of
3 Health and Rehabilitative Services shall provide the school
4 district with an updated list of 3-year-old and 4-year-old
5 children residing in the school district who are on the
6 waiting list for state-subsidized child care.

7
8 Reviser's note.--Amended to conform to the
9 redesignation of subunits of s. 230.2305 by s.
10 57, ch. 96-175, Laws of Florida, and s. 6, ch.
11 97-190, Laws of Florida. Provisions relating to
12 funding are in subsection (6).

13
14 Section 100. Subsection (10) of section 231.261,
15 Florida Statutes, 1998 Supplement, is amended to read:
16 231.261 Education Practices Commission;
17 organization.--

18 (10) The commission shall be financed from the
19 following: certification fees; fines, penalties, and costs
20 collected pursuant to s. 231.262(8)~~231.262(7)~~; and general
21 revenue.

22
23 Reviser's note.--Amended to conform to the
24 redesignation of subunits of s. 231.262 by s.
25 15, ch. 98-281, Laws of Florida.

26
27 Section 101. Paragraphs (b) and (c) of subsection (7)
28 of section 232.246, Florida Statutes, 1998 Supplement, are
29 amended to read:
30 232.246 General requirements for high school
31 graduation.--

1 (7) No student may be granted credit toward high
2 school graduation for enrollment in the following courses or
3 programs:

4 (b) More than one credit in exploratory vocational
5 courses as defined in s. 228.041(22)(a)~~228.041(22)(a)~~2.

6 (c) More than three credits in practical arts family
7 and consumer sciences classes as defined in s. 228.041(22)(a)
8 ~~228.041(22)(a)~~4.

9

10 Reviser's note.--Amended to conform to the
11 redesignation of subunits of s. 228.041(22) and
12 rearrangement of material within that
13 subsection by s. 9, ch. 97-307, Laws of
14 Florida.

15

16 Section 102. Subsection (1) of section 233.17, Florida
17 Statutes, is amended to read:

18 233.17 Term of adoption for instructional materials.--

19 (1) The term of adoption of any instructional
20 materials must be an 8-year period beginning on April 1
21 following the adoption, except for the core subject areas
22 which include mathematics, science, social studies, reading,
23 and literature which shall be for a term not to exceed 6 years
24 beginning on April 1 following the adoption. Any contract for
25 instructional materials may be extended as prescribed in s.
26 233.16(3)~~233.16(2)~~. The Commissioner of Education may
27 approve terms of adoption of less than 8 years for materials
28 in content areas which require more frequent revision.

29

30

31

1 Reviser's note.--Amended to conform to the
2 redesignation of subunits of s. 233.16 by s. 5,
3 ch. 97-285, Laws of Florida.

4
5 Section 103. Subsection (2) of section 235.05, Florida
6 Statutes, is amended to read:

7 235.05 Right of eminent domain.--

8 (2) The board of trustees may exercise the right of
9 eminent domain as provided in s. 240.319(4)(d)~~240.319(3)(d)~~.

10

11 Reviser's note.--Amended to conform to the
12 redesignation of subunits of s. 240.319 by s.
13 12, ch. 97-246, Laws of Florida.

14

15 Section 104. Paragraphs (a) and (c) of subsection (2)
16 of section 235.2197, Florida Statutes, 1998 Supplement, are
17 amended to read:

18 235.2197 Florida Frugal Schools Program.--

19 (2) The "Florida Frugal Schools Program" is created to
20 recognize publicly each district school board that agrees to
21 build frugal yet functional educational facilities and that
22 implements "best financial management practices" when
23 planning, constructing, and operating educational facilities.
24 The State Board of Education shall recognize a district school
25 board as having a Florida Frugal Schools Program if the
26 district requests recognition and satisfies two or more of the
27 following criteria:

28 (a) The district receives a "Seal of Best Financial
29 Management" as provided in s. 230.23025 ~~230.2302~~ or implements
30 best financial management practices in the area of educational
31 facilities as evidenced by a partial review under s. 230.2302.

1 (c) The district school board submits a plan to the
2 Commissioner of Education certifying how the revenues
3 generated by the levy of the capital outlay sales surtax
4 authorized by s. 212.055(7) will be spent. The plan must
5 include at least the following assurances about the use of the
6 proceeds of the surtax and any accrued interest:

7 1. The district school board will use the surtax and
8 accrued interest only for the fixed capital outlay purposes
9 identified by s. 212.055(7)(d) which will reduce school
10 overcrowding that has been validated by the Department of
11 Education, or for the repayment of bonded indebtedness related
12 to such capital outlay purposes.

13 2. The district school board will not spend the surtax
14 or accrued interest to pay for operational expenses or for the
15 construction, renovation, or remodeling of any administrative
16 building or any other ancillary facility that is not directly
17 related to the instruction, feeding, or transportation of
18 students enrolled in the public schools.

19 3. The district school board's use of the surtax and
20 accrued interest will be consistent with the best financial
21 management practices identified and approved under s.
22 230.23025 ~~230.2302~~.

23 4. The district school board will apply the
24 educational facilities contracting and construction techniques
25 authorized by s. 235.211 or other construction management
26 techniques to reduce the cost of educational facilities.

27 5. The district school board will discontinue the
28 surtax levy when the district has provided the
29 survey-recommended educational facilities that were determined
30 to be necessary to relieve school overcrowding; when the
31 district has satisfied any bonded indebtedness incurred for

1 such educational facilities; or when the district's other
2 sources of capital outlay funds are sufficient to provide such
3 educational facilities, whichever occurs first.

4 6. The district school board will use any excess
5 surtax collections or accrued interest to reduce the
6 discretionary outlay millage levied under s. 236.25(2).

7
8 Reviser's note.--Amended to conform to the
9 correct location of material relating to best
10 financial management practices.

11
12 Section 105. Paragraph (a) of subsection (4) of
13 section 235.435, Florida Statutes, 1998 Supplement, is amended
14 to read:

15 235.435 Funds for comprehensive educational plant
16 needs; construction cost maximums for school district capital
17 projects.--Allocations from the Public Education Capital
18 Outlay and Debt Service Trust Fund to the various boards for
19 capital outlay projects shall be determined as follows:

20 (4)(a) The boards of trustees of the community
21 colleges and the Board of Regents of the State University
22 System shall receive funds for projects based on a 3-year
23 priority list, to be updated annually, which is submitted to
24 the Legislature in the legislative budget request at least 45
25 days prior to the legislative session. The State Board of
26 Community Colleges shall submit a 3-year priority list for the
27 entire Florida State Community College System. The Board of
28 Regents shall submit a 3-year priority list for the entire
29 State University System. The lists shall reflect decisions by
30 the boards concerning program priorities that implement the
31 statewide plan for program growth and quality improvement in

1 education. No remodeling or renovation project shall be
2 included on the 3-year priority list unless the project has
3 been recommended pursuant to s. 235.15 or is for the purpose
4 of correcting health and safety deficiencies. No new
5 construction project shall be included on the first year of
6 the 3-year priority list unless the educational specifications
7 have been approved by the Chancellor for university projects
8 or by the Division of Community Colleges for community college
9 projects. The funds requested for a new construction project
10 in the first year of the 3-year priority list shall be in
11 conformance with the scope of the project as defined in the
12 educational specifications. Any new construction project
13 requested in the first year of the 3-year priority list which
14 is not funded by the Legislature shall be carried forward to
15 be listed first in developing the updated 3-year priority list
16 for the subsequent year's capital outlay budget. Should the
17 order of the priority of the projects change from year to
18 year, a justification for such change shall be included with
19 the updated priority list.

20
21 Reviser's note.--Amended to conform to the
22 redesignation of the State Community College
23 System as the Florida Community College System
24 by s. 15, ch. 98-58, Laws of Florida.

25
26 Section 106. Subsection (1) of section 236.08107,
27 Florida Statutes, 1998 Supplement, is amended to read:
28 236.08107 Excellent Teaching Program Trust Fund.--
29 (1) The Excellent Teaching Program Trust Fund is
30 created to be administered by the Department of Education.
31 Funds must be credited to the trust fund as provided in

1 chapter 98-309, Laws of Florida ~~SB 2156 or similar~~
2 ~~legislation~~, to be used for the purposes set forth therein.

3
4 Reviser's note.--Amended to substitute a
5 reference to ch. 98-309, Laws of Florida, which
6 was similar legislation to 1998 Senate Bill
7 2156, which did not pass.

8
9 Section 107. Paragraph (b) of subsection (4) of
10 section 236.1228, Florida Statutes, is amended to read:

11 236.1228 Accountability program grants.--

12 (4) STATEWIDE INDICATORS.--

13 (b) The statewide indicators are:

14 1. Improve graduation rate.--The statewide goal is to
15 achieve a graduation rate of 85 percent. The graduate rate
16 will be calculated as defined in s. 228.041(40)~~228.041(41)~~.
17 The district annual graduation rate indicator shall be at
18 least an increase of one percentage point or one-third of the
19 difference between the second preceding year and 85 percent,
20 whichever is greater.

21 2. Improve dropout rate.--The statewide goal is to
22 achieve a dropout rate in high school of 4 percent or less.
23 The dropout rate will be calculated as defined in s.
24 228.041(42)~~228.041(43)~~. The district and high school annual
25 dropout rate indicator for the high school shall be 6 percent
26 or less and the district average shall be 4 percent or less
27 for grades 9 through 12.

28 3. Improve promotion rate.--The statewide goal is to
29 achieve a 95-percent promotion rate from grade to grade in
30 grades 9 through 12. The district and high school annual
31 promotion rate indicator for the high school from grade to

1 grade in grades 9 through 12 shall be 94 percent or higher and
2 the district average shall be 95 percent or higher for grades
3 9 through 12.

4 4. Increase enrollment in and completion of upper
5 level science courses.--The statewide goal is to have 20
6 percent or more of the high school students enrolled in and
7 completing level 3 science courses, 55 percent or more of the
8 high school students enrolled in level 2 science courses, and
9 20 percent or less of the high school students enrolled in
10 level 1 science courses. Components of the district and high
11 school annual science enrollment indicator are:

12 a. For level 3 science courses, the high school shall
13 have 15 percent or more of the grades 9 through 12 students
14 enrolled in level 3 science courses and the district average
15 shall be 20 percent or more of the grades 9 through 12
16 students enrolled in level 3 science courses;

17 b. For level 2 science courses, the high school shall
18 have 45 percent or more of the grades 9 through 12 students
19 enrolled in level 2 science courses and the district average
20 shall be 55 percent or more of the grades 9 through 12
21 students enrolled in level 2 science courses; and

22 c. For level 1 science courses, the high school shall
23 have 30 percent or less of the grades 9 through 12 students
24 enrolled in level 1 science courses and the district average
25 shall be 20 percent or less of the grades 9 through 12
26 students enrolled in level 1 science courses.

27 5. Increase enrollment in and completion of upper
28 level mathematics courses.--The statewide goal is to have 15
29 percent or more of the high school students enrolled in and
30 completing level 3 mathematics courses, 50 percent or more of
31 the high school students enrolled in level 2 mathematics

1 courses, and 30 percent or less of the high school students
2 enrolled in level 1 mathematics courses. Components of the
3 district and high school annual mathematics enrollment
4 indicator are:

5 a. For level 3 mathematics courses, the high school
6 shall have 10 percent or more of the grades 9 through 12
7 students enrolled in level 3 mathematics courses and the
8 district average shall be 15 percent or more of the grades 9
9 through 12 students enrolled in level 3 mathematics courses;

10 b. For level 2 mathematics courses, the high school
11 shall have 40 percent or more of the grades 9 through 12
12 students enrolled in level 2 mathematics courses and the
13 district average shall be 50 percent or more of the grades 9
14 through 12 students enrolled in level 2 mathematics courses;
15 and

16 c. For level 1 mathematics courses, the high school
17 shall have 40 percent or less of the grades 9 through 12
18 students enrolled in level 1 mathematics courses and the
19 district average shall be 30 percent or less of the grades 9
20 through 12 students enrolled in level 1 mathematics courses.

21 6. Improve utilization of postsecondary feedback
22 report.--The statewide goal is to reduce annually the high
23 school's graduates who are enrolled in a degree program and
24 are referred for remediation in mathematics, reading, and
25 writing in public colleges and universities by 50 percent of
26 the number for the second preceding year. The district and
27 high school annual referrals for remediation indicators for
28 high school shall be a reduction of 40 percent or more and the
29 district's average reduction shall be 50 percent or more of
30 the number for the second preceding year.
31

1 Reviser's note.--Amended to conform to the
2 redesignation of subunits of s. 228.041 by s.
3 74, ch. 97-190, Laws of Florida.

4
5 Section 108. Subsection (6) of section 236.685,
6 Florida Statutes, is amended to read:

7 236.685 Educational funding accountability.--

8 (6) The annual school public accountability report
9 required by ss. 229.592(5) and 230.23(16)~~230.23(18)~~ must
10 include a school financial report. The purpose of the school
11 financial report is to better inform parents and the public
12 concerning how revenues were spent to operate the school
13 during the prior fiscal year. Each school's financial report
14 must follow a uniform, districtwide format that is easy to
15 read and understand.

16 (a) Total revenue must be reported at the school,
17 district, and state levels. The revenue sources that must be
18 addressed are state and local funds, other than lottery funds;
19 lottery funds; federal funds; and private donations.

20 (b) Expenditures must be reported as the total
21 expenditures per unweighted full-time equivalent student at
22 the school level and the average expenditures per full-time
23 equivalent student at the district and state levels in each of
24 the following categories and subcategories:

25 1. Teachers, excluding substitute teachers, and
26 education paraprofessionals ~~teacher aides~~ who provide direct
27 classroom instruction to students enrolled in programs
28 classified by s. 236.081 as:

- 29 a. Basic programs;
30 b. Students-at-risk programs;
31 c. Special programs for exceptional students;

- 1 d. Career education programs; and
2 e. Adult programs.
3 2. Substitute teachers.
4 3. Other instructional personnel, including
5 school-based instructional specialists and their assistants.
6 4. Contracted instructional services, including
7 training for instructional staff and other contracted
8 instructional services.
9 5. School administration, including school-based
10 administrative personnel and school-based education support
11 personnel.
12 6. The following materials, supplies, and operating
13 capital outlay:
14 a. Textbooks;
15 b. Computer hardware and software;
16 c. Other instructional materials;
17 d. Other materials and supplies; and
18 e. Library media materials.
19 7. Food services.
20 8. Other support services.
21 9. Operation and maintenance of the school plant.
22 (c) The school financial report must also identify the
23 types of district-level expenditures that support the school's
24 operations. The total amount of these district-level
25 expenditures must be reported and expressed as total
26 expenditures per full-time equivalent student.
27
28 As used in this subsection, the term "school" means a "school
29 center" as defined by s. 228.041.
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31

1 Reviser's note.--Amended to conform to the
2 redesignation of subunits of s. 230.23 by s. 4,
3 ch. 97-190, Laws of Florida, and to the
4 redesignation of teacher aides as education
5 paraprofessionals by ch. 98-292, Laws of
6 Florida.
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