

1                   A reviser's bill to be entitled  
2                   An act relating to the Florida Statutes;  
3                   amending ss. 238.06, 240.1161, 240.1201,  
4                   240.147, 240.156, 240.20941, 240.2605, 240.275,  
5                   240.283, 240.285, 240.311, 240.319, 240.3195,  
6                   240.324, 240.331, 240.3315, 240.383, 240.4063,  
7                   240.408, 240.414, 240.4145, 240.498, 240.514,  
8                   240.551, 240.6054, 240.632, 242.3305, 246.041,  
9                   250.46, 252.939, 253.025, 255.05, 259.032,  
10                  259.101, 260.016, 270.10, 280.09, 280.11,  
11                  281.05, 281.06, 281.07, 281.08, 282.003,  
12                  282.005, 282.101, 282.20, 282.22, 282.3031,  
13                  282.3041, 282.310, 284.31, 287.059, 287.0595,  
14                  287.064, 287.09431, 287.133, 287.151, 287.16,  
15                  288.039, 288.041, 288.052, 288.1066, 288.108,  
16                  288.1169, 288.1185, 288.770, 288.776, 288.853,  
17                  288.905, 288.9512, 288.9605, 288.9607,  
18                  288.9620, 290.0058, 290.0065, 290.009, 295.07,  
19                  295.085, 295.09, 295.14, 296.33, 298.225,  
20                  316.003, 316.072, 316.0747, 316.1955, 316.2126,  
21                  316.2399, 316.302, 318.13, 318.14, 318.21,  
22                  319.33, 320.03, 320.055, 320.08056, 320.08058,  
23                  320.0848, 320.1325, 322.12, 322.121, 322.292,  
24                  322.34, 322.57, 323.001, 325.202, 325.212,  
25                  327.25, 327.28, 331.303, 331.305, 331.308,  
26                  334.03, 336.01, 337.023, 337.407, 338.22,  
27                  338.221, 338.222, 338.223, 338.225, 338.227,  
28                  338.228, 338.229, 338.231, 338.232, 338.239,  
29                  339.0805, 339.135, 341.321, 348.0005, 348.242,  
30                  349.21, 350.031, 350.0605, 354.01, 364.509,  
31                  366.072, 368.061, 370.06, 370.0605, 370.063,

1 370.0821, 370.12, 370.14, 370.142, 370.1535,  
 2 370.154, 372.023, 372.561, 372.57, 372.573,  
 3 372.661, 373.036, 373.0691, 373.213, 373.246,  
 4 373.414, 373.421, 373.4592, 373.59, 373.591,  
 5 374.976, 374.983, 375.041, 376.3071, 376.3072,  
 6 376.3078, 376.30781, 376.82, 378.901, 380.0555,  
 7 380.20, 380.205, 380.22, 381.0014, 381.0035,  
 8 381.004, 381.0065, 381.0068, 381.0203, 381.732,  
 9 381.733, 382.003, 382.356, 388.4111, 388.46,  
 10 390.0111, 390.0112, 393.063, 393.067, 394.4787,  
 11 395.002, 395.605, 400.0067, 400.051, 400.063,  
 12 400.417, 400.4174, 400.4256, 400.426, 400.427,  
 13 400.447, 400.471, 400.6085, 400.618, 400.6196,  
 14 402.161, 402.3055, 402.3057, 402.308, and  
 15 402.3115, Florida Statutes; reenacting and  
 16 amending ss. 341.051(5) and 397.405, Florida  
 17 Statutes; and reenacting ss. 240.2011,  
 18 266.0016, 295.11(2), 320.0848(9) and (10),  
 19 320.20(2), 328.17(1), 351.03, 351.034, 351.35,  
 20 351.36, 351.37, 354.01, 354.02, 354.03, 354.04,  
 21 354.05, 354.07, 361.025, 373.197(2), (3),  
 22 376.30711(2)(b), (c), and 377.703(3)(b), (c),  
 23 (d), (e), (h), (i), (j), (k), (l), and (m),  
 24 Florida Statutes, pursuant to s. 11.242,  
 25 Florida Statutes; deleting provisions which  
 26 have expired, have become obsolete, have had  
 27 their effect, have served their purpose, or  
 28 have been impliedly repealed or superseded;  
 29 replacing incorrect cross-references and  
 30 citations; correcting grammatical,  
 31 typographical, and like errors; removing

1 inconsistencies, redundancies, and unnecessary  
2 repetition in the statutes; improving the  
3 clarity of the statutes and facilitating their  
4 correct interpretation; and confirming the  
5 restoration of provisions unintentionally  
6 omitted from republication in the acts of the  
7 Legislature during the amendatory process.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Subsection (10) of section 238.06, Florida  
12 Statutes, is amended to read:

13 238.06 Membership application, creditable service, and  
14 time for making contributions.--

15 (10) A member of the retirement system created by this  
16 chapter who has been eligible or becomes eligible to receive  
17 workers' compensation payments for an injury or illness  
18 occurring during his or her employment while a member of any  
19 state retirement system shall, upon his or her return to  
20 active employment with a covered employer for 1 calendar month  
21 or upon his or her approval for disability retirement in  
22 accordance with s. 238.07, receive full retirement credit for  
23 the period prior to such return to active employment or  
24 disability retirement for which the workers' compensation  
25 payments were received. However, no member may receive  
26 retirement credit for any such period occurring after the  
27 earlier of the date maximum medical improvement has been  
28 attained as defined in s. 440.02(9)~~440.02(8)~~ or the date  
29 termination has occurred as defined in s. 121.021(39). The  
30 employer of record at the time of the worker's compensation  
31 injury or illness shall make the required employee and

1 employer retirement contributions based on the member's rate  
2 of monthly compensation immediately prior to his or her  
3 receiving workers' compensation payments.

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

8  
9 Section 2. Subsection (5) of section 240.1161, Florida  
10 Statutes, is amended to read:

11 240.1161 District interinstitutional articulation  
12 agreements.--

13 (5) School districts and community colleges may enter  
14 into additional interinstitutional articulation agreements  
15 with state universities for the purposes of this section.  
16 School districts may also enter into interinstitutional  
17 articulation agreements with eligible independent colleges and  
18 universities pursuant to s. 236.081(1)(g)~~236.081(1)(j)~~.  
19 State universities and community colleges may enter into  
20 interinstitutional articulation agreements with nonpublic  
21 secondary schools pursuant to s. 240.116.

22  
23 Reviser's note.--Amended to conform to the  
24 redesignation of subunits of s. 236.081(1) by  
25 s. 43, ch. 97-307, Laws of Florida.

26  
27 Section 3. Paragraph (b) of subsection (1) of section  
28 240.1201, Florida Statutes, 1998 Supplement, is amended to  
29 read:

30 240.1201 Determination of resident status for tuition  
31 purposes.--Students shall be classified as residents or

1 nonresidents for the purpose of assessing tuition fees in  
2 public community colleges and universities.

3 (1) As defined under this section:

4 (b) The term "institution of higher education" means  
5 any of the constituent institutions under the jurisdiction of  
6 the State University System or the Florida ~~State~~ Community  
7 College System.

8  
9 Reviser's note.--Amended to conform to the  
10 redesignation of the State Community College  
11 System as the Florida Community College System  
12 by s. 15, ch. 98-58, Laws of Florida.

13  
14 Section 4. Subsections (15) and (16) of section  
15 240.147, Florida Statutes, 1998 Supplement, are amended to  
16 read:

17 240.147 Powers and duties of the commission.--The  
18 commission shall:

19 (15) In consultation with the Independent Colleges and  
20 Universities of Florida, recommend to the Legislature  
21 accountability measures and an accountability process for  
22 independent institutions that participate in the William L.  
23 Boyd, IV, Florida Resident Access Grant Program. The process  
24 shall make use of existing information submitted to the  
25 federal and state governments. The process shall provide for  
26 an assessment of the benefits and cost-effectiveness of the  
27 William L. Boyd, IV, Florida Resident Access Grant Program in  
28 providing state residents with access to 4-year college  
29 programs and with the successful completion of a baccalaureate  
30 degree. The commission shall provide oversight of this  
31 accountability process.

1           (16) Periodically review the design and implementation  
2 of the accountability processes and reports of the State  
3 University System, Florida State Community College System, and  
4 public and independent postsecondary institutions. At least  
5 every 5 years, evaluate the extent to which each plan is  
6 contributing to the achievement of state goals for  
7 postsecondary education and report to the State Board of  
8 Education, the President of the Senate, and the Speaker of the  
9 House of Representatives with recommendations on any changes  
10 needed in the accountability process or plans.

11  
12           Reviser's note.--Subsection (15) is amended to  
13 conform to the redesignation of the Florida  
14 Resident Access Grant Program as the William L.  
15 Boyd, IV, Florida Resident Access Grant Program  
16 by s. 9, ch. 98-71, Laws of Florida, and s. 14,  
17 ch. 98-398, Laws of Florida. Subsection (16) is  
18 amended to conform to the redesignation of the  
19 State Community College System as the Florida  
20 Community College System by s. 15, ch. 98-58,  
21 Laws of Florida.

22  
23           Section 5. Section 240.156, Florida Statutes, is  
24 amended to read:

25           240.156 State University System Concurrency Trust  
26 Fund.--Notwithstanding any other provision of law, the general  
27 revenue service charge deducted pursuant to s. 215.20 on  
28 revenues raised by any local option motor fuel tax levied  
29 pursuant to s. 336.025(1)(b), as created by chapter 93-206,  
30 Laws of Florida, ~~CS/CS/HB 2315 (1993) or similar legislation,~~  
31 shall be deposited in the State University System Concurrency

1 Trust Fund, which is hereby created. Moneys in such trust fund  
2 shall be for the purpose of funding State University System  
3 offsite improvements required to meet concurrency standards  
4 adopted under part II of chapter 163.

5  
6 Reviser's note.--Amended to conform to the  
7 chapter law designation of C.S. for C.S. for  
8 H.B. 2315, 1993 regular legislative session.

9  
10 Section 6. Section 240.2011, Florida Statutes, is  
11 reenacted to read:

12 240.2011 State University System defined.--The State  
13 University System shall consist of the following:

14 (1) The Board of Regents of the Division of  
15 Universities of the Department of Education, with a central  
16 office located in Leon County.

17 (2) The University of Florida, with a main campus  
18 located in Alachua County.

19 (3) The Florida State University, with a main campus  
20 located in Leon County.

21 (4) The Florida Agricultural and Mechanical  
22 University, with a main campus located in Leon County.

23 (5) The University of South Florida, with a main  
24 campus located in Hillsborough County.

25 (6) The Florida Atlantic University, with partner  
26 campuses located in Palm Beach County and Broward County.

27 (7) The University of West Florida, with a main campus  
28 located in Escambia County.

29 (8) The University of Central Florida, with a main  
30 campus located in Orange County.

31

1 (9) The University of North Florida, with a main  
2 campus located in Duval County.

3 (10) The Florida International University, with a main  
4 campus located in Dade County.

5 (11) The Florida Gulf Coast University, with a main  
6 campus located in Fort Myers.

7  
8 Reviser's note.--Section 1, ch. 94-248, Laws of  
9 Florida, purported to amend subsection (11) of  
10 s. 240.2011, but failed to republish the  
11 introductory paragraph to the section. In the  
12 absence of affirmative evidence that the  
13 Legislature intended to repeal the introductory  
14 paragraph, s. 240.2011 is reenacted to confirm  
15 that the omission was not intended.

16  
17 Section 7. Section 240.20941, Florida Statutes, is  
18 amended to read:

19 240.20941 Vacant faculty positions.--Notwithstanding  
20 the provisions of s. 216.181(7), (8), and (9)~~216.181(3), (4),~~  
21 ~~and (5)~~, and pursuant to the provisions of s. 216.351, actions  
22 to reduce positions, rate, or salaries and benefits, excluding  
23 salary lapse calculations, taken by the Legislature, by the  
24 Executive Office of the Governor, or by the Administration  
25 Commission which relate specifically to vacant positions, and  
26 which are applied on a uniform basis to all state employee  
27 positions, may affect the positions within the faculty pay  
28 plan approved and administered by the Board of Regents only to  
29 the extent that they do so by express reference to this  
30 section.

31



1 Reviser's note.--Amended to conform to the  
2 redesignation of subunits of s. 216.181 by s.  
3 60, ch. 92-142, Laws of Florida, and s. 6, ch.  
4 97-286, Laws of Florida.

5  
6 Section 8. Subsection (1) of section 240.2605, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 240.2605 Trust Fund for Major Gifts.--

9 (1) There is established a Trust Fund for Major Gifts.  
10 The purpose of the trust fund is to enable the Board of  
11 Regents Foundation, each university, and New College to  
12 provide donors with an incentive in the form of matching  
13 grants for donations for the establishment of permanent  
14 endowments, which must be invested, with the proceeds of the  
15 investment used to support libraries and instruction and  
16 research programs, as defined by procedure of the Board of  
17 Regents. All funds appropriated for the challenge grants, new  
18 donors, major gifts, or eminent scholars program must be  
19 deposited into the trust fund and invested pursuant to s.  
20 18.125 until the Board of Regents allocates the funds to  
21 universities to match private donations. Notwithstanding s.  
22 216.301 and pursuant to s. 216.351, any undisbursed balance  
23 remaining in the trust fund and interest income accruing to  
24 the portion of the trust fund which is not matched and  
25 distributed to universities must remain in the trust fund and  
26 be used to increase the total funds available for challenge  
27 grants. The Board of Regents may authorize any university to  
28 encumber the state matching portion of a challenge grant from  
29 funds available under s. 240.272.

30  
31

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

1           Section 9. Subsection (4) of section 240.275, Florida  
2 Statutes, is amended to read:

3           240.275 Law libraries of certain institutions of  
4 higher learning designated as state legal depositories.--

5           (4) The libraries of all community colleges in the  
6 Florida ~~state~~ Community College System as defined in s.  
7 240.301 are designated as state depositories for the Florida  
8 Statutes and supplements published by or under the authority  
9 of the state; these depositories each may receive upon request  
10 one copy of each volume without charge, except for payment of  
11 shipping costs.

12  
13           Reviser's note.--Amended to conform to the  
14 redesignation of the State Community College  
15 System as the Florida Community College System  
16 by s. 15, ch. 98-58, Laws of Florida.

17  
18           Section 10. Section 240.283, Florida Statutes, is  
19 amended to read:

20           240.283 Extra compensation for State University System  
21 employees.--Notwithstanding the provisions of s. 216.262(1)(e)  
22 ~~216.262(1)(d)~~, the presidents of the several universities and  
23 the Chancellor are authorized to approve additional  
24 compensation for university employees and employees of the  
25 Board of Regents, respectively, as provided by rules adopted  
26 by the Board of Regents.

27  
28           Reviser's note.--Amended to conform to the  
29 redesignation of subunits of s. 216.262(1) by  
30 s. 68, ch. 92-142, Laws of Florida.

1 Section 11. Section 240.285, Florida Statutes, is  
2 amended to read:

3 240.285 Transfer of funds.--Notwithstanding the  
4 limitations of s. 216.292(3)(a)~~216.292(2)(a)~~, the State  
5 University System is authorized to transfer up to 15 percent  
6 from salaries to other personal services; however, such  
7 actions shall be shown in the legislative budget request which  
8 includes actual expenditures for the preceding fiscal year.

9  
10 Reviser's note.--Amended to conform to the  
11 redesignation of subunits of s. 216.292 by s.  
12 14, ch. 94-249, Laws of Florida.

13  
14 Section 12. Subsections (4) and (7) of section  
15 240.311, Florida Statutes, 1998 Supplement, are amended to  
16 read:

17 240.311 State Board of Community Colleges; powers and  
18 duties.--

19 (4) The State Board of Community Colleges shall  
20 appoint, and may suspend or dismiss, an executive director of  
21 the community college system. The board shall fix the  
22 compensation for the executive director and for all other  
23 professional, administrative, and clerical employees necessary  
24 to assist the board and the executive director in the  
25 performance of their duties. The executive director shall  
26 serve as executive officer and as secretary to the board;  
27 shall attend, but not vote at, all meetings of the board  
28 except when on authorized leave; shall be in charge of the  
29 offices of the board, including appointment and termination of  
30 staff; and shall be responsible for the preparation of reports  
31 and the collection and dissemination of data and other public

1 information relating to the Florida State Community College  
 2 System. The executive director shall conduct systemwide  
 3 program reviews for board approval; prepare the legislative  
 4 budget request for the system; and, upon the request of the  
 5 board, represent the system before the Legislature and the  
 6 State Board of Education, including representation in the  
 7 presentation of proposed rules to the State Board of  
 8 Education. The board may, by rule, delegate to the executive  
 9 director any of the powers and duties vested in or imposed  
 10 upon it by this part. Under the supervision of the board, the  
 11 executive director shall administer the provisions of this  
 12 part and the rules established hereunder and all other  
 13 applicable laws of the state.

14 (7) The State Board of Community Colleges shall adopt  
 15 rules and procedures to be followed by district boards of  
 16 trustees for the recruitment, consideration, and selection  
 17 process for presidents of the community colleges. The rules or  
 18 procedures shall address, at a minimum, the following: the  
 19 composition of a search committee that provides for membership  
 20 representing the gender and ethnic diversity of the community,  
 21 faculty, students, and staff; the program mix of the community  
 22 college and priorities of the community and board of trustees;  
 23 and a recruitment and consideration process that provides a  
 24 candidate pool with ethnic and gender diversity appropriate  
 25 for the community college district. The district board of  
 26 trustees is responsible for the appointment of the community  
 27 college president, pursuant to s. 240.319(4)(a)~~240.319(3)(a)~~.  
 28 Upon selection of a president by a board of trustees, the  
 29 board of trustees shall submit a report to the State Board of  
 30 Community Colleges documenting compliance with this  
 31 subsection.

1 Reviser's note.--Subsection (4) is amended to  
2 conform to the redesignation of the State  
3 Community College System as the Florida  
4 Community College System by s. 15, ch. 98-58,  
5 Laws of Florida. Subsection (7) is amended to  
6 conform to the redesignation of subunits of s.  
7 240.319 by s. 12, ch. 97-246, Laws of Florida.

8  
9 Section 13. Subsection (2) and paragraph (t) of  
10 subsection (4) of section 240.319, Florida Statutes, 1998  
11 Supplement, are amended to read:

12 240.319 Community college district boards of trustees;  
13 duties and powers.--

14 (2) The board of trustees, after considering  
15 recommendations submitted by the community college president,  
16 has authority to adopt rules pursuant to ss. 120.536(1) and  
17 120.54 to implement the provisions of law conferring duties  
18 upon it. These rules may supplement those prescribed by the  
19 State Board of Education and the State Board of Community  
20 Colleges if they will contribute to the more orderly and  
21 efficient operation of the Florida State Community College  
22 System.

23 (4) Such rules, procedures, and policies for the  
24 boards of trustees include, but are not limited to, the  
25 following:

26 (t) Each board of trustees is authorized to borrow  
27 funds and incur debt, including the issuance of revenue bonds  
28 as specifically authorized in ss. 239.117(17) and 240.35(14)  
29 ~~240.35(13)~~, only for the new construction and equipment,  
30 renovation, or remodeling of educational facilities. At the  
31 option of the board of trustees, bonds may be issued which are

1 secured by a combination of revenues authorized to be pledged  
2 to bonds pursuant to ss. 239.117(17) and 240.35(14)  
3 ~~240.35(13)~~.

4  
5 Reviser's note.--Subsection (2) is amended to  
6 conform to the redesignation of the State  
7 Community College System as the Florida  
8 Community College System by s. 15, ch. 98-58,  
9 Laws of Florida. Paragraph (4)(t) is amended to  
10 conform to the redesignation of subunits of s.  
11 240.35 by s. 10, ch. 98-421, Laws of Florida.

12  
13 Section 14. Section 240.3195, Florida Statutes, is  
14 amended to read:

15 240.3195 State Community College System Optional  
16 Retirement Program.--Each community college may implement an  
17 optional retirement program, if such program is established  
18 therefor pursuant to s. 240.319(4)(r)~~240.319(3)(r)~~, under  
19 which annuity contracts providing retirement and death  
20 benefits may be purchased by, and on behalf of, eligible  
21 employees who participate in the program. Except as otherwise  
22 provided herein, this retirement program, which shall be known  
23 as the State Community College System Optional Retirement  
24 Program, may be implemented and administered only by an  
25 individual community college or by a consortium of community  
26 colleges.

27 (1) As used in this section, the term:

28 (a) "Activation" means the date upon which an optional  
29 retirement program is first made available by the program  
30 administrator to eligible employees.

31

1 (b) "College" means public community colleges that are  
2 members of the Florida State Community College System.

3 (c) "Division" means the Division of Retirement of the  
4 Department of Management Services.

5 (d) "Program administrator" means the individual  
6 college or consortium of colleges responsible for implementing  
7 and administering an optional retirement program.

8 (e) "Program participant" means an eligible employee  
9 who has elected to participate in an available optional  
10 retirement program as authorized by this section.

11 (2) Participation in the optional retirement program  
12 provided by this section is limited to employees who satisfy  
13 the criteria set forth in s. 121.051(2)(c).

14 (3)(a) With respect to any employee who is eligible to  
15 participate in the optional retirement program by reason of  
16 qualifying employment commencing before the program's  
17 activation:

18 1. The employee may elect to participate in the  
19 optional retirement program in lieu of participation in the  
20 Florida Retirement System. To become a program participant,  
21 the employee must file with the personnel officer of the  
22 college, within 60 days after the program's activation, both a  
23 written election on a form provided by the division and a  
24 completed application for an individual contract or  
25 certificate.

26 2. An employee's participation in the optional  
27 retirement program commences on the first day of the next full  
28 calendar month following the filing of the election and  
29 completed application with the program administrator and  
30 receipt of such election by the division. An employee's  
31

1 membership in the Florida Retirement System terminates on this  
2 same date.

3           3. Any such employee who fails to make an election to  
4 participate in the optional retirement program within 60 days  
5 after its activation has elected to retain membership in the  
6 Florida Retirement System.

7           (b) With respect to any employee who becomes eligible  
8 to participate in an optional retirement program by reason of  
9 qualifying employment commencing on or after the program's  
10 activation:

11           1. The employee may elect to participate in the  
12 optional retirement program in lieu of participation in the  
13 Florida Retirement System. To become a program participant,  
14 the employee must file with the personnel officer of the  
15 college, within 60 days after commencing qualifying  
16 employment, both a written election on a form provided by the  
17 division and a completed application for an individual  
18 contract or certificate.

19           2. An employee's participation in the optional  
20 retirement program commences on the first day of the next full  
21 calendar month following the filing of the election and  
22 completed application with the program administrator and  
23 receipt of such election by the division. An employee's  
24 membership in the Florida Retirement System terminates on this  
25 same date.

26           3. If the employee makes an election to participate in  
27 the optional retirement program before the community college  
28 submits its initial payroll for the employee, participation in  
29 the optional retirement program commences on the first date of  
30 employment.

31



1           4. Any such employee who fails to make an election to  
2 participate in the optional retirement program within 60 days  
3 after commencing qualifying employment has elected to retain  
4 membership in the Florida Retirement System.

5           (c) Any employee who, on or after an optional  
6 retirement program's activation, becomes eligible to  
7 participate in the program by reason of a change in status due  
8 to the subsequent designation of the employee's position as  
9 one of those referenced in subsection (2), or due to the  
10 employee's appointment, promotion, transfer, or  
11 reclassification to a position referenced in subsection (2),  
12 must be notified by the community college of the employee's  
13 eligibility to participate in the optional retirement program  
14 in lieu of participation in the Florida Retirement System.  
15 These eligible employees are subject to the provisions of  
16 paragraph (b) and may elect to participate in the optional  
17 retirement program in the same manner as those employees  
18 described in paragraph (b), except that the 60-day election  
19 period commences upon the date notice of eligibility is  
20 received by the employee.

21           (d) Program participants must be fully and immediately  
22 vested in the optional retirement program.

23           (e) The election by an eligible employee to  
24 participate in the optional retirement program is irrevocable  
25 for so long as the employee continues to meet the eligibility  
26 requirements set forth in this section and in s.  
27 121.051(2)(c), except as provided in paragraph (i).

28           (f) If a program participant becomes ineligible to  
29 continue participating in the optional retirement program  
30 pursuant to the criteria referenced in subsection (2), the  
31 employee becomes a member of the Florida Retirement System if

1 eligible. The college must notify the Division of Retirement  
2 of an employee's change in eligibility status within 30 days  
3 after the event that makes the employee ineligible to continue  
4 participation in the optional retirement program.

5 (g) An eligible employee who is a member of the  
6 Florida Retirement System at the time of election to  
7 participate in the optional retirement program retains all  
8 retirement service credit earned under the Florida Retirement  
9 System at the rate earned. Additional service credit in the  
10 Florida Retirement System may not be earned while the employee  
11 participates in the optional retirement program, nor is the  
12 employee eligible for disability retirement under the Florida  
13 Retirement System.

14 (h) A program participant may not simultaneously  
15 participate in any other state-administered retirement system,  
16 plan, or class.

17 (i) Except as provided in s. 121.052(6)(d), a program  
18 participant who is or who becomes dually employed in two or  
19 more positions covered by the Florida Retirement System, one  
20 of which is eligible for an optional retirement program  
21 pursuant to this section and one of which is not, is subject  
22 to the dual employment provisions of chapter 121.

23 (4)(a) Each college must contribute on behalf of each  
24 program participant an amount equal to the normal cost portion  
25 of the employer retirement contribution which would be  
26 required if the program participant were a member of the  
27 Regular Class of the Florida Retirement System as provided in  
28 s. 121.071, plus the portion of the contribution rate required  
29 in s. 112.363(8) that would otherwise be assigned to the  
30 Retiree Health Insurance Subsidy Trust Fund, and less an  
31 amount approved by the community college to provide for the

1 administration of the optional retirement program. Payment of  
2 this contribution must be made either directly by the  
3 community college or through the program administrator to the  
4 designated company contracting for payment of benefits to the  
5 program participant.

6 (b) Each community college must contribute on behalf  
7 of each program participant an amount equal to the unfunded  
8 actuarial accrued liability portion of the employer  
9 contribution which would be required if the program  
10 participant were a member of the Regular Class of the Florida  
11 Retirement System. Payment of this contribution must be made  
12 directly by the college to the division for deposit in the  
13 Florida Retirement System Trust Fund.

14 (c) Each program participant who has executed an  
15 annuity contract may contribute by way of salary reduction or  
16 deduction a percentage of the program participant's gross  
17 compensation, but this percentage may not exceed the  
18 corresponding percentage contributed by the community college  
19 to the optional retirement program. Payment of this  
20 contribution may be made either directly by the college or  
21 through the program administrator to the designated company  
22 contracting for payment of benefits to the program  
23 participant.

24 (d) Contributions to an optional retirement program by  
25 a college or a program participant are in addition to, and  
26 have no effect upon, contributions required now or in future  
27 by the federal Social Security Act.

28 (5)(a) The benefits to be provided to program  
29 participants must be provided through individual contracts or  
30 group annuity contracts, which may be fixed, variable, or  
31 both. Each individual contract or certificate must state the

1 type of annuity contract on its face page, and must include at  
2 least a statement of ownership, the contract benefits, annuity  
3 income options, limitations, expense charges, and surrender  
4 charges, if any.

5 (b) Benefits are payable under the optional retirement  
6 program to program participants or their beneficiaries, and  
7 the benefits must be paid only by the designated company in  
8 accordance with the terms of the annuity contracts applicable  
9 to the program participant, provided that benefits funded by  
10 employer contributions are payable only as a lifetime annuity  
11 to the program participant, except for:

12 1. A lump-sum payment to the program participant's  
13 beneficiary or estate upon the death of the program  
14 participant; or

15 2. A cash-out of a de minimis account upon the request  
16 of a former program participant who has been terminated for a  
17 minimum of 6 months from the employment that caused the  
18 participant to be eligible for participation. A de minimis  
19 account is an account with a designated company containing  
20 employer contributions and accumulated earnings of not more  
21 than \$3,500. The cash-out must be a complete liquidation of  
22 the account balance with that designated company and is  
23 subject to the provisions of the Internal Revenue Code.

24 (c) The benefits payable to any person under the  
25 optional retirement program, and any contribution accumulated  
26 under the program, are not subject to assignment, execution,  
27 attachment, or to any legal process whatsoever.

28 (6)(a) The optional retirement program authorized by  
29 this section must be implemented and administered by the  
30 program administrator under s. 403(b) of the Internal Revenue  
31 Code. The program administrator has the express authority to

1 contract with a third party to fulfill any of the program  
2 administrator's duties.

3 (b) The program administrator shall solicit  
4 competitive bids or issue a request for proposal and select no  
5 more than four companies from which annuity contracts may be  
6 purchased under the optional retirement program. In making  
7 these selections, the program administrator shall consider the  
8 following factors:

9 1. The financial soundness of the company.

10 2. The extent of the company's experience in providing  
11 annuity contracts to fund retirement programs.

12 3. The nature and extent of the rights and benefits  
13 provided to program participants in relation to the premiums  
14 paid.

15 4. The suitability of the rights and benefits provided  
16 to the needs of eligible employees and the interests of the  
17 college in the recruitment and retention of employees.

18

19 In lieu of soliciting competitive bids or issuing a request  
20 for proposals, the program administrator may authorize the  
21 purchase of annuity contracts under the optional retirement  
22 program from those companies currently selected by the  
23 Division of Retirement to offer such contracts through the  
24 State University System Optional Retirement Program, as set  
25 forth in s. 121.35.

26 (c) Optional retirement program annuity contracts must  
27 be approved in form and content by the program administrator  
28 in order to qualify. The program administrator may use the  
29 same annuity contracts currently used within the State  
30 University System Optional Retirement Program, as set forth in  
31 s. 121.35.

1 (d) The provision of each annuity contract applicable  
2 to a program participant must be contained in a written  
3 program description that includes a report of pertinent  
4 financial and actuarial information on the solvency and  
5 actuarial soundness of the program and the benefits applicable  
6 to the program participant. The company must furnish the  
7 description annually to the program administrator, and to each  
8 program participant upon commencement of participation in the  
9 program and annually thereafter.

10 (e) The program administrator must ensure that each  
11 program participant is provided annually with an accounting of  
12 the total contributions and the annual contributions made by  
13 and on the behalf of the program participant.

14  
15 Reviser's note.--Section 240.3195 is amended to  
16 conform to the redesignation of subunits of s.  
17 240.319 by s. 12, ch. 97-246, Laws of Florida.  
18 Paragraph (1)(b) was amended to conform to the  
19 redesignation of the State Community College  
20 System as the Florida Community College System  
21 by s. 15, ch. 98-58, Laws of Florida.

22  
23 Section 15. Subsection (1) of section 240.324, Florida  
24 Statutes, 1998 Supplement, is amended to read:

25 240.324 Community college accountability process.--

26 (1) It is the intent of the Legislature that a  
27 management and accountability process be implemented which  
28 provides for the systematic, ongoing improvement and  
29 assessment of the improvement of the quality and efficiency of  
30 the Florida State Community College System. Accordingly, the  
31 State Board of Community Colleges and the community college

1 boards of trustees shall develop and implement an  
2 accountability plan to improve and evaluate the instructional  
3 and administrative efficiency and effectiveness of the Florida  
4 ~~State~~ Community College System. This plan shall be designed  
5 in consultation with staff of the Governor and the Legislature  
6 and must address the following issues:

7 (a) Graduation rates of A.A. and A.S. degree-seeking  
8 students compared to first-time-enrolled students seeking the  
9 associate degree.

10 (b) Minority student enrollment and retention rates.

11 (c) Student performance, including student performance  
12 in college-level academic skills, mean grade point averages  
13 for community college A.A. transfer students, and community  
14 college student performance on state licensure examinations.

15 (d) Job placement rates of community college  
16 vocational students.

17 (e) Student progression by admission status and  
18 program.

19 (f) Vocational accountability standards identified in  
20 s. 239.229.

21 (g) Institutional assessment efforts related to the  
22 requirements of s. III in the Criteria for Accreditation of  
23 the Commission on Colleges of the Southern Association of  
24 Colleges and Schools.

25 (h) Other measures as identified by the Postsecondary  
26 Education Planning Commission and approved by the State Board  
27 of Community Colleges.

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 16. Subsection (2) of section 240.331, Florida  
5 Statutes, 1998 Supplement, is amended to read:

6 240.331 Community college direct-support  
7 organizations.--

8 (2) BOARD OF DIRECTORS.--The chair ~~chairperson~~ of the  
9 board of trustees shall appoint a representative to the board  
10 of directors and the executive committee of each  
11 direct-support organization established under this section,  
12 including those established before July 1, 1998. The president  
13 of the community college for which the direct-support  
14 organization is established, or the president's designee,  
15 shall also serve on the board of directors and the executive  
16 committee of the direct-support organization, including any  
17 direct-support organization established before July 1, 1998.

18  
19 Reviser's note.--Amended to conform to the  
20 title of the position as provided in s.  
21 240.313(5).

22  
23 Section 17. Subsection (2) of section 240.3315,  
24 Florida Statutes, 1998 Supplement, is amended to read:

25 240.3315 Statewide community college direct-support  
26 organizations.--

27 (2) BOARD OF DIRECTORS.--The chair ~~chairperson~~ of the  
28 State Board of Community Colleges may appoint a representative  
29 to the board of directors and the executive committee of any  
30 statewide, direct-support organization established under this  
31 section or s. 240.331. The chair ~~chairperson~~ of the State



1 Board of Community Colleges, or the chair's ~~chairperson's~~  
2 designee, shall also serve on the board of directors and the  
3 executive committee of any direct-support organization  
4 established to benefit the Florida ~~State~~ Community College  
5 System.

6  
7 Reviser's note.--Amended to conform to the  
8 title of the chair of the State Board of  
9 Community Colleges as provided in s. 240.309(1)  
10 and to conform to the redesignation of the  
11 State Community College System as the Florida  
12 Community College System by s. 15, ch. 98-58,  
13 Laws of Florida.

14  
15 Section 18. Subsections (1), (2), (3), (4), and (11)  
16 of section 240.383, Florida Statutes, are amended to read:

17 240.383 State Community College System Facility  
18 Enhancement Challenge Grant Program.--

19 (1) The Legislature recognizes that the State  
20 Community College System does not have sufficient physical  
21 facilities to meet the current demands of its instructional  
22 and community programs. It further recognizes that, to  
23 strengthen and enhance the Florida ~~State~~ Community College  
24 System, it is necessary to provide facilities in addition to  
25 those currently available from existing revenue sources. It  
26 further recognizes that there are sources of private support  
27 that, if matched with state support, can assist in  
28 constructing much needed facilities and strengthen the  
29 commitment of citizens and organizations in promoting  
30 excellence throughout the state community colleges.  
31 Therefore, it is the intent of the Legislature to establish a

1 program to provide the opportunity for each community college  
 2 through its direct-support organization to receive and match  
 3 challenge grants for instructional and community-related  
 4 capital facilities within the community college.

5 (2) There is established the State Community College  
 6 System Facility Enhancement Challenge Grant Program for the  
 7 purpose of assisting the Florida State Community College  
 8 System in building high priority instructional and  
 9 community-related capital facilities consistent with s.  
 10 240.301, including common areas connecting such facilities.  
 11 The direct-support organizations that serve the community  
 12 colleges shall solicit gifts from private sources to provide  
 13 matching funds for capital facilities. For the purposes of  
 14 this section, private sources of funds shall not include any  
 15 federal or state government funds that a community college may  
 16 receive.

17 (3) The Community College Capital Facilities Matching  
 18 Trust Fund, ~~if created by law, otherwise the General Revenue~~  
 19 ~~Fund,~~ shall provide funds to match private contributions for  
 20 the development of high priority instructional and  
 21 community-related capital facilities, including common areas  
 22 connecting such facilities, within the Florida State Community  
 23 College System. All appropriated funds deposited in the trust  
 24 fund, ~~if created by law, otherwise the General Revenue Fund,~~  
 25 shall be invested pursuant to the provisions of s. 18.125.  
 26 Interest income accruing to that portion of the trust fund, ~~if~~  
 27 ~~created by law, otherwise the General Revenue Fund,~~ shall  
 28 increase the total funds available for the challenge grant  
 29 program. Interest income accruing from the private donations  
 30 shall be returned to the participating direct-support  
 31 organization upon completion of the project.

1           (4) Within the direct-support organization of each  
 2 community college there must be established a separate capital  
 3 facilities matching account for the purpose of providing  
 4 matching funds from the direct-support organization's  
 5 unrestricted donations or other private contributions for the  
 6 development of high priority instructional and  
 7 community-related capital facilities, including common areas  
 8 connecting such facilities. The Legislature shall appropriate  
 9 funds to be transferred to the Community College Capital  
 10 Facilities Matching Trust Fund, ~~if created by law, otherwise~~  
 11 ~~the General Revenue Fund~~, for distribution to a community  
 12 college after matching funds are certified by the  
 13 direct-support organization and community college. The Public  
 14 Education Capital Outlay and Debt Service Trust Fund shall not  
 15 be used as the source of the state match for private  
 16 contributions.

17           (11) Any project funds that are unexpended after a  
 18 project is completed shall revert to the community college's  
 19 direct-support organization capital facilities matching  
 20 account. Fifty percent of such unexpended funds shall be  
 21 reserved for the community college which originally received  
 22 the private contribution for the purpose of providing private  
 23 matching funds for future facility construction projects as  
 24 provided in this section. The balance of such unexpended  
 25 funds shall be returned to the Community College Capital  
 26 Facilities Matching Trust Fund, ~~if created by law, otherwise~~  
 27 ~~the General Revenue Fund~~, and be available to any community  
 28 college for future facility construction projects conducted  
 29 pursuant to this section.

30  
 31

1 Reviser's note.--Subsections (1), (2), and (3)  
2 are amended to conform to the redesignation of  
3 the State Community College System as the  
4 Florida Community College System by s. 15, ch.  
5 98-58, Laws of Florida. Subsections (3), (4),  
6 and (11) are amended to conform to the creation  
7 of the Community College Capital Facilities  
8 Matching Trust Fund in s. 240.3835.  
9

10 Section 19. Paragraph (c) of subsection (3) of section  
11 240.4063, Florida Statutes, is amended to read:

12 240.4063 Florida Teacher Scholarship and Forgivable  
13 Loan Program.--

14 (3)

15 (c) A graduate forgivable loan may be awarded for 2  
16 graduate years, not to exceed \$8,000 per year. In addition to  
17 meeting criteria specified in paragraph (a), a loan recipient  
18 at the graduate level shall:

19 1. Hold a bachelor's degree from any college or  
20 university accredited by a regional accrediting association as  
21 defined by State Board of Education rule 6A-4003 ~~6A-4.003~~.

22 2. Not already hold a teaching certificate resulting  
23 from an undergraduate degree in education in an area of  
24 critical teacher shortage as designated by the State Board of  
25 Education.

26 3. Not have received an undergraduate forgivable loan  
27 as provided for in paragraph (b).  
28

29 Reviser's note.--Amended to conform to the  
30 citation of the rule as it appears in the  
31 Florida Administrative Code.

1           Section 20. Subsections (1) and (2) of section  
2 240.408, Florida Statutes, are amended to read:

3           240.408 Challenger Astronauts Memorial Undergraduate  
4 Scholarship Trust Fund.--

5           (1) There is created the Challenger Astronauts  
6 Memorial Undergraduate Scholarship Trust Fund which shall  
7 receive distributions as provided by s. 320.08058. The  
8 Comptroller shall authorize expenditures from this fund for  
9 Challenger Astronauts Memorial awards ~~pursuant to s. 240.402,~~  
10 and any remaining balances may be expended for  
11 education/business partnership programs which involve teacher  
12 development strategies pursuant to s. 229.602, upon receipt of  
13 vouchers approved by the Department of Education. The  
14 Comptroller shall also authorize expenditures from this fund  
15 for Challenger Astronauts Memorial Undergraduate Scholarships  
16 for students who participated in this program prior to July 1,  
17 1993, provided that such students continue to meet the renewal  
18 eligibility requirements that were in effect at the time that  
19 their original awards were made. Any balance therein at the  
20 end of any fiscal year shall remain therein and shall be  
21 available for carrying out the purposes of these programs.

22           (2) Matching scholarships may be awarded to math,  
23 science, and computer education teachers chosen to participate  
24 in the Teacher/Quest Scholarship Program ~~as provided for in~~  
25 ~~the K through 12 Mathematics, Science, and Computer Education~~  
26 ~~Quality Improvement Act.~~

27  
28           Reviser's note.--Subsection (1) is amended to  
29 conform to the repeal of s. 240.402 by s. 11,  
30 ch. 97-77, Laws of Florida. Subsection (2) is  
31 amended to conform to the repeal of the K

1 through 12 Mathematics, Science, and Computer  
2 Education Quality Improvement Act by s. 49, ch.  
3 94-232, Laws of Florida.

4  
5 Section 21. Subsection (2) of section 240.414, Florida  
6 Statutes, is amended to read:

7 240.414 Latin American and Caribbean Basin Scholarship  
8 Program.--

9 (2) The institutions that are eligible to participate  
10 in the scholarship program include the state universities and  
11 community colleges authorized by Florida law and any  
12 independent institutions eligible to participate in the  
13 William L. Boyd, IV, Florida Resident Access Grant Program  
14 pursuant to s. 240.605. No college or university may receive  
15 more than 25 percent of the funds appropriated in any year.  
16 Institutions and the appropriate administrative agency shall  
17 seek matching funds from private businesses, public  
18 foundations, and other agencies.

19  
20 Reviser's note.--Amended to conform to the  
21 redesignation of the Florida Resident Access  
22 Grant Program as the William L. Boyd, IV,  
23 Florida Resident Access Grant Program by s. 9,  
24 ch. 98-71, Laws of Florida, and s. 14, ch.  
25 98-398, Laws of Florida.

26  
27 Section 22. Paragraph (a) of subsection (5) of section  
28 240.4145, Florida Statutes, is amended to read:

29 240.4145 African and Afro-Caribbean Scholarship  
30 Program.--

31

1 (5)(a) An institution is eligible to participate under  
2 this section if it is located in this state and is either a  
3 state university, a community college, or an independent  
4 institution eligible to participate in the William L. Boyd,  
5 IV, Florida Resident Access Grant Program.

6  
7 Reviser's note.--Amended to conform to the  
8 redesignation of the Florida Resident Access  
9 Grant Program as the William L. Boyd, IV,  
10 Florida Resident Access Grant Program by s. 9,  
11 ch. 98-71, Laws of Florida, and s. 14, ch.  
12 98-398, Laws of Florida.

13  
14 Section 23. Paragraph (a) of subsection (4) of section  
15 240.498, Florida Statutes, is amended to read:

16 240.498 Florida Education Fund.--

17 (4) The Florida Education Fund shall be administered  
18 by a board of directors, which is hereby established.

19 (a) The board of directors shall consist of 12  
20 members, to be appointed as follows:

- 21 1. Two laypersons appointed by the Governor;
- 22 2. Two laypersons appointed by the President of the  
23 Senate;
- 24 3. Two laypersons appointed by the Speaker of the  
25 House of Representatives;
- 26 4. Two representatives of the State University System  
27 appointed by the Board of Regents;
- 28 5. Two representatives of the Florida State Community  
29 College System appointed by the State Board of Community  
30 Colleges; and

1           6. Two representatives of independent colleges or  
2 universities appointed by the State Board of Independent  
3 Colleges and Universities.

4  
5 The board of directors may appoint to the board an additional  
6 five members from the private sector for the purpose of  
7 assisting in the procurement of private contributions. Such  
8 members shall serve as voting members of the board.

9  
10           Reviser's note.--Amended to conform to the  
11 redesignation of the State Community College  
12 System as the Florida Community College System  
13 by s. 15, ch. 98-58, Laws of Florida.

14  
15           Section 24. Section 240.514, Florida Statutes, is  
16 amended to read:

17           240.514 Louis de la Parte Florida Mental Health  
18 Institute.--There is established the Louis de la Parte Florida  
19 Mental Health Institute within the University of South  
20 Florida.

21           (1) The purpose of the institute is to strengthen  
22 mental health services throughout the state by providing  
23 technical assistance and support services to mental health  
24 agencies and mental health professionals. Such assistance and  
25 services shall include:

26           (a) Technical training and specialized education.

27           (b) Development, implementation, and evaluation of  
28 mental health service programs.

29           (c) Evaluation of availability and effectiveness of  
30 existing mental health services.



1 (d) Analysis of factors that influence the incidence  
2 and prevalence of mental and emotional disorders.

3 (e) Dissemination of information about innovations in  
4 mental health services.

5 (f) Consultation on all aspects of program development  
6 and implementation.

7 (g) Provisions for direct client services, provided  
8 for a limited period of time either in the institute facility  
9 or in other facilities within the state, and limited to  
10 purposes of research or training.

11 (2) The Department of Health and Rehabilitative  
12 Services is authorized to designate the Louis de la Parte  
13 Florida Mental Health Institute a treatment facility for the  
14 purpose of accepting voluntary and involuntary clients in  
15 accordance with institute programs. Clients to be admitted  
16 are exempted from prior screening by a community mental health  
17 center.

18 (3) The institute may provide direct services in  
19 coordination with other agencies. The institute may also  
20 provide support services to state agencies through joint  
21 programs, collaborative agreements, contracts, and grants.

22 (4) The institute shall operate under the authority of  
23 the President of the University of South Florida and shall  
24 employ a mental health professional as director. The director  
25 shall hold a faculty appointment in a college or department  
26 related to mental health within the university. The director  
27 has primary responsibility for establishing active liaisons  
28 with the community of mental health professionals and other  
29 related constituencies in the state and may, with approval of  
30 the university president, establish appropriate statewide  
31

1 advisory groups to assist in developing these communication  
2 links.

3 (5) The Louis de la Parte Florida Mental Health  
4 Institute is authorized to utilize the pay plan of the State  
5 University System.

6  
7 Reviser's note.--Amended to conform to the  
8 redesignation of the Florida Mental Health  
9 Institute as the Louis de la Parte Florida  
10 Mental Health Institute by s. 3, ch. 96-196,  
11 Laws of Florida.

12  
13 Section 25. Paragraph (a) of subsection (9) of section  
14 240.551, Florida Statutes, 1998 Supplement, is amended to  
15 read:

16 240.551 Florida Prepaid College Program.--

17 (9) PREPAID COLLEGE PLANS.--At a minimum, the board  
18 shall make advance payment contracts available for two  
19 independent plans to be known as the community college plan  
20 and the university plan. The board may also make advance  
21 payment contracts available for a dormitory residence plan.

22 (a)1. Through the community college plan, the advance  
23 payment contract shall provide prepaid registration fees for a  
24 specified number of undergraduate semester credit hours not to  
25 exceed the average number of hours required for the conference  
26 of an associate degree. The cost of participation in the  
27 community college plan shall be based primarily on the average  
28 current and projected registration fees within the Florida  
29 ~~State~~ Community College System and the number of years  
30 expected to elapse between the purchase of the plan on behalf  
31 of a qualified beneficiary and the exercise of the benefits

1 provided in the plan by such beneficiary. Qualified  
2 beneficiaries shall bear the cost of any laboratory fees  
3 associated with enrollment in specific courses. Each qualified  
4 beneficiary shall be classified as a resident for tuition  
5 purposes, pursuant to s. 240.1201, regardless of his or her  
6 actual legal residence.

7         2. Effective July 1, 1998, the board may provide  
8 advance payment contracts for additional fees delineated in s.  
9 240.35, not to exceed the average number of hours required for  
10 the conference of an associate degree, in conjunction with  
11 advance payment contracts for registration fees. The cost of  
12 purchasing such fees shall be based primarily on the average  
13 current and projected fees within the Florida State Community  
14 College System and the number of years expected to elapse  
15 between the purchase of the plan on behalf of the beneficiary  
16 and the exercise of benefits provided in the plan by such  
17 beneficiary. Community college plan contracts purchased prior  
18 to July 1, 1998, shall be limited to the payment of  
19 registration fees as defined in subsection (2).

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 26. Section 240.6054, Florida Statutes, 1998  
27 Supplement, is amended to read:

28         240.6054 Ethics in Business scholarships.--When the  
29 Department of Insurance receives a \$6 million settlement as  
30 specified in the Consent Order of the Treasurer and Insurance  
31 Commissioner, case number 18900-96-c, that portion of the \$6

1 million not used to satisfy the requirements of section 18 of  
 2 the Consent Order must be transferred from the Insurance  
 3 Commissioner's Regulatory Trust Fund to the State Student  
 4 Financial Assistance Trust Fund is appropriated from the State  
 5 Student Financial Assistance Trust Fund to provide Ethics in  
 6 Business scholarships to students enrolled in public community  
 7 colleges and independent postsecondary education institutions  
 8 eligible to participate in the William L. Boyd, IV, Florida  
 9 Resident Access Grant Program under section 240.605. The funds  
 10 shall be allocated to institutions for scholarships in the  
 11 following ratio: Two-thirds for community colleges and  
 12 one-third for eligible independent institutions. The  
 13 Department of Education shall administer the scholarship  
 14 program for students attending community colleges and  
 15 independent institutions. These funds must be allocated to  
 16 institutions that provide an equal amount of matching funds  
 17 generated by private donors for the purpose of providing  
 18 Ethics in Business scholarships. Public funds may not be used  
 19 to provide the match, nor may funds collected for other  
 20 purposes. Notwithstanding any other provision of law, the  
 21 State Board of Administration shall have the authority to  
 22 invest the funds appropriated under this section. The  
 23 Department of Education may adopt rules for administration of  
 24 the program.

25  
 26 Reviser's note.--Amended to conform to the  
 27 redesignation of the Florida Resident Access  
 28 Grant Program as the William L. Boyd, IV,  
 29 Florida Resident Access Grant Program by s. 9,  
 30 ch. 98-71, Laws of Florida, and s. 14, ch.  
 31 98-398, Laws of Florida.

1           Section 27. Subsection (1) of section 240.632, Florida  
2 Statutes, is amended to read:

3           240.632 Creation of institute.--

4           (1) There is hereby created the Florida Martin Luther  
5 King, Jr., Institute for Nonviolence to be established at  
6 Miami-Dade Community College by the Florida ~~State~~ Community  
7 College System in conjunction with the State University  
8 System. The institute shall have an advisory board consisting  
9 of 13 members as follows: the Attorney General, the Chancellor  
10 of the State University System, the Commissioner of Education,  
11 and 10 members to be appointed by the Governor, such members  
12 to represent the population of the state based on its ethnic,  
13 gender, and socioeconomic diversity. Of the members appointed  
14 by the Governor, one shall be a member of the Senate appointed  
15 by the Governor on the recommendation of the President of the  
16 Senate; one shall be a member of the Senate appointed by the  
17 Governor on the recommendation of the minority leader; one  
18 shall be a member of the House of Representatives appointed by  
19 the Governor on the recommendation of the Speaker of the House  
20 of Representatives; one shall be a member of the House of  
21 Representatives appointed by the Governor on the  
22 recommendation of the minority leader; and six shall be  
23 members appointed by the Governor, no more than three of whom  
24 shall be members of the same political party. The following  
25 groups shall be represented by the six members: the Florida  
26 Sheriffs Association; the Florida Association of Counties; the  
27 Florida League of Cities; human services agencies; community  
28 relations or human relations councils; and youth. A  
29 chairperson shall be elected by the members and shall serve  
30 for a term of 3 years. Members of the board shall serve the  
31 following terms of office which shall be staggered:

1 (a) A member of the Legislature appointed to the board  
2 shall serve for a single term not to exceed 5 years and shall  
3 serve as a member only while he or she is a member of the  
4 Legislature.

5 (b) Of the six members who are not members of the  
6 Legislature, three shall serve for terms of 4 years, two shall  
7 serve for terms of 3 years, and one shall serve for a term of  
8 1 year. Thereafter, each member, except for a member  
9 appointed to fill an unexpired term, shall serve for a 5-year  
10 term. No member shall serve on the board for more than 10  
11 years.

12  
13 In the event of a vacancy occurring in the office of a member  
14 of the board by death, resignation, or otherwise, the Governor  
15 shall appoint a successor to serve for the balance of the  
16 unexpired term.

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

22  
23 Section 28. Subsection (1) of section 242.3305,  
24 Florida Statutes, is amended to read:

25 242.3305 Florida School for the Deaf and the Blind;  
26 responsibilities and mission.--

27 (1) The Florida School for the Deaf and the Blind is a  
28 state-supported residential school for hearing-impaired and  
29 visually impaired students in preschool through 12th grade.  
30 The school is a part of the state system of public education  
31 and shall be funded through the Division of Public Schools and

1 Community Education of the Department of Education. The school  
2 shall provide educational programs and support services  
3 appropriate to meet the education and related evaluation and  
4 counseling needs of hearing-impaired and visually impaired  
5 students in the state who meet enrollment criteria. Education  
6 services may be provided on an outreach basis for  
7 sensory-impaired children ages 0 through 5 years and their  
8 parents. Graduates of the Florida School for the Deaf and the  
9 Blind shall be eligible for the William L. Boyd, IV, Florida  
10 Resident Access Grant Program as provided in s. 240.605.

11

12 Reviser's note.--Amended to conform to the  
13 redesignation of the Florida Resident Access  
14 Grant Program as the William L. Boyd, IV,  
15 Florida Resident Access Grant Program by s. 9,  
16 ch. 98-71, Laws of Florida, and s. 14, ch.  
17 98-398, Laws of Florida.

18

19 Section 29. Paragraph (r) of subsection (1) of section  
20 246.041, Florida Statutes, 1998 Supplement, is amended to  
21 read:

22 246.041 Powers and duties of board.--

23 (1) The board shall:

24 (r) Provide information and documentation on an annual  
25 basis to the Office of Student Financial Assistance of the  
26 Department of Education regarding the requirements set forth  
27 for nonpublic colleges in s. 240.605, relating to William L.  
28 Boyd, IV, Florida resident access grants, s. 240.6055,  
29 relating to access grants for community college graduates, and  
30 s. 240.609, relating to Florida postsecondary endowment  
31 grants.

1 Reviser's note.--Amended to conform to the  
2 redesignation of the Florida Resident Access  
3 Grant Program as the William L. Boyd, IV,  
4 Florida Resident Access Grant Program by s. 9,  
5 ch. 98-71, Laws of Florida, and s. 14, ch.  
6 98-398, Laws of Florida.

7  
8 Section 30. Section 250.46, Florida Statutes, is  
9 amended to read:

10 250.46 Salaried employees not entitled to additional  
11 pay.--Officers and enlisted personnel of the militia employed  
12 by the ~~military~~ Department of Military Affairs ~~of the state~~,  
13 who receive monthly salaries from the state for military  
14 duties, shall not be entitled to any other pay from the state  
15 for military service of any character; provided, that the  
16 provisions of this section shall not prohibit any officer or  
17 enlisted person from receiving pay from the United States for  
18 participation in maneuvers, camps, field service, or other  
19 service or duty.

20  
21 Reviser's note.--Amended to conform to the  
22 redesignation of the military department as the  
23 Department of Military Affairs by s. 2, ch.  
24 73-93, Laws of Florida.

25  
26 Section 31. Subsection (4) of section 252.939, Florida  
27 Statutes, 1998 Supplement, is amended to read:

28 252.939 Fees.--

29 (4) If the Legislature directs the department to seek  
30 authority to implement and enforce s. 112(r)(7) of the Clean  
31 Air Act for additional stationary sources, the department



1 shall, with the advice ~~advise~~ of the commission, review and  
2 suggest revisions, if necessary and appropriate, to the fees  
3 specified in this section.

4  
5 Reviser's note.--Amended to improve clarity.

6  
7 Section 32. Subsection (15) of section 253.025,  
8 Florida Statutes, 1998 Supplement, is amended to read:

9 253.025 Acquisition of state lands for purposes other  
10 than preservation, conservation, and recreation.--

11 (15) Pursuant to s. 944.10, the Department of  
12 Corrections is responsible for obtaining appraisals and  
13 entering into option agreements and agreements for the  
14 purchase of state correctional facility sites. An option  
15 agreement or agreement for purchase is not binding upon the  
16 state until it is approved by the Board of Trustees of the  
17 Internal Improvement Trust Fund. The provisions of paragraphs  
18 ~~(6)(b)(7)(b)~~, (c), and (d) and ~~(7)(b)(8)(b)~~, (c), and (d)  
19 apply to all appraisals, offers, and counteroffers of the  
20 Department of Corrections for state correctional facility  
21 sites.

22  
23 Reviser's note.--Amended to conform to the  
24 redesignation of subunits of s. 253.025 by s.  
25 2, ch. 94-240, Laws of Florida.

26  
27 Section 33. Paragraph (a) of subsection (1) of section  
28 255.05, Florida Statutes, 1998 Supplement, is amended to read:

29 255.05 Bond of contractor constructing public  
30 buildings; form; action by materialmen.--

1           (1)(a) Any person entering into a formal contract with  
 2 the state or any county, city, or political subdivision  
 3 thereof, or other public authority, for the construction of a  
 4 public building, for the prosecution and completion of a  
 5 public work, or for repairs upon a public building or public  
 6 work shall be required, before commencing the work or before  
 7 recommencing the work after a default or abandonment, to  
 8 execute, deliver to the public owner, and record in the public  
 9 records of the county where the improvement is located, a  
 10 payment and performance bond with a surety insurer authorized  
 11 to do business in this state as surety. The bond must state on  
 12 its front page: the name, principal business address, and  
 13 phone number of the contractor, the surety, the owner of the  
 14 property being improved, and, if different from the owner, the  
 15 contracting public entity; the contract number assigned by the  
 16 contracting public entity; and a description of the project  
 17 sufficient to identify it, including, if applicable, a legal  
 18 description and the street address of the property being  
 19 improved, and a general description of the improvement. Such  
 20 bond shall be conditioned that the contractor perform the  
 21 contract in the time and manner prescribed in the contract and  
 22 promptly make payments to all persons defined in s. 713.01  
 23 whose claims derive directly or indirectly from the  
 24 prosecution of the work provided for in the contract. Any  
 25 claimant may apply to the governmental entity having charge of  
 26 the work for copies of the contract and bond and shall  
 27 thereupon be furnished with a certified copy of the contract  
 28 and bond. The claimant shall have a right of action against  
 29 the contractor and surety for the amount due him or her,  
 30 including unpaid finance charges due under the claimant's  
 31 contract. Such action shall not involve the public authority

1 in any expense. When such work is done for the state and the  
 2 contract is for \$100,000 or less, no payment and performance  
 3 bond shall be required. At the discretion of the official or  
 4 board awarding such contract when such work is done for any  
 5 county, city, political subdivision, or public authority, any  
 6 person entering into such a contract which is for \$200,000 or  
 7 less may be exempted from executing the payment and  
 8 performance bond. When such work is done for the state, the  
 9 Secretary ~~director~~ of the Department of Management Services  
 10 may delegate to state agencies the authority to exempt any  
 11 person entering into such a contract amounting to more than  
 12 \$100,000 but less than \$200,000 from executing the payment and  
 13 performance bond. In the event such exemption is granted, the  
 14 officer or officials shall not be personally liable to persons  
 15 suffering loss because of granting such exemption. The  
 16 Department of Management Services shall maintain information  
 17 on the number of requests by state agencies for delegation of  
 18 authority to waive the bond requirements by agency and project  
 19 number and whether any request for delegation was denied and  
 20 the justification for the denial.

21  
 22 The state shall not be held liable to any laborer,  
 23 materialman, or subcontractor for any amounts greater than the  
 24 pro rata share as determined under this section.

25  
 26 Reviser's note.--Amended to conform to the  
 27 title of the head of the Department of  
 28 Management Services as provided in s. 20.22.

29  
 30 Section 34. Subsection (10) of section 259.032,  
 31 Florida Statutes, 1998 Supplement, is amended to read:

1           259.032 Conservation and Recreation Lands Trust Fund;  
 2 purpose.--  
 3           (10) State, regional, or local governmental agencies  
 4 or private entities designated to manage lands under this  
 5 section shall develop and adopt, with the approval of the  
 6 board of trustees, an individual management plan for each  
 7 project designed to conserve and protect such lands and their  
 8 associated natural resources. Private sector involvement in  
 9 management plan development may be used to expedite the  
 10 planning process. Beginning fiscal year 1998-1999, individual  
 11 management plans required by s. 253.034(5)~~253.034(4)~~ shall be  
 12 developed with input from an advisory group. Members of this  
 13 advisory group shall include, at a minimum, representatives of  
 14 the lead land managing agency, comanaging entities, local  
 15 private property owners, the appropriate soil and water  
 16 conservation district, a local conservation organization, and  
 17 a local elected official. The advisory group shall conduct at  
 18 least one public hearing within the county in which the parcel  
 19 or project is located. Notice of such public hearing shall be  
 20 posted on the parcel or project designated for management,  
 21 advertised in a paper of general circulation, and announced at  
 22 a scheduled meeting of the local governing body before the  
 23 actual public hearing. The management prospectus required  
 24 pursuant to paragraph (9)(b) shall be available to the public  
 25 for a period of 30 days prior to the public hearing. Once a  
 26 plan is adopted, the managing agency or entity shall update  
 27 the plan at least every 5 years in a form and manner  
 28 prescribed by rule of the board of trustees. Such plans may  
 29 include transfers of leasehold interests to appropriate  
 30 conservation organizations designated by the Land Management  
 31 Advisory Council for uses consistent with the purposes of the

1 organizations and the protection, preservation, and proper  
 2 management of the lands and their resources. Volunteer  
 3 management assistance is encouraged, including, but not  
 4 limited to, assistance by youths participating in programs  
 5 sponsored by state or local agencies, by volunteers sponsored  
 6 by environmental or civic organizations, and by individuals  
 7 participating in programs for committed delinquents and  
 8 adults. For each project for which lands are acquired after  
 9 July 1, 1995, an individual management plan shall be adopted  
 10 and in place no later than 1 year after the essential parcel  
 11 or parcels identified in the annual Conservation and  
 12 Recreation Lands report prepared pursuant to s. 259.035(2)(a)  
 13 have been acquired. Beginning in fiscal year 1998-1999, the  
 14 Department of Environmental Protection shall distribute only  
 15 75 percent of the acquisition funds to which a budget entity  
 16 or water management district would otherwise be entitled from  
 17 the Preservation 2000 Trust Fund to any budget entity or any  
 18 water management district that has more than one-third of its  
 19 management plans overdue.

20 (a) Individual management plans shall conform to the  
 21 appropriate policies and guidelines of the state land  
 22 management plan and shall include, but not be limited to:

23 1. A statement of the purpose for which the lands were  
 24 acquired, the projected use or uses as defined in s. 253.034,  
 25 and the statutory authority for such use or uses.

26 2. Key management activities necessary to preserve and  
 27 protect natural resources and restore habitat, and for  
 28 controlling the spread of nonnative plants and animals, and  
 29 for prescribed fire and other appropriate resource management  
 30 activities.

31

1           3. A specific description of how the managing agency  
2 plans to identify, locate, protect, and preserve, or otherwise  
3 use fragile, nonrenewable natural and cultural resources.

4           4. A priority schedule for conducting management  
5 activities, based on the purposes for which the lands were  
6 acquired.

7           5. A cost estimate for conducting priority management  
8 activities, to include recommendations for cost-effective  
9 methods of accomplishing those activities.

10          6. A cost estimate for conducting other management  
11 activities which would enhance the natural resource value or  
12 public recreation value for which the lands were acquired. The  
13 cost estimate shall include recommendations for cost-effective  
14 methods of accomplishing those activities.

15          7. A determination of the public uses that would be  
16 consistent with the purposes for which the lands were  
17 acquired.

18          (b) The Division of State Lands shall submit a copy of  
19 each individual management plan for parcels which exceed 160  
20 acres in size to each member of the Land Management Advisory  
21 Council. The council shall, within 60 days after receiving a  
22 plan from the division, review each plan for compliance with  
23 the requirements of this subsection and with the requirements  
24 of the rules established by the board pursuant to this  
25 subsection. The council shall also consider the propriety of  
26 the recommendations of the managing agency with regard to the  
27 future use or protection of the property. After its review,  
28 the council shall submit the plan, along with its  
29 recommendations and comments, to the board of trustees. The  
30 council shall specifically recommend to the board of trustees

31

1 whether to approve the plan as submitted, approve the plan  
2 with modifications, or reject the plan.

3 (c) The board of trustees shall consider the  
4 individual management plan submitted by each state agency and  
5 the recommendations of the Land Management Advisory Council  
6 and the Division of State Lands and shall approve the plan  
7 with or without modification or reject such plan. The use or  
8 possession of any lands owned by the board of trustees which  
9 is not in accordance with an approved individual management  
10 plan is subject to termination by the board of trustees.

11  
12 By July 1 of each year, each governmental agency, including  
13 the water management districts, and each private entity  
14 designated to manage lands shall report to the Secretary of  
15 Environmental Protection on the progress of funding, staffing,  
16 and resource management of every project for which the agency  
17 or entity is responsible.

18  
19 Reviser's note.--Amended to conform to the  
20 location of provisions requiring submittal of  
21 land management plans in s. 253.034(5).

22 Section 253.034(4) provides for limitation to  
23 reasonable use for management agreements,  
24 leases, and other instruments authorizing the  
25 use of board lands.

26  
27 Section 35. Paragraphs (a) and (b) of subsection (6)  
28 and paragraph (f) of subsection (9) of section 259.101,  
29 Florida Statutes, 1998 Supplement, are amended to read:

30 259.101 Florida Preservation 2000 Act.--

31 (6) DISPOSITION OF LANDS.--

1 (a) Any lands acquired pursuant to paragraph (3)(a),  
2 paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),  
3 paragraph (3)(f), or paragraph (3)(g), if title to such lands  
4 is vested in the Board of Trustees of the Internal Improvement  
5 Trust Fund, may be disposed of by the Board of Trustees of the  
6 Internal Improvement Trust Fund in accordance with the  
7 provisions and procedures set forth in s. 253.034(6)  
8 ~~253.034(5)~~, and lands acquired pursuant to paragraph (3)(b)  
9 may be disposed of by the owning water management district in  
10 accordance with the procedures and provisions set forth in ss.  
11 373.056 and 373.089 provided such disposition also shall  
12 satisfy the requirements of paragraphs (b) and (c).

13 (b) Before land can be determined to be of no further  
14 benefit to the public as required by s. 253.034(6)~~253.034(5)~~,  
15 or to be no longer required for its purposes under s.  
16 373.056(4), whichever may be applicable, there shall first be  
17 a determination by the Board of Trustees of the Internal  
18 Improvement Trust Fund, or, in the case of water management  
19 district lands, by the owning water management district, that  
20 such land no longer needs to be preserved in furtherance of  
21 the intent of the Florida Preservation 2000 Act. Any lands  
22 eligible to be disposed of under this procedure also may be  
23 used to acquire other lands through an exchange of lands,  
24 provided such lands obtained in an exchange are described in  
25 the same paragraph of subsection (3) as the lands disposed.

26 (9)

27 (f)1. Pursuant to subsection (3) and beginning in  
28 fiscal year 1999-2000, that portion of the unencumbered  
29 balances of each program described in paragraphs (3)(c), (d),  
30 (e), (f), and (g) which has been on deposit in such program's  
31 Preservation 2000 account for more than two fiscal years shall



1 be redistributed equally to the Department of Environmental  
 2 Protection, Division of State Lands P2000 sub account for the  
 3 purchase of State Lands as described in s. 259.032 and Water  
 4 Management District P2000 sub account for the purchase of  
 5 Water Management Lands pursuant to ss. 373.456, 373.4592 and  
 6 373.59. For the purposes of this subsection, the term  
 7 "unencumbered balances" means the portion of Preservation 2000  
 8 bond proceeds which is not obligated through the signing of a  
 9 purchase contract between a public agency and a private  
 10 landowner, except that the program described in paragraph  
 11 (3)(c) may not lose any portion of its unencumbered funds  
 12 which remain unobligated because of extraordinary  
 13 circumstances that hampered the affected local governments'  
 14 abilities to close on land acquisition projects approved  
 15 through the Florida Communities Trust program. Extraordinary  
 16 circumstances shall be determined by the Florida Communities  
 17 Trust governing body and may include such things as death or  
 18 bankruptcy of the owner of property; a change in the land use  
 19 designation of the property; natural disasters that affected a  
 20 local government's ability to consummate the sales contract on  
 21 such property; or any other condition that the Florida  
 22 Communities Trust governing board determined to be  
 23 extraordinary. The portion of the funds deposited in the Water  
 24 Management Lands Trust Fund shall be distributed to the water  
 25 management districts as provided in s. 373.59(8)~~373.59(7)~~.

26         2. The department and the water management districts  
 27 may enter into joint acquisition agreements to jointly fund  
 28 the purchase of lands using alternatives to fee simple  
 29 techniques.  
 30  
 31

1 Reviser's note.--Paragraphs (6)(a) and (b) are  
2 amended to conform to the redesignation of s.  
3 253.034(5) as s. 253.034(6) by s. 3, ch.  
4 97-164, Laws of Florida. Paragraph (9)(f) is  
5 amended to conform to the location of  
6 provisions allocating moneys from the Water  
7 Management Lands Trust Fund to the districts in  
8 s. 373.59(8). Section 373.59(7) provides for  
9 accumulation of a district's unused funds.

10  
11 Section 36. Paragraph (d) of subsection (3) of section  
12 260.016, Florida Statutes, 1998 Supplement, is amended to  
13 read:

14 260.016 General powers of the department.--  
15 (3) The department or its designee is authorized to  
16 negotiate with potentially affected private landowners as to  
17 the terms under which such landowners would consent to the  
18 public use of their lands as part of the greenways and trails  
19 system. The department shall be authorized to agree to  
20 incentives for a private landowner who consents to this public  
21 use of his or her lands for conservation or recreational  
22 purposes, including, but not limited to, the following:

23 (d) At the option of the landowner, acceleration of  
24 the acquisition process or higher consideration in the ranking  
25 process when any lands owned ~~owed~~ by the landowner are under  
26 consideration for acquisition by the state or other unit of  
27 government.

28  
29 Reviser's note.--Amended to improve clarity and  
30 facilitate correct interpretation.

31

1           Section 37. Section 266.0016, Florida Statutes, is  
2 reenacted to read:

3           266.0016 Powers of the board.--The department shall  
4 monitor the effectiveness of all programs of the board and  
5 oversee the board to ensure that it complies with state laws  
6 and rules. The board is the governing body and shall exercise  
7 those powers delegated to it by the department. These  
8 delegated powers shall include, but not be limited to, the  
9 power to:

10           (1) Select and hire a manager, subject to final  
11 approval of the department, who shall report to the board and  
12 who shall be a member of Selected Exempt Service.

13           (2) Recommend to the department the salary of the  
14 manager within the range permissible under Department of  
15 Management Services guidelines.

16           (3) Adopt a seal and alter it at its pleasure.

17           (4) Contract and be contracted with, sue and be sued,  
18 and plead and be impleaded in all courts, with the approval of  
19 the department and the Department of Legal Affairs.

20           (5) Establish an office in or near the City of  
21 Pensacola for the conduct of its affairs.

22           (6) Acquire, hold, lease, and dispose of personal  
23 property or any interest therein for its authorized purpose.

24           (7) Plan buildings and improvements; demolish existing  
25 structures; and construct, reconstruct, alter, repair, and  
26 improve its facilities wherever located.

27           (8) Employ, subject to the provisions of the Career  
28 Service System, employees as may be necessary.

29           (9) Contract with consulting engineers, architects,  
30 accountants, inspectors, attorneys, and such other consultants

31

1 as may be necessary. However, consultants must be retained in  
2 the manner provided by ss. 287.055, 287.057, and 287.058.

3 (10) Draft a historical plan of development for the  
4 City of Pensacola and Escambia County; and the board may  
5 recommend to the governing body of the City of Pensacola the  
6 creation of a historical district or districts that include  
7 any section or sections of the city containing buildings,  
8 landmarks, sites, or facilities of historical value and having  
9 an overall atmosphere of architectural or historical  
10 distinction, or both. Such facilities having historical value  
11 must be designated by the board based on criteria of  
12 historical evaluation established by the National Trust for  
13 Historic Preservation or another recognized professional  
14 historical group.

15 (11) Contract with any agency of the state, the  
16 Federal Government, the City of Pensacola, the County of  
17 Escambia, or any firm or corporation with respect to the  
18 establishment, construction, and operation of the facilities  
19 of the board in or near the City of Pensacola.

20 (12) Make and enter into all contracts or agreements  
21 with private individuals, corporations, organizations,  
22 historical societies, and others with reference to facilities  
23 and enter into contracts and agreements which are necessary to  
24 the performance of its duties or the execution of its powers  
25 under ss. 266.0011-266.0018.

26 (13) Engage in any lawful business or activity to  
27 establish, maintain, and operate the facilities contemplated  
28 by ss. 266.0011-266.0018, including:

29 (a) The renting or leasing for revenue of any land,  
30 improved or restored real estate, or personal property  
31 directly related to carrying out the purposes for which the

1 board is created, under terms and conditions deemed by the  
2 board to be in the best interest of the state.

3 (b) The selling of craft products created through the  
4 operation and demonstration of historical museums, craft  
5 shops, and other facilities.

6 (c) The limited selling of merchandise relating to the  
7 historical and antiquarian period of Pensacola and its  
8 surrounding territory.

9 (14) Fix and collect charges for admission to any of  
10 the facilities operated and maintained by the board under the  
11 provisions of ss. 266.0011-266.0018 and adopt and enforce  
12 reasonable rules to govern the conduct of the visiting public.

13 (15) Cooperate and coordinate all its activities with  
14 any statewide commission and participate in any overall  
15 statewide plan of historical development.

16 (16) Cooperate and coordinate its activities with any  
17 national project of historical development and with any other  
18 agency, state, local, or national, undertaking historical  
19 objectives if they are not in conflict with the objectives of  
20 the board.

21 (17) Research, prepare, publish, and procure books,  
22 reports, articles, pamphlets, brochures, documents, maps,  
23 photographs, films, sound recordings, and other products of a  
24 similar nature in fulfillment of its purpose and function for  
25 use by the board or for use by or distribution to any person  
26 or entity, public or private, with or without charge or  
27 profit.

28 (18) Perform all lawful acts necessary and convenient  
29 and incident to the effectuating of its function and purpose.  
30  
31

1 Any power delegated by the department pursuant to this section  
2 may be revoked by the department at any time if, in the  
3 department's determination, the board is not exercising a  
4 delegated power in accordance with department rules and  
5 policies or in the best interest of the state.

6  
7 Reviser's note.--Section 105, ch. 92-279, Laws  
8 of Florida, purported to amend subsection (2)  
9 of s. 266.0016, but did not set out in full the  
10 amended subsection to include the flush left  
11 language at the end of the section. In the  
12 absence of affirmative evidence that the  
13 Legislature intended to repeal the omitted  
14 material, s. 266.0016 is reenacted to confirm  
15 that the omission was not intended.

16  
17 Section 38. Section 270.10, Florida Statutes, is  
18 amended to read:

19 270.10 Sections not to impair law relative to  
20 homesteads, preemptions, or grants of lands for certain  
21 purposes.--Sections 270.07 and 270.08 ~~270.07-270.09~~ shall in  
22 nowise impair the law of the state relative to homesteads or  
23 preemptions, or the law relative to the granting of lands for  
24 the construction of highways, public roads and canals.

25  
26 Reviser's note.--Amended to conform to the  
27 repeal of s. 270.09 by s. 513, ch. 94-356, Laws  
28 of Florida.

29  
30 Section 39. Subsection (2) of section 280.09, Florida  
31 Statutes, is amended to read:

1           280.09 Public Deposits Trust Fund.--

2           (2) The Treasurer is authorized to pay any losses to  
3 public depositors from the fund, and there are hereby  
4 appropriated from the fund such sums as may be necessary from  
5 time to time to pay the losses. The term "losses," for  
6 purposes of this chapter, shall also include losses of  
7 interest or other accumulations to the public depositor as a  
8 result of penalties for early withdrawal required by  
9 Depository Institution Deregulatory Commission Regulations or  
10 applicable successor federal laws or regulations because of  
11 suspension or disqualification of a qualified public  
12 depository by the Treasurer pursuant to s. 280.05(20)  
13 ~~280.05(3)~~ or because of withdrawal from the public deposits  
14 program pursuant to s. 280.11. In that event, the Treasurer  
15 is authorized to assess against the suspended, disqualified,  
16 or withdrawing public depository, in addition to any amount  
17 authorized by any other provision of this chapter, an  
18 administrative penalty equal to the amount of the early  
19 withdrawal penalty and to pay that amount over to the public  
20 depositor as reimbursement for such loss. Any money in the  
21 fund estimated not to be needed for immediate cash  
22 requirements shall be invested pursuant to s. 18.125.

23

24           Reviser's note.--Amended to conform to the  
25 redesignation of s. 280.05(3) as s. 280.05(20)  
26 by s. 14, ch. 98-409, Laws of Florida.

27

28           Section 40. Subsection (3) of section 280.11, Florida  
29 Statutes, is amended to read:

30           280.11 Withdrawal from public deposits program; return  
31 of pledged collateral.--

1           (3) A qualified public depository which is required to  
2 withdraw from the public deposits program pursuant to s.  
3 280.05(1)(b)~~280.05(6)(b)~~ shall not receive or retain public  
4 deposits after the effective date of withdrawal. The  
5 contingent liability, required collateral, and reporting  
6 requirements of the withdrawing depository shall continue  
7 until the effective date of withdrawal. Notice of withdrawal  
8 (order of discontinuance) from the Treasurer shall be mailed  
9 to the qualified public depository by registered or certified  
10 mail. Penalties incurred because of withdrawal from the public  
11 deposits program shall be the responsibility of the  
12 withdrawing depository.

13

14           Reviser's note.--Amended to conform to the  
15 redesignation of s. 280.05(6)(b) as s.  
16 280.05(1)(b) by s. 14, ch. 98-409, Laws of  
17 Florida.

18

19           Section 41. Section 281.05, Florida Statutes, 1998  
20 Supplement, is amended to read:

21           281.05 Ex officio agents.--The Department of Highway  
22 Safety and Motor Vehicles, the Department of Law Enforcement,  
23 and law enforcement officers of counties and municipalities  
24 are ex officio agents of the Department of Management Services  
25 and may, when authorized by the department, enforce rules and  
26 laws applicable to the powers and duties of the department to  
27 provide and maintain the security required by ss.  
28 281.02-281.08 ~~281.02-281.09~~.

29

30

31



1 Reviser's note.--Amended to conform to the  
2 repeal of s. 281.09 by s. 45, ch. 98-34, Laws  
3 of Florida.

4  
5 Section 42. Section 281.06, Florida Statutes, 1998  
6 Supplement, is amended to read:

7 281.06 Contracts with counties, municipalities, or  
8 licensed private security agencies.--The Department of  
9 Management Services may contract with any county,  
10 municipality, or licensed private security agency to provide  
11 and maintain the security of state-owned or state-leased  
12 property required by ss. 281.02-281.08 ~~281.02-281.09~~ upon such  
13 terms as the department may deem to be in the best interest of  
14 the state.

15  
16 Reviser's note.--Amended to conform to the  
17 repeal of s. 281.09 by s. 45, ch. 98-34, Laws  
18 of Florida.

19  
20 Section 43. Section 281.07, Florida Statutes, is  
21 amended to read:

22 281.07 Rules; ~~Division of Capitol Police~~ traffic  
23 regulation.--

24 (1) The Department of Management Services shall adopt  
25 and promulgate rules ~~to govern the administration, operation,~~  
26 ~~and management of the Division of Capitol Police~~ and to  
27 regulate traffic and parking on state-owned or state-leased  
28 property, which rules are not in conflict with any state law  
29 or county or municipal ordinance, and to carry out the  
30 provisions of ss. 281.02-281.08 ~~281.02-281.09~~.

31

1 Reviser's note.--Amended to conform to the  
2 deletion of the Division of Capitol Police in  
3 the reorganization of the Department of  
4 Management Services by s. 3, ch. 97-296, Laws  
5 of Florida, and to conform to the repeal of s.  
6 281.09 by s. 45, ch. 98-34, Laws of Florida.

7  
8 Section 44. Subsection (1) of section 281.08, Florida  
9 Statutes, 1998 Supplement, is amended to read:

10 281.08 Equipment.--

11 (1) The Department of Management Services is  
12 specifically authorized to purchase, sell, trade, rent, lease,  
13 and maintain all necessary equipment, uniforms, motor  
14 vehicles, communication systems, housing facilities, and  
15 office space, and perform any other acts necessary for the  
16 proper administration and enforcement of ss. 281.02-281.08  
17 ~~281.02-281.09~~, pursuant to part I of chapter 287. The  
18 department may prescribe a distinctive uniform to be worn by  
19 personnel in the performance of their duties pursuant to s.  
20 281.02(7)~~281.02(3)~~. The department may prescribe a  
21 distinctive emblem to be worn by all agents or guards.

22  
23 Reviser's note.--Amended to conform to the  
24 repeal of s. 281.09 by s. 45, ch. 98-34, Laws  
25 of Florida, and the redesignation of s.  
26 281.02(3) as s. 281.02(7) by s. 6, ch. 84-143,  
27 Laws of Florida.

28  
29 Section 45. Section 282.003, Florida Statutes, is  
30 amended to read:

1           282.003 Short title.--This part ~~chapter~~ may be cited  
2 as the "Information Resources Management Act of 1997."  
3

4           Reviser's note.--Amended to conform to the  
5           division of the chapter into parts incident to  
6           the compilation of the Florida Statutes 1997.  
7

8           Section 46. Subsection (8) of section 282.005, Florida  
9 Statutes, is amended to read:

10          282.005 Legislative findings and intent.--The  
11 Legislature finds that:

12          (8) To ensure the best management of the state's  
13 information technology resources, and notwithstanding other  
14 provisions of law to the contrary, the functions of  
15 information resources management are hereby assigned to the  
16 Board of Regents as the agency responsible for the development  
17 and implementation of policy, planning, management,  
18 rulemaking, standards, and guidelines for the State University  
19 System; to the State Board of Community Colleges as the agency  
20 responsible for establishing and developing rules and policies  
21 for the Florida ~~State~~ Community College System; to the Supreme  
22 Court, for the judicial branch; and to each state attorney and  
23 public defender.  
24

25          Reviser's note.--Amended to conform to the  
26          redesignation of the State Community College  
27          System as the Florida Community College System  
28          by s. 15, ch. 98-58, Laws of Florida.  
29

30          Section 47. Section 282.101, Florida Statutes, is  
31 amended to read:

1           282.101 Construction of terms, "communications" or  
2 "communications system."--Any reference in this part ~~chapter~~  
3 to "communications" or "communications system" means any  
4 transmission, emission, and reception of signs, signals,  
5 writings, images, and sounds of intelligence of any nature by  
6 wire, radio, optical, or other electromagnetic systems and  
7 includes all facilities and equipment owned, leased, or used  
8 by all agencies and political subdivisions of state  
9 government.

10  
11           Reviser's note.--Amended to conform to the  
12 division of the chapter into parts incident to  
13 the compilation of the Florida Statutes 1997.

14  
15           Section 48. Paragraph (b) of subsection (1) of section  
16 282.20, Florida Statutes, is amended to read:

17           282.20 Technology Resource Center.--

18           (1)

19           (b) For the purposes of this section, the term:

20           1. "Department" means the Department of Management  
21 Services.

22           2. "Division" means the Division of Information  
23 Services of the Department of Management Services.

24           3. "Information-system utility" means a full-service  
25 information-processing facility offering hardware, software,  
26 operations, integration, networking, and consulting services.

27           4. "Customer" means a state agency or other entity  
28 which is authorized to utilize the SUNCOM Network pursuant to  
29 this part ~~chapter~~.

1 Reviser's note.--Amended to conform to the  
2 division of the chapter into parts incident to  
3 the compilation of the Florida Statutes 1997.  
4

5 Section 49. Subsection (2) of section 282.22, Florida  
6 Statutes, is amended to read:

7 282.22 Department of Management Services production  
8 and dissemination of materials and products.--

9 (2) To accomplish this objective the department is  
10 authorized to publish, produce, or have produced materials and  
11 products and to make them readily available for appropriate  
12 use. The department is authorized to charge an amount adequate  
13 to cover the essential cost of producing and disseminating  
14 such materials and products and is authorized to sell copies  
15 for use to any entity who is authorized to utilize the SUNCOM  
16 Network pursuant to this part ~~chapter~~ and to the public.  
17

18 Reviser's note.--Amended to conform to the  
19 division of the chapter into parts incident to  
20 the compilation of the Florida Statutes 1997.  
21

22 Section 50. Section 282.3031, Florida Statutes, is  
23 amended to read:

24 282.3031 Assignment of information resources  
25 management responsibilities.--For purposes of ss.  
26 282.303-282.322, to ensure the best management of state  
27 information technology resources, and notwithstanding other  
28 provisions of law to the contrary, the functions of  
29 information resources management are hereby assigned to the  
30 Board of Regents as the agency responsible for the development  
31 and implementation of policy, planning, management,

1 rulemaking, standards, and guidelines for the State University  
2 System; to the State Board of Community Colleges as the agency  
3 responsible for establishing and developing rules and policies  
4 for the Florida ~~State~~ Community College System; to the Supreme  
5 Court for the judicial branch; and to each state attorney and  
6 public defender.

7  
8 Reviser's note.--Amended to conform to the  
9 redesignation of the State Community College  
10 System as the Florida Community College System  
11 by s. 15, ch. 98-58, Laws of Florida.

12  
13 Section 51. Section 282.3041, Florida Statutes, is  
14 amended to read:

15 282.3041 State agency responsibilities.--The head of  
16 each state agency is responsible and accountable for  
17 information resources management within the agency in  
18 accordance with legislative intent and as defined in this part  
19 ~~chapter~~.

20  
21 Reviser's note.--Amended to conform to the  
22 division of the chapter into parts incident to  
23 the compilation of the Florida Statutes 1997.

24  
25 Section 52. Subsection (2) of section 282.310, Florida  
26 Statutes, 1998 Supplement, is amended to read:

27 282.310 State Annual Report on Information Resources  
28 Management.--

29 (2) The State Annual Report on Information Resources  
30 Management shall contain, at a minimum, the following:

1 (a) The state vision for information resources  
2 management.

3 (b) A forecast of the state information resources  
4 management priorities and initiatives for the ensuing 2 years.

5 (c) A summary of major statewide policies recommended  
6 by the State Technology Council for information resources  
7 management.

8 (d) A summary of memoranda issued by the Executive  
9 Office of the Governor.

10 (e) An assessment of the overall progress on state  
11 information resources management initiatives and priorities  
12 for the past fiscal year.

13 (f) A summary of major statewide issues related to  
14 improving information resources management by the state.

15 (g) An inventory list, by major categories, of state  
16 information technology resources.

17 (h) A summary of the total expenditures for  
18 information resources management by each state agency.

19 (i) A summary of the opportunities for government  
20 agencies or entities to share information resources management  
21 projects or initiatives with other governmental or private  
22 sector entities.

23 (j) A list of the information resources management  
24 issues that have been identified as statewide or critical  
25 issues for which the State Technology Council could provide  
26 leadership or assistance.

27  
28 The state annual report shall also include information  
29 resources management information from the annual reports  
30 prepared by the Board of Regents for the State University  
31 System, from the State Board of Community Colleges for the

1 Florida State Community College System, from the Supreme Court  
2 for the judicial branch, and from the Justice Administrative  
3 Commission on behalf of the state attorneys and public  
4 defenders. Expenditure information shall be taken from each  
5 agency's annual report as well as the annual reports of the  
6 Board of Regents, the State Board of Community Colleges, the  
7 Supreme Court, and the Justice Administrative Commission.

8  
9 Reviser's note.--Amended to conform to the  
10 redesignation of the State Community College  
11 System as the Florida Community College System  
12 by s. 15, ch. 98-58, Laws of Florida.

13  
14 Section 53. Section 284.31, Florida Statutes, is  
15 amended to read:

16 284.31 Scope and types of coverages; separate  
17 accounts.--The insurance risk management trust fund shall,  
18 unless specifically excluded by the Department of Insurance,  
19 cover all departments of the State of Florida and their  
20 employees, agents, and volunteers and shall provide separate  
21 accounts for workers' compensation, general liability, fleet  
22 automotive liability, federal civil rights actions under 42  
23 U.S.C. s. 1983 or similar federal statutes, and court-awarded  
24 attorney's fees in other proceedings against the state except  
25 for such awards in eminent domain or for inverse condemnation  
26 or for awards by the Public Employees Relations Commission.  
27 Unless specifically excluded by the Department of Insurance,  
28 the insurance risk management trust fund shall provide fleet  
29 automotive liability coverage to motor vehicles titled to the  
30 state, or to any department of the state, when such motor  
31 vehicles are used by ~~coordinated~~ community transportation



1 coordinators ~~providers~~ performing, under contract to the  
2 appropriate department of the state, services for the  
3 transportation disadvantaged under part I of chapter 427. Such  
4 fleet automotive liability coverage shall be primary and shall  
5 be subject to the provisions of s. 768.28 and parts II and III  
6 of chapter 284, and applicable rules adopted thereunder, and  
7 the terms and conditions of the certificate of coverage issued  
8 by the Department of Insurance.

9  
10 Reviser's note.--Amended to conform to the  
11 redesignation of coordinated community  
12 transportation providers as community  
13 transportation coordinators by s. 1, ch.  
14 89-376, Laws of Florida.

15  
16 Section 54. Subsections (3) and (5) of section  
17 287.059, Florida Statutes, are amended to read:

18 287.059 Private attorney services.--

19 (3) An agency requesting approval for the use of  
20 private attorney services shall first offer to contract with  
21 the Department of Legal Affairs for such attorney services at  
22 a cost pursuant to mutual agreement. The Attorney General  
23 shall decide on a case-by-case basis to accept or decline to  
24 provide such attorney services as staffing, expertise, or  
25 other legal or economic considerations warrant. If the  
26 Attorney General declines to provide the requested attorney  
27 services, the Attorney General's written approval shall  
28 include a statement that the private attorney services  
29 requested cannot be provided by the office of the Attorney  
30 General or that such private attorney services are  
31 cost-effective in the opinion of the Attorney General. The

1 Attorney General shall not consider political affiliation in  
 2 making such decision. The office of the Attorney General  
 3 shall respond to the request of an agency for prior written  
 4 approval within 10 working days after receiving such request.  
 5 The Attorney General may request additional information  
 6 necessary for evaluation of a request. The Attorney General  
 7 shall respond to the request within 10 working days after  
 8 receipt of the requested information. Those agencies exempt  
 9 from written approval from the Attorney General, as described  
 10 in paragraphs (2)(a)-(e)~~(2)(a)-(f)~~, may contract with the  
 11 Department of Legal Affairs for attorney services. The  
 12 Attorney General shall determine on a case-by-case basis  
 13 whether to provide such attorney services as staffing,  
 14 expertise, or other legal considerations warrant. The  
 15 Attorney General may adopt, by rule, a form on which agencies  
 16 requesting written approval for private attorney services  
 17 shall provide information concerning:

18 (a) The nature of the attorney services to be provided  
 19 and the issues involved.

20 (b) The need for use of private attorneys, rather than  
 21 agency staff attorneys, utilizing the criteria provided in  
 22 subsection (8).

23 (c) The criteria by which the agency selected the  
 24 private attorney or law firm it proposes to employ, utilizing  
 25 the criteria provided in subsection (9).

26 (d) Competitive fees for similar attorney services.

27 (e) The agency's analysis estimating the number of  
 28 hours for attorney services, the costs, the total contract  
 29 amount, and, when appropriate, a risk or cost-benefit  
 30 analysis.

31

1 (f) Which partners, associates, paralegals, research  
2 associates, or other personnel will be used, and how their  
3 time will be billed to the agency.

4 (g) Any other information which the Attorney General  
5 deems appropriate for the proper evaluation of the need for  
6 such private attorney services.

7 (5) The agency head or a designee shall give written  
8 approval prior to contracting for private attorney services  
9 for all agencies exempt from written approval of the Attorney  
10 General as described in paragraphs (2)(a)-(e)~~(2)(a)-(f)~~.

11  
12 Reviser's note.--Amended to conform to the  
13 redesignation of paragraphs (2)(a)-(f) as  
14 paragraphs (2)(a)-(e) by ss. 10 and 11, ch.  
15 95-222, Laws of Florida.

16  
17 Section 55. Paragraph (a) of subsection (1) of section  
18 287.0595, Florida Statutes, 1998 Supplement, is amended to  
19 read:

20 287.0595 Pollution response action contracts;  
21 department rules.--

22 (1) The Department of Environmental Protection shall  
23 establish, through the promulgation of administrative rules as  
24 provided in chapter 120:

25 (a) Procedures for determining the qualifications of  
26 responsible potential bidders prior to advertisement for and  
27 receipt of bids for pollution response action contracts,  
28 including procedures for the rejection of unqualified bidders.  
29 Response actions are those activities described in s.

30 376.301(37)~~376.301(35)~~.

31

1 Reviser's note.--Amended to conform to the  
2 redesignation of the provision containing the  
3 definition of "response action" as s.  
4 376.301(37) by s. 8, ch. 98-189, Laws of  
5 Florida.

6  
7 Section 56. Subsection (1) of section 287.064, Florida  
8 Statutes, 1998 Supplement, is amended to read:

9 287.064 Consolidated financing of deferred-payment  
10 purchases.--

11 (1) The Division of Bond Finance of the State Board of  
12 Administration and the Comptroller shall plan and coordinate  
13 deferred-payment purchases made by or on behalf of the state  
14 or its agencies or by or on behalf of state community colleges  
15 participating under this section pursuant to s. 240.319(4)(p)  
16 ~~240.319(3)(p)~~. The Division of Bond Finance shall negotiate  
17 and the Comptroller shall execute agreements and contracts to  
18 establish master equipment financing agreements for  
19 consolidated financing of deferred-payment, installment sale,  
20 or lease purchases with a financial institution or a  
21 consortium of financial institutions. As used in this act, the  
22 term "deferred-payment" includes installment sale and  
23 lease-purchase.

24 (a) The period during which equipment may be acquired  
25 under any one master equipment financing agreement shall be  
26 limited to not more than 3 years.

27 (b) Repayment of the whole or a part of the funds  
28 drawn pursuant to the master equipment financing agreement may  
29 continue beyond the period established pursuant to paragraph  
30 (a).

31

1 (c) The interest rate component of any master  
2 equipment financing agreement shall be deemed to comply with  
3 the interest rate limitation imposed in s. 287.063 so long as  
4 the interest rate component of every interagency or community  
5 college agreement entered into under such master equipment  
6 financing agreement complies with the interest rate limitation  
7 imposed in s. 287.063. Such interest rate limitation does not  
8 apply when the payment obligation under the master equipment  
9 financing agreement is rated by a nationally recognized rating  
10 service in any one of the three highest classifications, which  
11 rating services and classifications are determined pursuant to  
12 rules adopted by the Comptroller.

13

14 Reviser's note.--Amended to conform to the  
15 redesignation of s. 240.319(3)(p) as s.  
16 240.319(4)(p) by ch. 97-246, Laws of Florida.

17

18 Section 57. Section 287.09431, Florida Statutes, is  
19 amended to read:

20 287.09431 Statewide and interlocal agreement on  
21 certification of business concerns for the status of minority  
22 business enterprise.--The statewide and interlocal agreement  
23 on certification of business concerns for the status of  
24 minority business enterprise is hereby enacted and entered  
25 into with all jurisdictions or organizations legally joining  
26 therein. If, within 2 years from the date that the  
27 certification core criteria are approved by the Department of  
28 Labor and Employment Security, the agreement included herein  
29 is not executed by a majority of county and municipal  
30 governing bodies that administer a minority business  
31 assistance program on the effective date of this act, then the

1 Legislature shall review this agreement. It is the intent of  
2 the Legislature that if the agreement is not executed by a  
3 majority of the requisite governing bodies, then a statewide  
4 uniform certification process should be adopted, and that said  
5 agreement should be repealed and replaced by a mandatory state  
6 government certification process.

7  
8 ARTICLE I

9  
10 PURPOSE, FINDINGS, AND POLICY.--

11 (1) The parties to this agreement, desiring by common  
12 action to establish a uniform certification process in order  
13 to reduce the multiplicity of applications by business  
14 concerns to state and local governmental programs for minority  
15 business assistance, declare that it is the policy of each of  
16 them, on the basis of cooperation with one another, to remedy  
17 social and economic disadvantage suffered by certain groups,  
18 resulting in their being historically underutilized in  
19 ownership and control of commercial enterprises. Thus, the  
20 parties seek to address this history by increasing the  
21 participation of the identified groups in opportunities  
22 afforded by government procurement.

23 (2) The parties find that the State of Florida  
24 presently certifies firms for participation in the minority  
25 business assistance programs of the state. The parties find  
26 further that some counties, municipalities, school boards,  
27 special districts, and other divisions of local government  
28 require a separate, yet similar, and in most cases redundant  
29 certification in order for businesses to participate in the  
30 programs sponsored by each government entity.

1 (3) The parties find further that this redundant  
2 certification has proven to be unduly burdensome to the  
3 minority-owned firms intended to benefit from the underlying  
4 purchasing incentives.

5 (4) The parties agree that:

6 (a) They will facilitate integrity, stability, and  
7 cooperation in the statewide and interlocal certification  
8 process, and in other elements of programs established to  
9 assist minority-owned businesses.

10 (b) They shall cooperate with agencies, organizations,  
11 and associations interested in certification and other  
12 elements of minority business assistance.

13 (c) It is the purpose of this agreement to provide for  
14 a uniform process whereby the status of a business concern may  
15 be determined in a singular review of the business information  
16 for these purposes, in order to eliminate any undue expense,  
17 delay, or confusion to the minority-owned businesses in  
18 seeking to participate in the minority business assistance  
19 programs of state and local jurisdictions.

20  
21 ARTICLE II

22  
23 DEFINITIONS.--As used in this agreement and contracts  
24 made pursuant to it, unless the context clearly requires  
25 otherwise:

26 (1) "Awarding organization" means any political  
27 subdivision or organization authorized by law, ordinance, or  
28 agreement to enter into contracts and for which the governing  
29 body has entered into this agreement.

30 (2) "Department" means the Department of Labor and  
31 Employment Security.





1 business enterprise in this agreement, in accordance with the  
2 duly adopted eligibility criteria.

3 (3) All participating organizations shall issue notice  
4 of certification decisions granting or denying certification  
5 to all other participating organizations within 14 days of the  
6 decision. Such notice may be made through electronic media.

7 (4) No certification will be granted without an onsite  
8 visit to verify ownership and control of the prospective  
9 minority business enterprise, unless verification can be  
10 accomplished by other methods of adequate verification or  
11 assessment of ownership and control.

12 (5) The certification of a minority business  
13 enterprise pursuant to the terms of this agreement shall not  
14 be suspended, revoked, or otherwise impaired except on any  
15 grounds which would be sufficient for revocation or suspension  
16 of a certification in the jurisdiction of the participating  
17 organization.

18 (6) The certification determination of a party may be  
19 challenged by any other participating organization by the  
20 issuance of a timely written notice by the challenging  
21 organization to the certifying organization's determination  
22 within 10 days of receiving notice of the certification  
23 decision, stating the grounds therefor.

24 (7) The sole accepted grounds for challenge shall be  
25 the failure of the certifying organization to adhere to the  
26 adopted criteria or the certifying organization's rules or  
27 procedures, or the perpetuation of a misrepresentation or  
28 fraud by the firm.

29 (8) The certifying organization shall reexamine its  
30 certification determination and submit written notice to the  
31

1 applicant and the challenging organization of its findings  
2 within 30 days after the receipt of the notice of challenge.

3 (9) If the certification determination is affirmed,  
4 the challenging agency may subsequently submit timely written  
5 notice to the firm of its intent to revoke certification of  
6 the firm.

7  
8 ARTICLE IV

9  
10 APPROVED AND ACCEPTED PROGRAMS.--Nothing in this  
11 agreement shall be construed to repeal or otherwise modify any  
12 ordinance, law, or regulation of a party relating to the  
13 existing minority business assistance provisions and  
14 procedures by which minority business enterprises participate  
15 therein.

16  
17 ARTICLE V

18  
19 TERM.--The term of the agreement shall be 5 years,  
20 after which it may be reexecuted by the parties.

21  
22 ARTICLE VI

23  
24 AGREEMENT EVALUATION.--The designated state and local  
25 officials may meet from time to time as a group to evaluate  
26 progress under the agreement, to formulate recommendations for  
27 changes, or to propose a new agreement.

28  
29 ARTICLE VII

1 OTHER ARRANGEMENTS.--Nothing in this agreement shall be  
2 construed to prevent or inhibit other arrangements or  
3 practices of any party in order to comply with federal law.  
4

5 ARTICLE VIII  
6

7 EFFECT AND WITHDRAWAL.--

8 (1) This agreement shall become effective when  
9 properly executed by a legal representative of the  
10 participating organization, when enacted into the law of the  
11 state and after an ordinance or other legislation is enacted  
12 into law by the governing body of each participating  
13 organization. Thereafter it shall become effective as to any  
14 participating organization upon the enactment of this  
15 agreement by the governing body of that organization.

16 (2) Any party may withdraw from this agreement by  
17 enacting legislation repealing the same, but no such  
18 withdrawal shall take effect until one year after the  
19 governing body of the withdrawing party has given notice in  
20 writing of the withdrawal to the other parties.

21 (3) No withdrawal shall relieve the withdrawing party  
22 of any obligations imposed upon it by law.  
23

24 ARTICLE IX  
25

26 FINANCIAL RESPONSIBILITY.--

27 (1) A participating organization shall not be  
28 financially responsible or liable for the obligations of any  
29 other participating organization related to this agreement.

30 (2) The provisions of this agreement shall constitute  
31 neither a waiver of any governmental immunity under Florida

1 law nor a waiver of any defenses of the parties under Florida  
2 law. The provisions of this agreement are solely for the  
3 benefit of its executors and not intended to create or grant  
4 any rights, contractual or otherwise, to any person or entity.

5  
6 ARTICLE X

7  
8 VENUE AND GOVERNING LAW.--The obligations of the  
9 parties to this agreement are performable only within the  
10 county where the participating organization is located, and  
11 statewide for the Minority Business Advocacy and Assistance  
12 Office, and venue for any legal action in connection with this  
13 agreement shall lie, for any participating organization except  
14 the Minority Business Advocacy and Assistance Office,  
15 exclusively in the county where the participating organization  
16 is located. This agreement shall be governed by and construed  
17 in accordance with the laws and court decisions of the state.

18  
19 ARTICLE XI

20  
21 CONSTRUCTION AND SEVERABILITY.--This agreement shall be  
22 liberally construed so as to effectuate the purposes thereof.  
23 The provisions of this agreement shall be severable and if any  
24 phrase, clause, sentence, or provision of this agreement is  
25 declared to be contrary to the State Constitution or the  
26 United States Constitution, or the application thereof to any  
27 government, agency, person, or circumstance is held invalid,  
28 the validity of the remainder of this agreement and the  
29 applicability thereof to any government, agency, person, or  
30 circumstance shall not be affected thereby. If this agreement  
31 shall be held contrary to the State Constitution, the

1 agreement shall remain in full force and effect as to all  
2 severable matters.

3

4 Reviser's note.--Amended to conform to the  
5 correct location of the definition of "small  
6 business concern."

7

8 Section 58. Paragraph (c) of subsection (1), paragraph  
9 (b) of subsection (2), paragraphs (a), (e), and (f) of  
10 subsection (3), and subsection (4) of section 287.133, Florida  
11 Statutes, are amended to read:

12 287.133 Public entity crime; denial or revocation of  
13 the right to transact business with public entities.--

14 (1) As used in this section:

15 (c) "Convicted vendor list" means the list required to  
16 be kept by the department pursuant to paragraph (3)(d) ~~(3)(c)~~.

17 (2)

18 (b) No public entity shall accept any bid from, award  
19 any contract to, or transact any business in excess of the  
20 threshold amount provided in s. 287.017 for CATEGORY TWO with  
21 any person or affiliate on the convicted vendor list for a  
22 period of 36 months from the date that person or affiliate was  
23 placed on the convicted vendor list unless that person or  
24 affiliate has been removed from the list pursuant to paragraph  
25 (3)(f) ~~(3)(e)~~. No public entity which was transacting  
26 business with a person at the time of the commission of a  
27 public entity crime which resulted in that person being placed  
28 on the convicted vendor list shall accept any bid from, award  
29 any contract to, or transact any business with any other  
30 person who is under the same, or substantially the same,  
31 control as the person whose name appears on the convicted

1 vendor list so long as that person's name appears on the  
2 convicted vendor list.

3 (3)(a) All invitations to bid as defined by s.  
4 287.012(11), requests for proposals as defined by s.  
5 287.012(15)~~287.012(16)~~, and any contract document described  
6 by s. 287.058 shall contain a statement informing persons of  
7 the provisions of paragraph (2)(a).

8 (e)1. Upon receiving reasonable information from any  
9 source that a person has been convicted, the department shall  
10 investigate the information and determine whether good cause  
11 exists to place that person or an affiliate of that person on  
12 the convicted vendor list. If good cause exists, the  
13 department shall notify the person or affiliate in writing of  
14 its intent to place the name of that person or affiliate on  
15 the convicted vendor list, and of the person's or affiliate's  
16 right to a hearing, the procedure that must be followed, and  
17 the applicable time requirements. If the person or affiliate  
18 does not request a hearing, the department shall enter a final  
19 order placing the name of the person or affiliate on the  
20 convicted vendor list. No person or affiliate may be placed  
21 on the convicted vendor list without receiving an individual  
22 notice of intent from the department.

23 2. Within 21 days of receipt of the notice of intent,  
24 the person or affiliate may file a petition for a formal  
25 hearing pursuant to ss. 120.569 and 120.57(1) to determine  
26 whether it is in the public interest for that person or  
27 affiliate to be placed on the convicted vendor list. A person  
28 or affiliate may not file a petition for an informal hearing  
29 under s. 120.57(2). The procedures of chapter 120 shall apply  
30 to any formal hearing under this section except where they are  
31 in conflict with the following provisions:

1 a. The petition shall be filed with the department.  
2 The department shall be a party to the proceeding for all  
3 purposes.

4 b. Within 5 days after the filing of the petition, the  
5 department shall notify the Division of Administrative  
6 Hearings of the request for a formal hearing. The director of  
7 the Division of Administrative Hearings shall, within 5 days  
8 after receipt of notice from the department, assign an  
9 administrative law judge to preside over the proceeding. The  
10 administrative law judge, upon request by a party, may  
11 consolidate related proceedings.

12 c. The administrative law judge shall conduct the  
13 formal hearing within 30 days after being assigned, unless  
14 otherwise stipulated by the parties.

15 d. Within 30 days after the formal hearing or receipt  
16 of the hearing transcript, whichever is later, the  
17 administrative law judge shall enter a final order, which  
18 shall consist of findings of fact, conclusions of law,  
19 interpretation of agency rules, and any other information  
20 required by law or rule to be contained in the final order.  
21 Such final order shall place or not place the person or  
22 affiliate on the convicted vendor list.

23 e. The final order of the administrative law judge  
24 shall be final agency action for purposes of s. 120.68.

25 f. At any time after the filing of the petition,  
26 informal disposition may be made pursuant to s. 120.57(4). In  
27 that event, the administrative law judge shall enter a final  
28 order adopting the stipulation, agreed settlement, or consent  
29 order.

30 3. In determining whether it is in the public interest  
31 to place a person or affiliate on the convicted vendor list,

1 the administrative law judge shall consider the following  
2 factors:

- 3 a. Whether the person or affiliate committed a public  
4 entity crime.
- 5 b. The nature and details of the public entity crime.
- 6 c. The degree of culpability of the person or  
7 affiliate proposed to be placed on the convicted vendor list.
- 8 d. Prompt or voluntary payment of any damages or  
9 penalty as a result of the conviction.
- 10 e. Cooperation with state or federal investigation or  
11 prosecution of any public entity crime, provided that a good  
12 faith exercise of any constitutional, statutory, or other  
13 right during any portion of the investigation or prosecution  
14 of any public entity crime shall not be considered a lack of  
15 cooperation.
- 16 f. Disassociation from any other persons or affiliates  
17 convicted of the public entity crime.
- 18 g. Prior or future self-policing by the person or  
19 affiliate to prevent public entity crimes.
- 20 h. Reinstatement or clemency in any jurisdiction in  
21 relation to the public entity crime at issue in the  
22 proceeding.
- 23 i. Compliance by the person or affiliate with the  
24 notification provisions of paragraph (b) ~~(a)~~.
- 25 j. The needs of public entities for additional  
26 competition in the procurement of goods and services in their  
27 respective markets.
- 28 k. Mitigation based upon any demonstration of good  
29 citizenship by the person or affiliate.

30 4. In any proceeding under this section, the  
31 department shall be required to prove that it is in the public



1 interest for the person to whom it has given notice under this  
2 section to be placed on the convicted vendor list. Proof of a  
3 conviction of the person or that one is an affiliate of such  
4 person shall constitute a prima facie case that it is in the  
5 public interest for the person or affiliate to whom the  
6 department has given notice to be put on the convicted vendor  
7 list. Prompt payment of damages or posting of a bond,  
8 cooperation with investigation, and termination of the  
9 employment or other relationship with the employee or other  
10 natural person responsible for the public entity crime shall  
11 create a rebuttable presumption that it is not in the public  
12 interest to place a person or affiliate on the convicted  
13 vendor list. Status as an affiliate must be proven by clear  
14 and convincing evidence. If the administrative law judge  
15 determines that the person was not convicted or is not an  
16 affiliate of such person, that person or affiliate shall not  
17 be placed on the convicted vendor list.

18           5. Any person or affiliate who has been notified by  
19 the department of its intent to place his or her name on the  
20 convicted vendor list may offer evidence on any relevant  
21 issue. An affidavit alone shall not constitute competent  
22 substantial evidence that the person has not been convicted or  
23 is not an affiliate of a person so convicted. Upon  
24 establishment of a prima facie case that it is in the public  
25 interest for the person or affiliate to whom the department  
26 has given notice to be put on the convicted vendor list, that  
27 person or affiliate may prove by a preponderance of the  
28 evidence that it would not be in the public interest to put  
29 him or her on the convicted vendor list, based upon evidence  
30 addressing the factors in subparagraph 3.

31

1 (f)1. A person on the convicted vendor list may  
 2 petition for removal from the list no sooner than 6 months  
 3 from the date a final order is entered disqualifying that  
 4 person from the public purchasing and contracting process  
 5 pursuant to this section, but may petition for removal at any  
 6 time if the petition is based upon a reversal of the  
 7 conviction on appellate review or pardon. The petition shall  
 8 be filed with the department, and the proceeding shall be  
 9 conducted pursuant to the procedures and requirements of this  
 10 subsection.

11 2. A person may be removed from the convicted vendor  
 12 list subject to such terms and conditions as may be prescribed  
 13 by the administrative law judge upon a determination that  
 14 removal is in the public interest. In determining whether  
 15 removal would be in the public interest, the administrative  
 16 law judge shall give consideration to any relevant factors,  
 17 including, but not limited to, the factors identified in  
 18 subparagraph (e)3. ~~(d)3.~~ Upon proof that a person's conviction  
 19 has been reversed on appellate review or that he or she has  
 20 been pardoned, the administrative law judge shall determine  
 21 that removal of the person or an affiliate of that person from  
 22 the convicted vendor list is in the public interest.

23 3. If a petition for removal is denied, the person or  
 24 affiliate may not petition for another hearing on removal for  
 25 a period of 9 months after the date of denial, unless the  
 26 petition is based upon a reversal of the conviction on  
 27 appellate review or a pardon. The department may petition for  
 28 removal prior to the expiration of such period if, in its  
 29 discretion, it determines that removal would be in the public  
 30 interest.

31

1           (4) The conviction of a person for a public entity  
2 crime, or placement on the convicted vendor list, shall not  
3 affect any rights or obligations under any contract,  
4 franchise, or other binding agreement which predates such  
5 conviction or placement on the convicted vendor list. However,  
6 the administrative law judge in a proceeding instituted under  
7 this section may declare voidable any specific contract,  
8 franchise, or other binding agreement entered into after July  
9 1, 1989, by a person placed on the convicted vendor list and a  
10 public entity, but only if the administrative law judge finds  
11 as fact that the person to be placed on the list has not  
12 satisfied the criteria set forth in sub-subparagraphs  
13 (3)(e)~~3.d.(3)(d)3.d.~~, f., and g.

14  
15           Reviser's note.--Paragraphs (1)(c), (2)(b), and  
16 (3)(e) and (f) and subsection (4) are amended  
17 to conform to the redesignation of subunits of  
18 subsection (3) by the reviser incident to the  
19 compilation of the Florida Statutes 1995.  
20 Paragraph (3)(a) is amended to conform to the  
21 redesignation of subunits necessitated by the  
22 repeal of former s. 287.012(12) by s. 8, ch.  
23 96-236, Laws of Florida.

24  
25           Section 59. Subsection (2) of section 287.151, Florida  
26 Statutes, is amended to read:

27           287.151 Limitation on classes of motor vehicles  
28 procured.--

29           (2) No funds in the General Appropriations Act shall  
30 be used to purchase any vehicle at prices in excess of the  
31

1 standard prices negotiated by the ~~Division of Purchasing of~~  
2 ~~the~~ Department of Management Services.

3  
4 Reviser's note.--Amended to conform to the  
5 deletion of the Division of Purchasing in the  
6 reorganization of the Department of Management  
7 Services by s. 3, ch. 97-296, Laws of Florida.

8  
9 Section 60. Subsection (8) of section 287.16, Florida  
10 Statutes, 1998 Supplement, is amended to read:

11 287.16 Powers and duties of department.--The  
12 Department of Management Services shall have the following  
13 powers, duties, and responsibilities:

14 (8) To require any state agency to keep records and  
15 make reports regarding aircraft and motor vehicles to the  
16 department as may be required. ~~The Department of Highway~~  
17 ~~Safety and Motor Vehicles may use the reporting system in~~  
18 ~~effect on October 1, 1983, until July 1, 1984. Beginning July~~  
19 ~~1, 1984,~~The Department of Highway Safety and Motor Vehicles  
20 shall use a reporting system approved by the department. ~~The~~  
21 ~~division shall assist the Department of Highway Safety and~~  
22 ~~Motor Vehicles in developing or implementing a reporting~~  
23 ~~system prior to July 1, 1984, which shall specifically address~~  
24 ~~the needs and requirements of the division and the Department~~  
25 ~~of Highway Safety and Motor Vehicles.~~

26  
27 Reviser's note.--Amended to delete provisions  
28 that have served their purpose.

29  
30 Section 61. Paragraph (b) of subsection (2) of section  
31 288.039, Florida Statutes, is amended to read:

1           288.039 Employing and Training our Youths (ENTRY).--

2           (2) TAX REFUND; ELIGIBLE AMOUNTS.--

3           (b) After entering into an employment/tax refund  
4 agreement under subsection (3), an eligible business may  
5 receive refunds for the following taxes or fees due and paid  
6 by that business:

7           1. Taxes on sales, use, and other transactions under  
8 ~~part I~~ of chapter 212.

9           2. Corporate income taxes under chapter 220.

10          3. Intangible personal property taxes under chapter  
11 199.

12          4. Emergency excise taxes under chapter 221.

13          5. Excise taxes on documents under chapter 201.

14          6. Ad valorem taxes paid, as defined in s. 220.03(1).

15          7. Insurance premium taxes under s. 624.509.

16          8. Occupational license fees under chapter 205.

17

18 However, an eligible business may not receive a refund under  
19 this section for any amount of credit, refund, or exemption  
20 granted to that business for any of such taxes or fees. If a  
21 refund for such taxes or fees is provided by the office, which  
22 taxes or fees are subsequently adjusted by the application of  
23 any credit, refund, or exemption granted to the eligible  
24 business other than as provided in this section, the business  
25 shall reimburse the office for the amount of that credit,  
26 refund, or exemption. An eligible business shall notify and  
27 tender payment to the office within 20 days after receiving  
28 any credit, refund, or exemption other than the one provided  
29 in this section.

30

31

1 Reviser's note.--Amended to conform to the  
2 removal of part designations from chapter 212  
3 following the repeal of the provisions of  
4 former part II of that chapter by s. 4, ch.  
5 97-94, Laws of Florida.

6  
7 Section 62. Subsection (5) of section 288.041, Florida  
8 Statutes, is amended to read:

9 288.041 Solar energy industry; legislative findings  
10 and policy; promotional activities.--

11 (5) By January 15 of each year, the Department of  
12 Community Affairs shall report to the Governor, the President  
13 of the Senate, and the Speaker of the House of Representatives  
14 on the impact of the solar energy industry on the economy of  
15 this state and shall make any recommendations on initiatives  
16 to further promote the solar energy industry as the department  
17 deems appropriate. ~~For purposes of the 1997 legislative~~  
18 ~~session, the department's report shall specifically address~~  
19 ~~the job creation and export potential of an expanded solar~~  
20 ~~energy industry in Florida.~~

21  
22 Reviser's note.--Amended to delete a provision  
23 that has served its purpose.

24  
25 Section 63. Section 288.052, Florida Statutes, is  
26 amended to read:

27 288.052 Legislative findings.--~~In addition to the~~  
28 ~~findings contained in s. 288.045,~~The Legislature finds that  
29 the production of motion picture, video, and television  
30 projects in Florida is an emerging industry, experiencing a  
31 growth rate of 20 percent over the last calendar year and

1 employing increasing numbers of Florida residents. The  
2 Legislature also finds that, with the development of necessary  
3 support services, including in-state financing of projects,  
4 the motion picture, television, and video recording industry  
5 has the potential to generate over \$1 billion annually in  
6 direct investments within the state during the early part of  
7 the 21st century. One means of increasing the amount of film  
8 and television investment in the state is to assist in  
9 financing the distribution and marketing of films through the  
10 provision of print and advertising funds contingent upon the  
11 expenditure of production dollars within the state. Therefore,  
12 the Legislature finds and declares that the creation of a  
13 Florida Film and Television Investment Board and financing  
14 program is in the public interest and that the creation of the  
15 Florida Film and Television Investment Board and Trust Fund  
16 will serve a public purpose.

17

18 Reviser's note.--Amended to conform to the  
19 repeal of s. 288.045 by s. 154, ch. 96-320,  
20 Laws of Florida.

21

22 Section 64. Subsection (1) of section 288.1066,  
23 Florida Statutes, is amended to read:

24 288.1066 Confidentiality of records.--

25 (1) The following information when received by the  
26 Department of Commerce; the Office of Tourism, Trade, and  
27 Economic Development; Enterprise Florida, Inc.; or county or  
28 municipal governmental entities and their employees pursuant  
29 to the qualified defense contractor tax refund program as  
30 required by s. 288.1045 ~~288.104~~ is confidential and exempt  
31 from the provisions of s. 119.07(1) and s. 24(a), Art. I of

1 the State Constitution for a period not to exceed the duration  
2 of the tax refund agreement or 10 years, whichever is earlier:

3 (a) The applicant's federal employer identification  
4 number and Florida sales tax registration number.

5 (b) The percentage of the applicant's gross receipts  
6 derived from Department of Defense contracts during the 5  
7 taxable years immediately preceding the date the application  
8 is submitted.

9 (c) The amount of:

10 1. Taxes on sales, use, and other transactions paid  
11 pursuant to chapter 212;

12 2. Corporate income taxes paid pursuant to chapter  
13 220;

14 3. Intangible personal property taxes paid pursuant to  
15 chapter 199;

16 4. Emergency excise taxes paid pursuant to chapter  
17 221; and

18 5. Ad valorem taxes paid  
19

20 during the 5 fiscal years immediately preceding the date of  
21 the application, and the projected amounts of such taxes to be  
22 due in the 3 fiscal years immediately following the date of  
23 the application.

24 (d) Any trade secret information as defined in s.  
25 812.081 contained within any statement concerning the  
26 applicant's need for tax refunds or concerning the proposed  
27 uses of such refunds by the applicant.  
28

29 Reviser's note.--Amended to conform to the  
30 repeal of s. 288.104 by s. 8, ch. 96-348, Laws  
31 of Florida, and the enactment of similar



1 provisions in s. 1, ch. 96-348. Both ss.  
2 288.104 and 288.1045 created the qualified  
3 defense contractor tax refund program.  
4

5 Section 65. Paragraphs (c) and (e) of subsection (6)  
6 of section 288.108, Florida Statutes, are amended to read:

7 288.108 High-impact business.--

8 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT  
9 SECTORS.--

10 (c) To begin the process of selecting and designating  
11 a new high-impact sector, Enterprise Florida, Inc., shall  
12 undertake a thorough study of the proposed sector. This study  
13 must consider the definition of the sector, including the  
14 types of facilities which characterize the sector that might  
15 qualify for a high-impact performance grant and whether a  
16 powerful incentive like the high-impact performance grant is  
17 needed to induce major facilities in the sector to locate or  
18 grow in this state; the benefits that major facilities in the  
19 sector have or could have on the state's economy and the  
20 relative significance of those benefits; the needs of the  
21 sector and major sector facilities, including natural, public,  
22 and human resources and benefits and costs with regard to  
23 these resources; the sector's current and future markets; the  
24 current fiscal and potential fiscal impacts of the sector, to  
25 both the state and its communities; any geographic  
26 opportunities or limitations with regard to the sector,  
27 including areas of ~~for~~ the state most likely to benefit from  
28 the sector and areas unlikely to benefit from the sector; the  
29 state's advantages or disadvantages with regard to the sector;  
30 and the long-term expectations for the industry on a global  
31 level and in the state. If Enterprise Florida, Inc., finds

1 favorable conditions for the designation of the sector as a  
2 high-impact sector, it shall include in the study  
3 recommendations for a complete and comprehensive sector  
4 strategy, including appropriate marketing and workforce  
5 strategies for the entire sector and any recommendations that  
6 Enterprise Florida, Inc., may have for statutory or policy  
7 changes needed to improve the state's business climate and to  
8 attract and grow Florida businesses, particularly small  
9 businesses, in the proposed sector. The study shall reflect  
10 the finding of the sector-business network specified in  
11 paragraph (d).

12 (e) The study and its findings and recommendations and  
13 the recommendations gathered from the sector-business network  
14 must be discussed and considered during at least one of the  
15 quarterly meetings required in s. 14.2015(2)(f)~~14.2015(2)(h)~~.

16  
17 Reviser's note.--Paragraph (6)(c) is amended to  
18 improve clarity. Paragraph (6)(e) is amended  
19 to conform to the redesignation of subunits of  
20 s. 14.2015(2) by s. 3, ch. 97-278, Laws of  
21 Florida.

22  
23 Section 66. Subsection (6) of section 288.1169,  
24 Florida Statutes, is amended to read:

25 288.1169 International Game Fish Association World  
26 Center facility; department duties.--

27 (6) The Department of Commerce must recertify every 10  
28 years that the facility is open, that the International Game  
29 Fish Association World Center continues to be the only  
30 international administrative headquarters, fishing museum, and  
31 Hall of Fame in the United States recognized by the

1 International Game Fish Association, and that the project is  
2 meeting the minimum projections for attendance or sales tax  
3 revenues as required at the time of original certification.  
4 If the facility is not recertified during this 10-year review  
5 as meeting the minimum projections, then funding will be  
6 abated until certification criteria are met. If the project  
7 fails to generate \$1 million of annual revenues pursuant to  
8 paragraph (2)(e), the distribution of revenues pursuant to s.  
9 212.20(6)(f)5.c.~~212.20(6)(g)5.c.~~ shall be reduced to an  
10 amount equal to \$83,333 multiplied by a fraction, the  
11 numerator of which is the actual revenues generated and the  
12 denominator of which is \$1 million. Such reduction shall  
13 remain in effect until revenues generated by the project in a  
14 12-month period equal or exceed \$1 million.

15

16 Reviser's note.--Amended to conform to the  
17 redesignation of s. 212.20(6)(g)5.c., as  
18 enacted by s. 1, ch. 96-415, Laws of Florida,  
19 necessitated by the repeal of former s.  
20 212.20(6)(c) by s. 23, ch. 96-397, Laws of  
21 Florida.

22

23 Section 67. Paragraph (b) of subsection (3) of section  
24 288.1185, Florida Statutes, is amended to read:

25 288.1185 Recycling Markets Advisory Committee.--

26 (3)

27 (b) ~~Within 60 days of May 12, 1993, and~~ Whenever it is  
28 necessary to change the designee, the head of each agency  
29 shall notify the Governor in writing of the person designated  
30 as the recycling market development liaison for such agency.

31

1 Reviser's note.--Amended to delete a provision  
2 that has served its purpose.

3  
4 Section 68. Section 288.770, Florida Statutes, is  
5 amended to read:

6 288.770 Short title.--Sections 288.771-288.778  
7 ~~288.771-288.779~~ may be cited as the "Florida Export Finance  
8 Corporation Act."

9  
10 Reviser's note.--Amended to conform to the  
11 repeal of s. 288.779 by s. 154, ch. 96-320,  
12 Laws of Florida.

13  
14 Section 69. Paragraph (a) of subsection (1) of section  
15 288.776, Florida Statutes, is amended to read:

16 288.776 Board of directors; powers and duties.--

17 (1)(a) The corporation shall have a board of directors  
18 consisting of 15 members representing all geographic areas of  
19 the state. Minority and gender representation must be  
20 considered when making appointments to the board. The board  
21 membership must include:

22 1. A representative of the following businesses, all  
23 of which must be registered to do business in this state: a  
24 foreign bank, a state bank, a federal bank, an insurance  
25 company involved in covering trade financing risks, and a  
26 small or medium-sized exporter.

27 2. The following persons or their designee: the  
28 President of Enterprise Florida, Inc., the Comptroller, the  
29 Secretary of State, a senior official of the United States  
30 Department of Commerce, and the chair of the Florida Black  
31 Business Investment Board.

1 Reviser's note.--Amended to conform to the  
2 title of the Florida Black Business Investment  
3 Board as created in s. 288.707.  
4

5 Section 70. Subsection (5) of section 288.853, Florida  
6 Statutes, is amended to read:

7 288.853 International sanctions against Castro  
8 government.--

9 (5) Furthermore, contingent upon annual appropriation,  
10 to the extent covered by the report submitted by the President  
11 according to s. 108 of the Cuban Liberty and Democratic  
12 Solidarity Act of 1996 ~~1966~~, and until such time as the  
13 President submits a determination under s. 203(c)(1) of the  
14 Cuban Liberty and Democratic Solidarity Act of 1996, the  
15 Governor shall submit an annual report to the President of the  
16 Senate and the Speaker of the House of Representatives on  
17 assistance to and commerce with Cuba by citizens and legal  
18 residents of Florida. Each report shall contain:

19 (a) Identification of Cuba's trading partners and the  
20 extent of such trade.

21 (b) A description of joint ventures completed or under  
22 consideration by foreign nationals and business firms located  
23 in or doing business in Florida involving facilities in Cuba.

24 (c) A determination as to whether any facilities are  
25 claimed by a citizen of Florida.

26 (d) Steps taken to assure that raw materials and  
27 semifinished or finished goods produced by facilities in Cuba  
28 involving Cuban and/or foreign nationals or businesses are not  
29 entering the Florida market.  
30  
31

1 Reviser's note.--Amended to conform to the  
2 correct title of the Cuban Liberty and  
3 Democratic Solidarity Act of 1996 as provided  
4 in Pub. L. No. 104-114.  
5

6 Section 71. Subsection (6) of section 288.905, Florida  
7 Statutes, is amended to read:

8 288.905 Duties of the board of directors of Enterprise  
9 Florida, Inc.--

10 (6) Any employee leased by Enterprise Florida, Inc.,  
11 from the state, or any employee who derives his or her ~~their~~  
12 salary from funds appropriated by the Legislature, may not  
13 receive a pay raise or bonus in excess of a pay raise or bonus  
14 that is received by similarly situated state employees.  
15 However, this subsection does not prohibit the payment of a  
16 pay raise or bonus from funds received from sources other than  
17 the Florida Legislature.

18  
19 Reviser's note.--Amended to improve clarity and  
20 facilitate correct interpretation.  
21

22 Section 72. Paragraph (b) of subsection (2) of section  
23 288.9512, Florida Statutes, is amended to read:

24 288.9512 Technology development board; creation;  
25 purpose; membership.--

26 (2) The board shall be governed by a board of  
27 directors. The board of directors shall consist of the  
28 following members:

29 (b) The executive director of the Florida State  
30 Community College System or the executive director's designee.  
31

1 Reviser's note.--Amended to conform to the  
2 redesignation of the State Community College  
3 System as the Florida Community College System  
4 by s. 15, ch. 98-58, Laws of Florida.

5  
6 Section 73. Paragraph (f) of subsection (2) of section  
7 288.9605, Florida Statutes, 1998 Supplement, is amended to  
8 read:

9 288.9605 Exercise of powers by the corporation.--  
10 (2) The corporation is authorized and empowered to:  
11 (f) Issue, from time to time, revenue bonds,  
12 including, but not limited to, bonds the interest on which is  
13 exempt from federal income taxation, for the purpose of  
14 financing and refinancing any capital projects for applicants  
15 and exercise all powers in connection with the authorization,  
16 issuance, and sale of bonds, subject to the provisions of s.  
17 288.9606 ~~section 6~~.

18  
19 Reviser's note.--Amended to facilitate correct  
20 interpretation. The reference to section 6  
21 appears to have been erroneously retained from  
22 C.S. for H.B. 2263, 1993, when that material  
23 was incorporated into C.S. for S.B. 2382, 1993,  
24 which became ch. 93-187, Laws of Florida. The  
25 referenced material is codified as s. 288.9606.

26  
27 Section 74. Paragraph (a) of subsection (7) of section  
28 288.9607, Florida Statutes, is amended to read:

29 288.9607 Guaranty of bond issues.--  
30 (7)(a) The corporation is authorized to enter into an  
31 investment agreement with the Department of Transportation and

1 the State Board of Administration concerning the investment of  
2 the earnings accrued and collected upon the investment of the  
3 minimum balance of funds required to be maintained in the  
4 State Transportation Trust Fund pursuant to s. 339.135(6)(b)  
5 ~~339.135(7)(b)~~. Such investment shall be limited as follows:

6 1. Not more than \$4 million of the investment earnings  
7 earned on the investment of the minimum balance of the State  
8 Transportation Trust Fund in a fiscal year shall be at risk at  
9 any time on one or more bonds or series of bonds issued by the  
10 corporation.

11 2. The investment earnings shall not be used to  
12 guarantee any bonds issued after June 30, 1998, and in no  
13 event shall the investment earnings be used to guarantee any  
14 bond issued for a maturity longer than 15 years.

15 3. The corporation shall pay a reasonable fee, set by  
16 the State Board of Administration, in return for the  
17 investment of such funds. The fee shall not be less than the  
18 comparable rate for similar investments in terms of size and  
19 risk.

20 4. The proceeds of bonds, or portions thereof, issued  
21 by the corporation for which a guaranty has been or will be  
22 issued pursuant to s. 288.9606, s. 288.9608, or this section  
23 used to make loans to any one person, including any related  
24 interests, as defined in s. 658.48, of such person, shall not  
25 exceed 20 percent of the principal of all such outstanding  
26 bonds of the corporation issued prior to the first composite  
27 bond issue of the corporation, or December 31, 1995, whichever  
28 comes first, and shall not exceed 15 percent of the principal  
29 of all such outstanding bonds of the corporation issued  
30 thereafter, in each case determined as of the date of issuance  
31 of the bonds for which such determination is being made and



1 taking into account the principal amount of such bonds to be  
 2 issued. The provisions of this subparagraph shall not apply  
 3 when the total amount of all such outstanding bonds issued by  
 4 the corporation is less than \$10 million. For the purpose of  
 5 calculating the limits imposed by the provisions of this  
 6 subparagraph, the first \$10 million of bonds issued by the  
 7 corporation shall be taken into account.

8           5. The corporation shall establish a debt service  
 9 reserve account which contains not less than 6 months' debt  
 10 service reserves from the proceeds of the sale of any bonds,  
 11 or portions thereof, guaranteed by the corporation.

12           6. The corporation shall establish an account known as  
 13 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.  
 14 The corporation shall deposit a sum of money or other cash  
 15 equivalents into this fund and maintain a balance of money or  
 16 cash equivalents in this fund, from sources other than the  
 17 investment of earnings accrued and collected upon the  
 18 investment of the minimum balance of funds required to be  
 19 maintained in the State Transportation Trust Fund, not less  
 20 than a sum equal to 1 year of maximum debt service on all  
 21 outstanding bonds, or portions thereof, of the corporation for  
 22 which a guaranty has been issued pursuant to ss. 288.9606,  
 23 288.9607, and 288.9608. In the event the corporation fails to  
 24 maintain the balance required pursuant to this subparagraph  
 25 for any reason other than a default on a bond issue of the  
 26 corporation guaranteed pursuant to this section or because of  
 27 the use by the corporation of any such funds to pay insurance,  
 28 maintenance, or other costs which may be required for the  
 29 preservation of any project or other collateral security for  
 30 any bond issued by the corporation, or to otherwise protect  
 31 the Revenue Bond Guaranty Reserve Account from loss while the

1 applicant is in default on amortization payments, or to  
2 minimize losses to the reserve account in each case in such  
3 manner as may be deemed necessary or advisable by the  
4 corporation, the corporation shall immediately notify the  
5 Department of Transportation of such deficiency. Any  
6 supplemental funding authorized by an investment agreement  
7 entered into with the Department of Transportation and the  
8 State Board of Administration concerning the use of investment  
9 earnings of the minimum balance of funds is void unless such  
10 deficiency of funds is cured by the corporation within 90 days  
11 after the corporation has notified the Department of  
12 Transportation of such deficiency.

13

14 The corporation shall include, as part of the annual report  
15 prepared pursuant to s. 288.9610, a detailed report concerning  
16 the use of guaranteed bond proceeds for loans guaranteed or  
17 issued pursuant to any agreement with the Florida Black  
18 Business Investment Board, including the percentage of such  
19 loans guaranteed or issued and the total volume of such loans  
20 guaranteed or issued.

21

22 Reviser's note.--Amended to facilitate correct  
23 interpretation. Material relating to the  
24 minimum balance to be maintained in the State  
25 Transportation Trust Fund is in s.  
26 339.135(6)(b).

27

28 Section 75. Paragraph (f) of subsection (3) of section  
29 288.9620, Florida Statutes, as amended by section 112 of  
30 chapter 96-320, Laws of Florida, is amended to read:

31

288.9620 Workforce development board.--

1           (3) The workforce development board shall be governed  
2 by a board of directors. The board of directors is to consist  
3 of the following members:

4           (f) The executive director of the Florida State  
5 Community College System or the executive director's designee.

6  
7           Reviser's note.--Amended to conform to the  
8 redesignation of the State Community College  
9 System as the Florida Community College System  
10 by s. 15, ch. 98-58, Laws of Florida.

11  
12           Section 76. Subsection (2) of section 290.0058,  
13 Florida Statutes, is amended to read:

14           290.0058 Tests of pervasive poverty, unemployment, and  
15 general distress.--

16           (2) Pervasive poverty shall be evidenced by a showing  
17 that poverty is widespread throughout the nominated area. The  
18 poverty rate of the nominated area shall be established using  
19 the following criteria:

20           (a) In each census geographic block group within a  
21 nominated area, the poverty rate shall be not less than 20  
22 percent.

23           (b) In at least 50 percent of the census geographic  
24 block groups within the nominated area, the poverty rate shall  
25 not be less than 30 percent.

26           (c) Census geographic block groups with no population  
27 shall be treated as having a poverty rate which meets the  
28 standards of paragraph (a), but shall be treated as having a  
29 zero poverty rate for purposes of applying paragraph (b).

30  
31

1 (d) A nominated area may not contain a noncontiguous  
2 parcel unless such parcel separately meets the criteria set  
3 forth under paragraphs (a) and (b).

4  
5 ~~For purposes of this subsection, pervasive poverty within a~~  
6 ~~noncontiguous area of an enterprise zone containing two or~~  
7 ~~more noncontiguous areas that was nominated by a county and~~  
8 ~~one or more municipalities together shall be presumed within~~  
9 ~~the noncontiguous area if such area encompasses only one~~  
10 ~~municipality and has fewer than three contiguous census~~  
11 ~~geographic block groups, provided at least one such group has~~  
12 ~~a poverty level of more than 20 percent. The provisions of~~  
13 ~~this paragraph shall stand repealed on July 1, 1997.~~

14  
15 Reviser's note.--The flush left language in  
16 subsection (2) was expressly repealed by s.  
17 123, ch. 96-320, Laws of Florida, effective  
18 July 1, 1997. Since the language was not  
19 repealed by a "current session" of the  
20 Legislature, it may be omitted from the Florida  
21 Statutes 1999 only through a reviser's bill  
22 duly enacted by the Legislature. See s.  
23 11.242(5)(b) and (i).

24  
25 Section 77. Subsection (10) of section 290.0065,  
26 Florida Statutes, 1998 Supplement, is amended to read:  
27 290.0065 State designation of enterprise zones.--  
28 (10) The Office of Tourism, Trade, and Economic  
29 Development may amend the boundaries of any enterprise zone  
30 designated by the state pursuant to this section, consistent  
31 with the categories, criteria, and limitations imposed in this

1 section upon the establishment of such enterprise zone and  
2 only if consistent with the determinations made in s.  
3 290.0058(2)~~290.0058(2)(e)~~.

4  
5 Reviser's note.--Amended to improve clarity and  
6 facilitate correct interpretation. Section  
7 290.0058(2)(e) does not exist.

8  
9 Section 78. Subsection (1) of section 290.009, Florida  
10 Statutes, is amended to read:

11 290.009 Enterprise Zone Interagency Coordinating  
12 Council.--

13 (1) There is created within the Office of Tourism,  
14 Trade, and Economic Development the Enterprise Zone  
15 Interagency Coordinating Council. The council shall be  
16 composed of the secretaries or executive directors, or their  
17 designees, of the Department of Community Affairs, the Office  
18 of Tourism, Trade, and Economic Development, the Department of  
19 Health and Rehabilitative Services, the Department of Labor  
20 and Employment Security, the Department of State, the  
21 Department of Transportation, the Department of Environmental  
22 Protection, the Department of Law Enforcement, and the  
23 Department of Revenue; the Attorney General or his or her  
24 designee; and the executive directors or their designees of  
25 the Florida ~~State~~ Community College System, the Florida Black  
26 Business Investment Board, and the Florida State Rural  
27 Development Council.

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 79. Paragraph (a) of subsection (4) of section  
5 295.07, Florida Statutes, 1998 Supplement, is amended to read:

6 295.07 Preference in appointment and retention.--

7 (4) The following positions are exempt from this  
8 section:

9 (a) Those positions that are exempt from the state  
10 Career Service System under s. 110.205(2); however, all  
11 positions under the University Support Personnel System of the  
12 State University System as well as all Career Service System  
13 positions under the Florida ~~State~~ Community College System and  
14 the School for the Deaf and the Blind are included.

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

20  
21 Section 80. Section 295.085, Florida Statutes, 1998  
22 Supplement, is amended to read:

23 295.085 Positions for which a numerically based  
24 selection process is not used.--In all positions in which the  
25 appointment or employment of persons is not subject to a  
26 written examination, with the exception of positions that are  
27 exempt under s. 295.07(4)~~295.07(2)~~, first preference in  
28 appointment, employment, and retention shall be given by the  
29 state and political subdivisions in the state to persons  
30 included under s. 295.07(1)(a) and (b), and second preference  
31 shall be given to persons included under s. 295.07(1)(c) and

1 (d) who possess the minimum qualifications necessary to  
2 discharge the duties of the position involved.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of s. 295.07(2) as s. 295.07(4)  
6 by s. 2, ch. 98-33, Laws of Florida.

7  
8 Section 81. Paragraph (a) of subsection (1) of section  
9 295.09, Florida Statutes, is amended to read:

10 295.09 Reinstatement or reemployment; promotion  
11 preference.--

12 (1)(a) When an employee of the state or any of its  
13 political subdivisions employed in a position subject or not  
14 subject to a career service system or other merit-type system,  
15 with the exception of those positions which are exempt  
16 pursuant to s. 295.07(4)~~295.07(2)~~, has served in the Armed  
17 Forces of the United States and is discharged or separated  
18 therefrom with an honorable discharge, the state or its  
19 political subdivision shall reemploy or reinstate such person  
20 to the same position that he or she held prior to such service  
21 in the armed forces, or to an equivalent position, provided  
22 such person returns to the position within 1 year of his or  
23 her date of separation or, in cases of extended active duty,  
24 within 1 year of the date of discharge or separation  
25 subsequent to the extension. Such person shall also be awarded  
26 preference in promotion and shall be promoted ahead of all  
27 others who are as well qualified or less qualified for the  
28 position. When an examination for promotion is utilized, such  
29 person shall be awarded preference points, as provided in s.  
30 295.08, and shall be promoted ahead of all those who appear in  
31 an equal or lesser position on the promotional register,

1 provided he or she first successfully passes the examination  
2 for the promotional position.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of s. 295.07(2) as s. 295.07(4)  
6 by s. 2, ch. 98-33, Laws of Florida.

7  
8 Section 82. Subsection (2) of section 295.11, Florida  
9 Statutes, 1998 Supplement, is reenacted to read:

10 295.11 Investigation; administrative hearing for not  
11 employing preferred applicant.--

12 (2) Upon completion of the investigation, the  
13 department shall furnish a copy of the investigative findings  
14 to the complainant and to the agency involved.

15  
16 Reviser's note.--Section 6, ch. 98-33, Laws of  
17 Florida, purported to amend s. 295.11, but  
18 failed to publish subsection (2). In the  
19 absence of affirmative evidence that the  
20 Legislature intended to repeal the subsection,  
21 coupled with the fact that the form of the  
22 amendment affirmatively evidences an intent to  
23 preserve the existing subsection structure,  
24 subsection (2) is reenacted to confirm that the  
25 omission was not intended.

26  
27 Section 83. Subsection (1) of section 295.14, Florida  
28 Statutes, 1998 Supplement, is amended to read:

29 295.14 Penalties.--

30 (1) When the Public Employees Relations Commission,  
31 after a hearing on notice conducted according to rules adopted



1 by the commission, determines that a violation of s. 295.07,  
2 s. 295.08, s. 295.085 ~~295.085(1)~~, or s. 295.09(1)(a) or (b)  
3 has occurred and sustains the veteran seeking redress, the  
4 commission shall order the offending agency, employee, or  
5 officer of the state to comply with the provisions of s.  
6 295.07, s. 295.08, s. 295.085 ~~295.085(1)~~, or s. 295.09(1)(a)  
7 or (b); and, in the event of a violation of s. 295.07, s.  
8 295.08, s. 295.085 ~~295.085(1)~~ or s. 295.09(1)(a) or (b), the  
9 commission may issue an order to compensate the veteran for  
10 the loss of any wages and reasonable attorney's fees for  
11 actual hours worked, and costs of all work, including  
12 litigation, incurred as a result of such violation, which  
13 order shall be conclusive on the agency, employee, or officer  
14 concerned. The attorney's fees and costs may not exceed  
15 \$10,000. The action of the commission shall be in writing and  
16 shall be served on the parties concerned by certified mail  
17 with return receipt requested.

18

19 Reviser's note.--Amended to conform to the  
20 elimination of subunit designations in s.  
21 295.085 following the repeal of s. 295.085(2)  
22 by s. 4, ch. 98-33, Laws of Florida.

23

24 Section 84. Subsection (6) of section 296.33, Florida  
25 Statutes, is amended to read:

26 296.33 Definitions.--When used in this part, unless  
27 the context clearly indicates otherwise, the term:

28 (6) "Veterans' Nursing Home of Florida," hereinafter  
29 referred to as the "home," means a licensed health care  
30 facility operated by the department pursuant to the provisions  
31 of part II ~~†~~ of chapter 400.

1 Reviser's note.--Amended to conform to the  
2 redesignation of part I of chapter 400 as part  
3 II incident to the compilation of ch. 93-177,  
4 Laws of Florida.

5  
6 Section 85. Subsection (8) of section 298.225, Florida  
7 Statutes, 1998 Supplement, is amended to read:

8 298.225 Water control plan; plan development and  
9 amendment.--

10 (8) If the preparation of a water control plan or  
11 amendment under this section does not result in revision of  
12 the district's current plan or require the alteration or  
13 increase of any levy of assessments or taxes beyond the  
14 maximum amount previously authorized by general law, special  
15 law, or judicial proceeding, a change in the use of said  
16 assessments or taxes, or substantial change to district  
17 facilities, the provisions of s. 298.301(2)-(9) do not apply  
18 to the plan adoption process. This section and s. 298.301  
19 ~~298.301(1)-(9)~~ do not apply to minor, insubstantial amendments  
20 to district plans authorized by special law.

21  
22 Reviser's note.--Amended to conform to the fact  
23 that s. 298.301 only has nine subsections.

24  
25 Section 86. Subsection (69) of section 316.003,  
26 Florida Statutes, 1998 Supplement, is amended to read:

27 316.003 Definitions.--The following words and phrases,  
28 when used in this chapter, shall have the meanings  
29 respectively ascribed to them in this section, except where  
30 the context otherwise requires:

31

1           (69) HAZARDOUS MATERIAL.--Any substance or material  
2 which has been determined by the secretary of the United  
3 States Department of Transportation to be capable of imposing  
4 an unreasonable risk to health, safety, and property. This  
5 term includes hazardous waste as defined in s. 403.703(21)  
6 ~~403.703(23)~~.

7  
8           Reviser's note.--Amended to conform to the  
9 redesignation of s. 403.703(23) as s.  
10 403.703(21) to conform to the repeal of former  
11 ss. 403.703(18) and (19) by s. 8, ch. 93-207,  
12 Laws of Florida.

13  
14           Section 87. Subsection (3) of section 316.072, Florida  
15 Statutes, is amended to read:

16           316.072 Obedience to and effect of traffic laws.--

17           (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT  
18 OFFICIALS.--It is unlawful and a misdemeanor of the second  
19 degree, punishable as provided in s. 775.082 or s. 775.083,  
20 for any person willfully to fail or refuse to comply with any  
21 lawful order or direction of any law enforcement officer,  
22 traffic accident investigation officer as described in s.  
23 316.640, traffic infraction enforcement officer as described  
24 in s. 316.640 ~~318.141~~, or member of the fire department at the  
25 scene of a fire, rescue operation, or other emergency.  
26 Notwithstanding the provisions of this subsection, certified  
27 emergency medical technicians or paramedics may respond to the  
28 scene of emergencies and may provide emergency medical  
29 treatment on the scene and provide transport of patients in  
30 the performance of their duties for an emergency medical  
31

1 services provider licensed under chapter 401 and in accordance  
2 with any local emergency medical response protocols.

3  
4 Reviser's note.--Amended to conform to the  
5 repeal of s. 318.141 by s. 44, ch. 96-350, Laws  
6 of Florida, and the addition of a description  
7 of traffic infraction enforcement officers to  
8 s. 316.640 by s. 37, ch. 96-350.

9  
10 Section 88. Subsection (3) of section 316.0747,  
11 Florida Statutes, is amended to read:

12 316.0747 Sale or purchase of traffic control devices  
13 by nongovernmental entities; prohibitions.--

14 (3) Nongovernmental entities to which the general  
15 public is invited to travel shall install and maintain uniform  
16 traffic control devices at appropriate locations pursuant to  
17 the standards set forth by the Manual on Uniform Traffic  
18 Control Devices as adopted by the Department of Transportation  
19 pursuant to s. 316.0745. ~~Such traffic control devices shall~~  
20 ~~be installed no later than January 1, 1992.~~ Businesses the  
21 parking lots of which do not provide intersecting lanes of  
22 traffic and businesses having fewer than 25 parking spaces are  
23 exempt from the provisions of this subsection. The Department  
24 of Transportation shall adopt rules to implement this section.

25  
26 Reviser's note.--Amended to delete a provision  
27 that has served its purpose.

28  
29 Section 89. Paragraph (a) of subsection (10) of  
30 section 316.1955, Florida Statutes, 1998 Supplement, is  
31 amended to read:

1           316.1955 Parking spaces for persons who have  
2 disabilities.--

3           (10)(a) A vehicle that is transporting a person who  
4 has a disability and that has been granted a permit under s.  
5 320.0848(1)(e)~~320.0848(1)(d)~~ may be parked for a maximum of  
6 30 minutes in any parking space reserved for persons who have  
7 disabilities.

8  
9           Reviser's note.--Amended to conform to the  
10 redesignation of s. 320.0848(1)(d) as s.  
11 320.0848(1)(e) by s. 7, ch. 98-202, Laws of  
12 Florida.

13  
14           Section 90. Subsection (2) of section 316.2126,  
15 Florida Statutes, is amended to read:

16           316.2126 Use of golf carts by certain  
17 municipalities.--In addition to the powers granted by ss.  
18 316.212 and 316.2125, municipalities older than 400 years old  
19 are hereby authorized to utilize golf carts, as defined in s.  
20 320.01, upon any state, county, or municipal roads located  
21 within the corporate limits of such municipalities, subject to  
22 the following conditions:

23           (2) In addition to the safety equipment required in s.  
24 316.212(5)~~316.212(6)~~, such golf carts must be equipped with  
25 sufficient lighting and turn signal equipment.

26  
27           Reviser's note.--Amended to conform to the  
28 redesignation of s. 316.212(6) as s. 316.212(5)  
29 by s. 4, ch. 96-413, Laws of Florida.

1 Section 91. Section 316.2399, Florida Statutes, is  
2 amended to read:

3 316.2399 Special warning lights for buses or  
4 taxicabs.--The provisions of s. 316.2397(7) ~~316.2397(6)~~to  
5 the contrary notwithstanding, a bus or taxicab may be equipped  
6 with two flashing devices for the purpose of warning the  
7 operators of other vehicles and law enforcement agents that an  
8 emergency situation exists within the bus or taxicab. Such  
9 devices shall be capable of activation by the operator of the  
10 bus or taxicab and shall be of a type approved by the  
11 Department of Highway Safety and Motor Vehicles. Such devices  
12 shall be mounted one at the front and one at the rear of the  
13 bus or taxicab and shall display flashing red lights which  
14 shine on the roadway under the vehicle.

15  
16 Reviser's note.--Amended to conform to the  
17 redesignation of s. 316.2397(6) as s.  
18 316.2397(7) by s. 58, ch. 93-164, Laws of  
19 Florida.

20  
21 Section 92. Paragraph (f) of subsection (2) of section  
22 316.302, Florida Statutes, 1998 Supplement, is amended to  
23 read:

24 316.302 Commercial motor vehicles; safety regulations;  
25 transporters and shippers of hazardous materials;  
26 enforcement.--

27 (2)

28 (f) A person who operates a commercial motor vehicle  
29 having a declared gross vehicle weight of less than 26,000  
30 pounds solely in intrastate commerce and who is not  
31 transporting hazardous materials, or who is transporting

1 petroleum products as defined in s. 376.301(31)~~376.301(29)~~,  
2 is exempt from subsection (1). However, such person must  
3 comply with 49 C.F.R. parts 382, 392, 393, and 49 C.F.R. s.  
4 396.9.

5  
6 Reviser's note.--Amended to facilitate correct  
7 interpretation. "Petroleum product" is defined  
8 in s. 376.301(31).

9  
10 Section 93. Subsection (5) of section 318.13, Florida  
11 Statutes, is amended to read:

12 318.13 Definitions.--The following words and phrases,  
13 when used in this chapter, shall have the meanings  
14 respectively ascribed to them in this section, except where  
15 the context otherwise requires:

16 (5) "Officer" means any law enforcement officer  
17 charged with and acting under his or her authority to arrest  
18 persons suspected of, or known to be, violating statutes or  
19 ordinances regulating traffic or the operation or equipment of  
20 vehicles. "Officer" includes any individual employed by a  
21 sheriff's department or the police department of a chartered  
22 municipality who is acting as a traffic infraction enforcement  
23 officer as provided in s. 316.640 ~~318.141~~.

24  
25 Reviser's note.--Amended to conform to the  
26 repeal of s. 318.141 by s. 44, ch. 96-350, Laws  
27 of Florida, and the addition of a description  
28 of traffic infraction enforcement officers to  
29 s. 316.640 by s. 37, ch. 96-350.

1           Section 94. Subsections (1), (4), and (9) of section  
2 318.14, Florida Statutes, are amended to read:

3           318.14 Noncriminal traffic infractions; exception;  
4 procedures.--

5           (1) Except as provided in ss. 318.17 and 320.07(3)(c)  
6 ~~320.07(3)(b)~~, any person cited for a violation of s. 240.265,  
7 chapter 316, s. 320.0605 ~~320.0605(1)~~, s. 320.07(3)(a), s.  
8 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.1615(4)  
9 ~~322.161(4)~~, or s. 322.19 is charged with a noncriminal  
10 infraction and must be cited for such an infraction and cited  
11 to appear before an official. If another person dies as a  
12 result of the noncriminal infraction, the person cited may be  
13 required to perform 120 community service hours under s.  
14 316.027(4), in addition to any other penalties.

15           (4) Any person charged with a noncriminal infraction  
16 under this section who does not elect to appear shall pay the  
17 civil penalty and delinquent fee, if applicable, either by  
18 mail or in person, within 30 days of the date of receiving the  
19 citation. If the person cited follows the above procedure, he  
20 or she shall be deemed to have admitted the infraction and to  
21 have waived his or her right to a hearing on the issue of  
22 commission of the infraction. Such admission shall not be  
23 used as evidence in any other proceedings. Any person who is  
24 cited for a violation of s. 320.0605 ~~320.0605(1)~~ or s.  
25 322.15(1), or subject to a penalty under s. 320.07(3)(a) or s.  
26 322.065, and who makes an election under this subsection shall  
27 submit proof of compliance with the applicable section to the  
28 clerk of the court. For the purposes of this subsection, proof  
29 of compliance consists of a valid driver's license or a valid  
30 registration certificate.

31



1           (9) Any person who is cited for an infraction under  
 2 this section other than a violation of s. 320.0605  
 3 ~~320.0605(1)~~, s. 320.07(3)(a), s. 322.065, s. 322.15(1), s.  
 4 322.61, or s. 322.62 may, in lieu of a court appearance, elect  
 5 to attend in the location of his or her choice within this  
 6 state a basic driver improvement course approved by the  
 7 Department of Highway Safety and Motor Vehicles. In such a  
 8 case, adjudication must be withheld; points, as provided by s.  
 9 322.27, may not be assessed; and the civil penalty that is  
 10 imposed by s. 318.18(3) must be reduced by 18 percent;  
 11 however, a person may not make an election under this  
 12 subsection if the person has made an election under this  
 13 subsection in the preceding 12 months. A person may make no  
 14 more than five elections under this subsection. The  
 15 requirement for community service under s. 318.18(7) is not  
 16 waived by a plea of nolo contendere or by the withholding of  
 17 adjudication of guilt by a court.

18  
 19           Reviser's note.--Subsection (1) is amended to  
 20 conform to the redesignation of s. 320.07(3)(b)  
 21 as s. 320.07(3)(c) by s. 7, ch. 98-223, Laws of  
 22 Florida; the deletion of subunits from s.  
 23 320.0605 to conform to the repeal of former s.  
 24 320.0605(2) by s. 50, ch. 96-350, Laws of  
 25 Florida; and the redesignation of the  
 26 referenced s. 322.161(4) as s. 322.1615(4) by  
 27 the reviser incident to the compilation of the  
 28 1996 Supplement to the Florida Statutes 1995.  
 29 Subsections (4) and (9) are amended to conform  
 30 to the deletion of subunits from s. 320.0605 by  
 31 s. 50, ch. 96-350.

1           Section 95. Subsections (4) and (5) of section 318.21,  
2 Florida Statutes, 1998 Supplement, are amended to read:

3           318.21 Disposition of civil penalties by county  
4 courts.--All civil penalties received by a county court  
5 pursuant to the provisions of this chapter shall be  
6 distributed and paid monthly as follows:

7           (4) Of the additional fine assessed under s.  
8 318.18(3)(e)~~318.18(3)(d)~~ for a violation of s. 316.1301, 40  
9 percent must be deposited into the Grants and Donations Trust  
10 Fund of the Division of Blind Services of the Department of  
11 Labor and Employment Security, and 60 percent must be  
12 distributed pursuant to subsections (1) and (2) of this  
13 section.

14           (5) Of the additional fine assessed under s.  
15 318.18(3)(e)~~318.18(3)(d)~~ for a violation of s. 316.1303, 60  
16 percent must be deposited into the endowment fund for the  
17 Florida Endowment Foundation for Vocational Rehabilitation,  
18 and 40 percent must be distributed pursuant to subsections (1)  
19 and (2) of this section.

20  
21           Reviser's note.--Amended to conform to the  
22 redesignation of s. 318.18(3)(d) as s.  
23 318.18(3)(e) by s. 6, ch. 98-223, Laws of  
24 Florida.

25  
26           Section 96. Paragraph (d) of subsection (1) of section  
27 319.33, Florida Statutes, is amended to read:

28           319.33 Offenses involving vehicle identification  
29 numbers, applications, certificates, papers; penalty.--

30           (1) It is unlawful:  
31

1 (d) To possess, sell or offer for sale, conceal, or  
2 dispose of in this state a motor vehicle or mobile home, or  
3 major component part thereof, on which the motor number or  
4 vehicle identification number has been destroyed, removed,  
5 covered, altered, or defaced, with knowledge of such  
6 destruction, removal, covering, alteration, or defacement,  
7 except as provided in s. 319.30(4)~~319.30(3)~~.

8  
9 Reviser's note.--Amended to conform to the  
10 redesignation of s. 319.30(3) as s. 319.30(4)  
11 by s. 4, ch. 90-283, Laws of Florida.  
12

13 Section 97. Subsections (7) and (8) of section 320.03,  
14 Florida Statutes, 1998 Supplement, are amended to read:

15 320.03 Registration; duties of tax collectors;  
16 International Registration Plan.--

17 (7) The Department of Highway Safety and Motor  
18 Vehicles shall register apportioned motor vehicles under the  
19 provisions of the International Registration Plan.  
20 ~~Implementation of the plan shall occur by July 1, 1986, for~~  
21 ~~the 1986-1987 registration period.~~ The department may adopt  
22 rules to implement and enforce the provisions of the plan.

23 (8) If the applicant's name appears on the list  
24 referred to in s. 316.1001(4)~~316.1001(5)~~ or s. 316.1967(6), a  
25 license plate or revalidation sticker may not be issued until  
26 that person's name no longer appears on the list or until the  
27 person presents a receipt from the clerk showing that the  
28 fines outstanding have been paid. The tax collector and the  
29 clerk of the court are each entitled to receive monthly, as  
30 costs for implementing and administering this subsection, 10  
31 percent of the civil penalties and fines recovered from such

1 persons. If the tax collector has private tag agents, such tag  
 2 agents are entitled to receive a pro rata share of the amount  
 3 paid to the tax collector, based upon the percentage of  
 4 license plates and revalidation stickers issued by the tag  
 5 agent compared to the total issued within the county. The  
 6 authority of any private agent to issue license plates shall  
 7 be revoked, after notice and a hearing as provided in chapter  
 8 120, if he or she issues any license plate or revalidation  
 9 sticker contrary to the provisions of this subsection. This  
 10 section applies only to the annual renewal in the owner's  
 11 birth month of a motor vehicle registration and does not apply  
 12 to the transfer of a registration of a motor vehicle sold by a  
 13 motor vehicle dealer licensed under this chapter, except for  
 14 the transfer of registrations which is inclusive of the annual  
 15 renewals. This section does not affect the issuance of the  
 16 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

17  
 18 Reviser's note.--Subsection (7) is amended to  
 19 delete a provision that has served its purpose.  
 20 Subsection (8) is amended to conform to the  
 21 redesignation of s. 316.1001(5) as s.  
 22 316.1001(4) by s. 15, ch. 96-350, Laws of  
 23 Florida.

24  
 25 Section 98. Subsection (1) of section 320.055, Florida  
 26 Statutes, is amended to read:

27 320.055 Registration periods; renewal periods.--The  
 28 following registration periods and renewal periods are  
 29 established:

30 (1) For a motor vehicle subject to registration under  
 31 s. 320.08(1), (2), (3)~~(a), (b), (c), (d), or (e)~~, (5)(b), (c),

1 (d), or ~~(f)(e)~~, (6)(a), (7), (8), (9), or (10) and owned by a  
2 natural person, the registration period begins the first day  
3 of the birth month of the owner and ends the last day of the  
4 month immediately preceding the owner's birth month in the  
5 succeeding year. If such vehicle is registered in the name of  
6 more than one person, the birth month of the person whose name  
7 first appears on the registration shall be used to determine  
8 the registration period. For a vehicle subject to this  
9 registration period, the renewal period is the 30-day period  
10 ending at midnight on the vehicle owner's date of birth.

11

12 Reviser's note.--Amended to conform to the fact  
13 that s. 320.08(3) only contains paragraphs  
14 (a)-(e) and the redesignation of s.  
15 320.08(5)(e) as s. 320.08(5)(f) by s. 5, ch.  
16 97-58, Laws of Florida.

17

18 Section 99. Subsection (7) of section 320.08056,  
19 Florida Statutes, 1998 Supplement, is amended to read:

20 320.08056 Specialty license plates.--

21 (7) The department shall annually retain from the  
22 first proceeds derived from the annual use fees collected an  
23 amount sufficient to defray each specialty plate's pro rata  
24 share of the department's costs directly related to issuing  
25 the specialty plate. Such costs shall include distribution  
26 costs, direct costs to the department, and any applicable  
27 increased costs of manufacturing the specialty ~~speciality~~  
28 license plate. ~~Beginning in the 1995-1996 fiscal year,~~ Any  
29 cost increase to the department related to actual cost of the  
30 plate, including a reasonable vendor profit, shall be verified  
31 by the Department of Management Services. The balance of the

1 proceeds from the annual use fees collected for that specialty  
2 license plate shall be distributed as provided by law.

3  
4 Reviser's note.--Amended to conform to  
5 terminology elsewhere in the section and to  
6 delete a provision that has served its purpose.

7  
8 Section 100. Paragraph (b) of subsection (1) of  
9 section 320.08058, Florida Statutes, 1998 Supplement, is  
10 amended to read:

11 320.08058 Specialty license plates.--

12 (1) MANATEE LICENSE PLATES.--

13 (b)~~1~~. The manatee license plate annual use fee must be  
14 deposited into the Save the Manatee Trust Fund, created within  
15 the Department of Environmental Protection. The funds  
16 deposited in the Save the Manatee Trust Fund may be used only  
17 for environmental education; manatee research; facilities, as  
18 provided in s. 370.12(4)(b)~~370.12(5)(b)~~; and manatee  
19 protection and recovery.

20 ~~2. For fiscal year 1996-1997, 25 percent of the~~  
21 ~~manatee license plate annual use fee must be deposited into~~  
22 ~~the Save the Manatee Trust Fund within the Department of~~  
23 ~~Environmental Protection and shall be used for manatee~~  
24 ~~facilities as provided in s. 370.12(5)(b).~~

25  
26 Reviser's note.--Amended to conform to the  
27 redesignation s. 370.12(5)(b) as s.  
28 370.12(4)(b) necessitated by the repeal of  
29 former s. 370.12(4) by s. 17, ch. 98-227, Laws  
30 of Florida, and to delete obsolete language

1           pertaining to the manatee license plate annual  
2           use fee for fiscal year 1996-1997.

3  
4           Section 101. Effective July 1, 1999, paragraph (b) of  
5 subsection (1) of section 320.08058, Florida Statutes, 1998  
6 Supplement, is amended to read:

7           320.08058 Specialty license plates.--

8           (1) MANATEE LICENSE PLATES.--

9           (b) The manatee license plate annual use fee must be  
10 deposited into the Save the Manatee Trust Fund, created within  
11 the Department of Environmental Protection. The funds  
12 deposited in the Save the Manatee Trust Fund may be used only  
13 for manatee-related environmental education; manatee research;  
14 facilities, as provided in s. 370.12(4)(b)~~370.12(5)(b)~~; and  
15 manatee protection and recovery.

16  
17           Reviser's note.--Amended to conform to the  
18 redesignation of s. 370.12(5)(b) as s.  
19 370.12(4)(b) necessitated by the repeal of  
20 former s. 370.12(4) by s. 17, ch. 98-227, Laws  
21 of Florida.

22  
23           Section 102. Paragraph (c) of subsection (2) of  
24 section 320.0848, Florida Statutes, 1998 Supplement, is  
25 amended and subsections (9) and (10) of that section are  
26 reenacted to read:

27           320.0848 Persons who have disabilities; issuance of  
28 disabled parking permits; temporary permits; permits for  
29 certain providers of transportation services to persons who  
30 have disabilities.--

31

1 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
2 MOBILITY PROBLEMS.--

3 (c)1. Except as provided in subparagraph 2., the fee  
4 for a disabled parking permit shall be:

5 a. Fifteen dollars for each initial 4-year permit or  
6 renewal permit, of which the State Transportation Trust Fund  
7 shall receive \$13.50 and the tax collector of the county in  
8 which the fee was collected shall receive \$1.50.

9 b. One dollar for each additional or additional  
10 renewal 4-year permit, of which the State Transportation Trust  
11 Fund shall receive all funds collected.

12  
13 The department shall not issue an additional disabled parking  
14 permit unless the applicant states that they are a frequent  
15 traveler or a quadriplegic. The department may not issue to  
16 any one eligible applicant more than two disabled parking  
17 permits except to an organization in accordance with paragraph  
18 (1)(e)~~(1)(d)~~. Subsections (1), (5), (6), and (7) apply to  
19 this subsection.

20 2. If an applicant who is a disabled veteran, is a  
21 resident of this state, has been honorably discharged, and  
22 either has been determined by the Department of Defense or the  
23 United States Department of Veterans Affairs or its  
24 predecessor to have a service-connected disability rating for  
25 compensation of 50 percent or greater or has been determined  
26 to have a service-connected disability rating of 50 percent or  
27 greater and is in receipt of both disability retirement pay  
28 from the United States Department of Veterans Affairs and has  
29 a signed physician's statement of qualification for the  
30 disabled parking permits, the fee for a disabled parking  
31 permit shall be:



1 a. One dollar and fifty cents for the initial 4-year  
2 permit or renewal permit.

3 b. One dollar for each additional or additional  
4 renewal 4-year permit.

5  
6 The tax collector of the county in which the fee was collected  
7 shall retain all funds received pursuant to this subparagraph.

8 3. If an applicant presents to the department a  
9 statement from the Federal Government or the State of Florida  
10 indicating the applicant is a recipient of supplemental  
11 security income, the fee for the disabled parking permit shall  
12 be \$9 for the initial 4-year permit or renewal permit, of  
13 which the State Transportation Trust Fund shall receive \$6.75  
14 and the tax collector of the county in which the fee was  
15 collected shall receive \$2.25.

16 (9) A violation of this section is grounds for  
17 disciplinary action under s. 458.331, s. 459.015, s. 460.413,  
18 or s. 461.013, as applicable.

19 (10) The Department of Highway Safety and Motor  
20 Vehicles shall adopt rules to administer this section.

21  
22 Reviser's note.--Paragraph (2)(c) is amended to  
23 conform to the redesignation of paragraph  
24 (1)(d) as (1)(e) by s. 7, ch. 98-202, Laws of  
25 Florida. Section 7, ch. 98-202, purported to  
26 amend s. 320.0848, but failed to publish  
27 subsections (9) and (10). In the absence of  
28 affirmative evidence that the Legislature  
29 intended to repeal subsections (9) and (10),  
30 they are reenacted to confirm that the omission  
31 was not intended.

1 Section 103. Section 320.1325, Florida Statutes, is  
2 amended to read:

3 320.1325 Registration required for the temporarily  
4 employed.--Motor vehicles owned or leased by persons who are  
5 temporarily employed within the state but are not residents  
6 are required to be registered. The department shall provide a  
7 temporary registration plate and a registration certificate  
8 valid for 90 days to an applicant who is temporarily employed  
9 in the state. The temporary registration plate may be renewed  
10 one time for an additional 90-day period. At the end of the  
11 180-day period of temporary registration, the applicant shall  
12 apply for a permanent registration if there is a further need  
13 to remain in this state. A temporary license registration  
14 plate may not be issued for any commercial motor vehicle as  
15 defined in s. 320.01. The fee for the 90-day temporary  
16 registration plate shall be \$40 plus the applicable service  
17 charge required by s. 320.04. Subsequent permanent  
18 registration and titling of a vehicle registered hereunder  
19 shall subject the applicant to the fees required by s. ss.  
20 ~~319.231~~ and 320.072, in addition to all other taxes and fees  
21 required.

22  
23 Reviser's note.--Amended to conform to the  
24 repeal of s. 319.231 by s. 9, ch. 95-140, Laws  
25 of Florida.

26  
27 Section 104. Subsection (2) of section 320.20, Florida  
28 Statutes, is reenacted to read:

29 320.20 Disposition of license tax moneys.--The revenue  
30 derived from the registration of motor vehicles, including any  
31 delinquent fees and excluding those revenues collected and

1 distributed under the provisions of s. 320.081, must be  
2 distributed monthly, as collected, as follows:

3 (2) Twenty-five million dollars per year of such  
4 revenues must be deposited in the State Transportation Trust  
5 Fund, with priority use assigned to completion of the  
6 interstate highway system. However, any excess funds may be  
7 utilized for general transportation purposes, consistent with  
8 the Department of Transportation's legislatively approved  
9 objectives. Prior to such utilization, the department's  
10 comptroller shall certify that adequate funds are available to  
11 assure expeditious completion of the interstate highway system  
12 and to award all such contracts by 1990.

13  
14 Reviser's note.--Section 136, ch. 96-320, Laws  
15 of Florida, purported to amend s. 320.20, but  
16 did not set out in full subsection (2) to  
17 include the part of the last sentence that  
18 reads "completion of the interstate highway  
19 system and to award all such contracts by  
20 1990." Absent affirmative evidence that the  
21 Legislature intended to repeal this language,  
22 it is reenacted to confirm that the omission  
23 was not intended.

24  
25 Section 105. Subsection (2) of section 322.12, Florida  
26 Statutes, is amended to read:

27 322.12 Examination of applicants.--

28 (2) The department shall examine every applicant for a  
29 driver's license, including an applicant who is licensed in  
30 another state or country, except as otherwise provided in this  
31 chapter. A person who holds a learner's driver's license as

1 provided for in s. 322.1615 ~~322.161~~ is not required to pay a  
 2 fee for successfully completing the examination showing his or  
 3 her ability to operate a motor vehicle as provided for herein  
 4 and need not pay the fee for a replacement license as provided  
 5 in s. 322.17(2). Any person who applies for reinstatement  
 6 following the suspension or revocation of his or her driver's  
 7 license shall pay a service fee of \$25 following a suspension,  
 8 and \$50 following a revocation, which is in addition to the  
 9 fee for a license. Any person who applies for reinstatement of  
 10 a commercial driver's license following the disqualification  
 11 of his or her privilege to operate a commercial motor vehicle  
 12 shall pay a service fee of \$50, which is in addition to the  
 13 fee for a license. The department shall collect all of these  
 14 fees at the time of reinstatement. The department shall issue  
 15 proper receipts for such fees and shall promptly transmit all  
 16 funds received by it as follows:

17 (a) Of the \$25 fee received from a licensee for  
 18 reinstatement following a suspension, the department shall  
 19 deposit \$15 in the General Revenue Fund and the remaining \$10  
 20 in the Highway Safety Operating Trust Fund.

21 (b) Of the \$50 fee received from a licensee for  
 22 reinstatement following a revocation or disqualification, the  
 23 department shall deposit \$35 in the General Revenue Fund and  
 24 the remaining \$15 in the Highway Safety Operating Trust Fund.

25  
 26 If the revocation or suspension of the driver's license was  
 27 for a violation of s. 316.193, or for refusal to submit to a  
 28 lawful breath, blood, or urine test, an additional fee of \$105  
 29 must be charged. However, only one such \$105 fee is to be  
 30 collected from one person convicted of such violations arising  
 31 out of the same incident. The department shall collect the

1 \$105 fee and deposit it into the Highway Safety Operating  
2 Trust Fund at the time of reinstatement of the person's  
3 driver's license, but the fee must not be collected if the  
4 suspension or revocation was overturned.

5  
6 Reviser's note.--Amended to conform to the  
7 redesignation of the referenced s. 322.161 as  
8 s. 322.1615 by the reviser incident to the  
9 compilation of the 1996 Supplement to the  
10 Florida Statutes 1995. Another s. 322.161 was  
11 created by s. 28, ch. 96-413, Laws of Florida.

12  
13 Section 106. Paragraph (a) of subsection (3) of  
14 section 322.121, Florida Statutes, is amended to read:

15 322.121 Periodic reexamination of all drivers.--

16 (3) For each licensee whose driving record does not  
17 show any revocations, disqualifications, or suspensions for  
18 the preceding 7 years or any convictions for the preceding 3  
19 years except for convictions of the following nonmoving  
20 violations:

21 (a) Failure to exhibit a vehicle registration  
22 certificate, rental agreement, or cab card pursuant to s.  
23 320.0605 ~~320.0605(1)~~;

24  
25 the department shall cause such licensee's license to be  
26 prominently marked with the notation "Safe Driver."

27  
28 Reviser's note.--Amended to conform to the  
29 deletion of subunits from s. 320.0605 following  
30 the repeal of former s. 320.0605(2) by s. 50,  
31 ch. 96-350, Laws of Florida.

1           Section 107. Subsection (1) and paragraph (f) of  
2 subsection (2) of section 322.292, Florida Statutes, are  
3 amended to read:

4           322.292 DUI programs supervision; powers and duties of  
5 the department.--

6           (1) The Department of Highway Safety and Motor  
7 Vehicles shall license and regulate all DUI programs, which  
8 regulation shall include the certification of instructors,  
9 evaluators, clinical supervisors, and evaluator supervisors.  
10 The department shall, after consultation with the chief judge  
11 of the affected judicial circuit, establish requirements  
12 regarding the number of programs to be offered within a  
13 judicial circuit. Such requirements shall address the number  
14 of clients currently served in the circuit as well as  
15 improvements in service that may be derived from operation of  
16 an additional DUI program. DUI education and evaluation  
17 services are exempt from licensure under chapter ~~chapters 396~~  
18 ~~and 397~~. However, treatment programs must continue to be  
19 licensed under chapter ~~chapters 396 and 397~~.

20           (2) The department shall adopt rules to implement its  
21 supervisory authority over DUI programs in accordance with the  
22 procedures of chapter 120, including the establishment of  
23 uniform standards of operation for DUI programs and the method  
24 for setting and approving fees, as follows:

25           (f) The department shall oversee an ongoing evaluation  
26 to assess the effectiveness of the DUI programs. This  
27 evaluation shall be performed by an independent group and  
28 shall evaluate the curriculum, client treatment referrals,  
29 recidivism rates, and any other relevant matters. ~~The~~  
30 ~~department shall report to the Legislature by January 1, 1995,~~  
31 ~~on the status of the evaluation, including its design and~~

1 ~~schedule for completion.~~The department may use funds received  
2 under s. 322.293 to retain the services and reimburse expenses  
3 of such private persons or professional consultants as are  
4 required for monitoring and evaluating DUI programs.

5  
6 Reviser's note.--Subsection (1) is amended to  
7 conform to the repeal of the provisions of  
8 chapter 396 by s. 48, ch. 93-39, Laws of  
9 Florida. Paragraph (2)(f) is amended to delete  
10 a provision that has served its purpose.

11  
12 Section 108. Paragraph (b) of subsection (6) of  
13 section 322.34, Florida Statutes, 1998 Supplement, is amended  
14 to read:

15 322.34 Driving while license suspended, revoked,  
16 canceled, or disqualified.--

17 (6) Any person who operates a motor vehicle:

18 (b) While his or her driver's license or driving  
19 privilege is canceled, suspended, or revoked pursuant to s.  
20 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (6)  
21 ~~(5)~~,

22  
23 and who by careless or negligent operation of the motor  
24 vehicle causes the death of or serious bodily injury to  
25 another human being is guilty of a felony of the third degree,  
26 punishable as provided in s. 775.082 or s. 775.083.

27  
28 Reviser's note.--Amended to conform to the  
29 redesignation of s. 322.28(5) as s. 322.28(6)  
30 by s. 10, ch. 98-223, Laws of Florida.

1           Section 109. Paragraph (b) of subsection (1) of  
2 section 322.57, Florida Statutes, is amended to read:

3           322.57 Tests of knowledge concerning specified  
4 vehicles; endorsement; nonresidents; violations.--

5           (1) In addition to fulfilling any other driver's  
6 licensing requirements of this chapter, a person who:

7           (b) Drives a passenger vehicle must successfully  
8 complete a test of his or her knowledge concerning the safe  
9 operation of such vehicles and a test of his or her driving  
10 skill in such a vehicle. ~~However, if such a person satisfies~~  
11 ~~the requirements of s. 322.55(1)-(3), he or she is exempt from~~  
12 ~~the test of his or her driving skills.~~

13  
14           Reviser's note.--Amended to conform to the  
15 repeal of s. 322.55 by s. 14, ch. 95-247, Laws  
16 of Florida, and s. 67, ch. 95-333, Laws of  
17 Florida.

18  
19           Section 110. Paragraph (a) of subsection (4) of  
20 section 323.001, Florida Statutes, 1998 Supplement, is amended  
21 to read:

22           323.001 Wrecker operator storage facilities; vehicle  
23 holds.--

24           (4) The requirements for a written hold apply when the  
25 following conditions are present:

26           (a) The officer has probable cause to believe the  
27 vehicle should be seized and forfeited under the Florida  
28 Contraband Forfeiture Act, ss. 932.701-932.707  
29 ~~932.701-932.704~~;



1 Reviser's note.--Amended to conform to the  
2 correct citation of the Florida Contraband  
3 Forfeiture Act.  
4

5 Section 111. Subsections (3) and (12) of section  
6 325.202, Florida Statutes, are amended to read:

7 325.202 Definitions.--As used in this act, the term:

8 (3) "Dealer certificate" means an inspection  
9 certificate issued to a motor vehicle dealer, motor vehicle  
10 broker as defined in s. 320.27 ~~320.07~~, mobile home dealer as  
11 defined in s. 320.77, or recreational vehicle dealer as  
12 defined in s. 320.771, indicating that a motor vehicle has  
13 passed an emissions inspection, which grants the dealer or  
14 broker 12 months in which to sell at retail the identified  
15 motor vehicle owned by the dealer or broker.

16 (12) "Reinspection facility" means any motor vehicle  
17 repair shop as defined in s. 559.903(7) ~~559.903(2)~~ which has  
18 been licensed by the department pursuant to the provisions of  
19 s. 325.212.  
20

21 Reviser's note.--Subsection (3) is amended to  
22 conform to the correct citation to the  
23 referenced definition. Subsection (12) is  
24 amended to conform to the redesignation of s.  
25 559.903(2) as s. 559.903(7) by s. 3, ch.  
26 93-219, Laws of Florida.  
27

28 Section 112. Subsection (2) of section 325.212,  
29 Florida Statutes, is amended to read:

30 325.212 Reinspections; reinspection facilities; rules;  
31 minority business participation.--

1           (2) Any motor vehicle repair shop, as defined in s.  
2 559.903(7)~~559.903(2)~~, may apply to the department, on a form  
3 approved by the department, to be licensed as a reinspection  
4 facility to reinspect motor vehicles which fail to pass  
5 inspections required by this act.

6  
7           Reviser's note.--Amended to conform to the  
8 redesignation of s. 559.903(2) as s. 559.903(7)  
9 by s. 3, ch. 93-219, Laws of Florida.

10  
11           Section 113. Subsection (11) and paragraph (c) of  
12 subsection (12) of section 327.25, Florida Statutes, are  
13 amended to read:

14           327.25 Classification; registration; fees and charges;  
15 surcharge; disposition of fees; fines; marine turtle  
16 stickers.--

17           (11) VOLUNTARY CONTRIBUTIONS.--The application form  
18 for boat registration shall include a provision to allow each  
19 applicant to indicate a desire to pay an additional voluntary  
20 contribution to the Save the Manatee Trust Fund for manatee  
21 and marine mammal research, protection, recovery, rescue,  
22 rehabilitation, and release. This contribution shall be in  
23 addition to all other fees and charges. The amount of the  
24 request for a voluntary contribution solicited shall be ~~\$1 per~~  
25 ~~registrant. Beginning with boat registration in fiscal year~~  
26 ~~1992-1993, the request for a voluntary contribution solicited~~  
27 ~~shall be~~ \$2 or \$5 per registrant. A registrant who provides a  
28 voluntary contribution of \$5 or more shall be given a sticker  
29 or emblem by the tax collector to display, which signifies  
30 support for the Save the Manatee Trust Fund. All voluntary  
31 contributions shall be deposited in the Save the Manatee Trust

1 Fund for use according to this subsection. The first \$2 of  
2 voluntary contribution by a vessel registrant shall be  
3 available for the manatee protection and recovery effort  
4 pursuant to s. 370.12(4)(a)~~370.12(5)(a)~~. Any additional  
5 amount of voluntary contribution by a vessel registrant shall  
6 also be for the purpose of the manatee protection and recovery  
7 effort, except that any voluntary contribution in excess of  
8 the first \$2 voluntary contribution by a vessel registrant but  
9 not exceeding \$2 shall be available for manatee rehabilitation  
10 by those facilities approved to rescue, rehabilitate, and  
11 release manatees pursuant to s. 370.12(4)(b)~~370.12(5)(b)~~. The  
12 form shall also include language permitting a voluntary  
13 contribution of \$5 per applicant, which contribution shall be  
14 transferred into the Election Campaign Financing Trust Fund.  
15 A statement providing an explanation of the purpose of the  
16 trust fund shall also be included.

17 (12) REGISTRATION.--

18 (c) ~~Effective July 1, 1996,~~The following registration  
19 periods and renewal periods are established:

20 1. For vessels owned by individuals, the registration  
21 period begins the first day of the birth month of the owner  
22 and ends the last day of the month immediately preceding the  
23 owner's birth month in the succeeding year. If the vessel is  
24 registered in the name of more than one person, the birth  
25 month of the person whose name first appears on the  
26 registration shall be used to determine the registration  
27 period. For a vessel subject to this registration period, the  
28 renewal period is the 30-day period ending at midnight on the  
29 vessel owner's date of birth.

30 2. For vessels owned by companies, corporations,  
31 governmental entities, those entities listed under subsection

1 (15)~~(11)~~, and registrations issued to dealers and  
2 manufacturers, the registration period begins July 1 and ends  
3 June 30. The renewal period is the 30-day period beginning  
4 June 1.

5  
6 Reviser's note.--Subsection (11) is amended to  
7 delete provisions that have served their  
8 purpose and to conform to the redesignation of  
9 s. 370.12(5) as s. 370.12(4) necessitated by  
10 the repeal of former s. 370.12(4) by s. 17, ch.  
11 98-227, Laws of Florida. Paragraph (12)(c) is  
12 amended to delete a provision that has served  
13 its purpose and to conform to the redesignation  
14 of subsection (11) as subsection (15) by s. 54,  
15 ch. 95-333, Laws of Florida.

16  
17 Section 114. Paragraphs (a) and (b) of subsection (1)  
18 of section 327.28, Florida Statutes, are amended to read:

19 327.28 Marine Resources Conservation Trust Fund;  
20 vessel registration funds; appropriation and distribution.--

21 (1) Except as otherwise specified and less any  
22 administrative costs, all funds collected from the  
23 registration of vessels through the Department of Highway  
24 Safety and Motor Vehicles and the tax collectors of the state  
25 shall be deposited in the Marine Resources Conservation Trust  
26 Fund for recreational channel marking; public launching  
27 facilities; law enforcement and quality control programs;  
28 aquatic weed control; manatee protection, recovery, rescue,  
29 rehabilitation, and release; and marine mammal protection and  
30 recovery. The funds collected pursuant to s. 327.25(1) shall  
31 be transferred as follows:

1 (a) In each fiscal year, an amount equal to \$1 for  
2 each vessel registered in this state shall be transferred to  
3 the Save the Manatee Trust Fund for manatee and marine mammal  
4 research, protection, and recovery in accordance with the  
5 provisions of s. 370.12(4)(a)~~370.12(5)(a)~~.

6 (b) In addition, in each fiscal year, an amount equal  
7 to 50 cents for each vessel registered in this state shall be  
8 transferred to the Save the Manatee Trust Fund in accordance  
9 with the provisions of s. 370.12(4)(b)~~370.12(5)(b)~~ for use by  
10 those facilities approved to rescue, rehabilitate, and release  
11 manatees as authorized pursuant to the Fish and Wildlife  
12 Service of the United States Department of the Interior.

13  
14 Reviser's note.--Amended to conform to the  
15 redesignation of s. 370.12(5) as s. 370.12(4)  
16 necessitated by the repeal of former s.  
17 370.12(4) by s. 17, ch. 98-227, Laws of  
18 Florida.

19  
20 Section 115. Subsection (1) of section 328.17, Florida  
21 Statutes, is reenacted to read:

22 328.17 Nonjudicial sale of vessels.--

23 (1) It is the intent of the Legislature that any  
24 nonjudicial sale of any unclaimed vessel held for unpaid costs  
25 of repairs, improvements, or other work and related storage  
26 charges, or any vessel held for failure to pay removal costs  
27 pursuant to s. 327.53(7), or any undocumented vessel in  
28 default of marina storage fees be disposed of pursuant to the  
29 provisions of this section.

1 Reviser's note.--Section 61, ch. 95-333, Laws  
2 of Florida, purported to amend subsection (1)  
3 of s. 328.17, but did not publish it. In the  
4 absence of affirmative evidence that the  
5 Legislature intended to repeal the subsection,  
6 coupled with the fact that the form of the  
7 amendment affirmatively evidences an intent to  
8 preserve the existing subsection structure,  
9 subsection (1) is reenacted to confirm that the  
10 omission was not intended.

11  
12 Section 116. Subsection (16) of section 331.303,  
13 Florida Statutes, is amended to read:

14 331.303 Definitions.--

15 (16) "Project" means any development, improvement,  
16 property, launch, utility, facility, system, works, road,  
17 sidewalk, enterprise, service, or convenience, which may  
18 include coordination with Enterprise Florida, Inc.~~the Florida~~  
19 ~~High Technology and Industry Council~~, the Board of Regents,  
20 and the Space Research Foundation; any rocket, capsule,  
21 module, launch facility, assembly facility, operations or  
22 control facility, tracking facility, administrative facility,  
23 or any other type of space-related transportation vehicle,  
24 station, or facility; any type of equipment or instrument to  
25 be used or useful in connection with any of the foregoing; any  
26 type of intellectual property and intellectual property  
27 protection in connection with any of the foregoing including,  
28 without limitation, any patent, copyright, trademark, and  
29 service mark for, among other things, computer software; any  
30 water, wastewater, gas, or electric utility system, plant, or  
31 distribution or collection system; any small business

1 incubator initiative, including any startup aerospace company,  
2 research and development company, research and development  
3 facility, storage facility, and consulting service; or any  
4 tourism initiative, including any space experience attraction,  
5 space-launch-related activity, and space museum sponsored or  
6 promoted by the authority.

7  
8 Reviser's note.--Amended to conform to the  
9 abolition of the Florida High Technology and  
10 Industry Council and the assumption of its  
11 obligations by the Department of Commerce  
12 according to s. 12, ch. 93-187, Laws of  
13 Florida, and the repeal of s. 20.17, creating  
14 the Department of Commerce and the  
15 reorganization of the functions formerly  
16 performed by it, by ch. 96-320, Laws of  
17 Florida.

18  
19 Section 117. Subsection (4) of section 331.305,  
20 Florida Statutes, is amended to read:

21 331.305 Powers of the authority.--The authority shall  
22 have the power to:

23 (4) Review and make recommendations with respect to a  
24 strategy to guide and facilitate the future of space-related  
25 educational and commercial development. The authority shall  
26 in coordination with the Federal Government, private industry,  
27 and Florida universities develop a business plan which shall  
28 address the expansion of Spaceport Florida locations, space  
29 launch capacity, spaceport projects, and complementary  
30 activities, which shall include, but not be limited to, a  
31 detailed analysis of:

- 1 (a) The authority and the commercial space industry.  
2 (b) Products, services description--potential,  
3 technologies, skills.  
4 (c) Market research and evaluation--customers,  
5 competition, economics.  
6 (d) Marketing plan and strategy.  
7 (e) Design and development plan--tasks, difficulties,  
8 costs.  
9 (f) Manufacturing locations, facilities, and  
10 operations plan.  
11 (g) Management organization--roles and  
12 responsibilities.  
13 (h) Overall schedule (monthly).  
14 (i) Important risks, assumptions, and problems.  
15 (j) Community impact--economic, human development,  
16 community development.  
17 (k) Financial plan (monthly for first year; quarterly  
18 for next 3 years).  
19 (l) Proposed authority offering--financing,  
20 capitalization, use of funds.  
21  
22 ~~A final report containing the recommendations and business~~  
23 ~~plan of the authority shall be completed and submitted prior~~  
24 ~~to the 1990 Regular Session of the Legislature, along with any~~  
25 ~~proposed statutory changes and related legislative budget~~  
26 ~~requests required to implement the business plan, to the~~  
27 ~~Governor, the President of the Senate, the Speaker of the~~  
28 ~~House of Representatives, the minority leader of the Senate,~~  
29 ~~and the minority leader of the House of Representatives.~~  
30  
31



1 Reviser's note.--Amended to delete a provision  
2 that has served its purpose.

3  
4 Section 118. Subsection (2) of section 331.308,  
5 Florida Statutes, is amended to read:

6 331.308 Board of supervisors.--

7 (2) ~~Initially, the Governor shall appoint four regular~~  
8 ~~members for terms of 3 years or until successors are appointed~~  
9 ~~and qualified and three regular members for terms of 4 years~~  
10 ~~or until successors are appointed and qualified. Thereafter,~~  
11 Each such member shall serve a term of 4 years or until a  
12 successor is appointed and qualified. The term of each such  
13 member shall be construed to commence on the date of  
14 appointment and to terminate on June 30 of the year of the end  
15 of the term. ~~The terms for such members initially appointed~~  
16 ~~shall be construed to include the time between initial~~  
17 ~~appointment and June 30, 1992, for those appointed for 3-year~~  
18 ~~terms, and June 30, 1993, for those appointed for 4-year~~  
19 ~~terms. No such member shall be allowed to serve an initial~~  
20 ~~3-year term or fill any vacancy for the remainder of a term~~  
21 ~~for less than 4 years. Appointment to the board shall not~~  
22 preclude any such member from holding any other private or  
23 public position.

24  
25 Reviser's note.--Amended to delete provisions  
26 that have served their purpose.

27  
28 Section 119. Paragraph (d) of subsection (25) of  
29 section 334.03, Florida Statutes, is amended to read:

30 334.03 Definitions.--When used in the Florida  
31 Transportation Code, the term:

1 (25) "State Highway System" means the following, which  
2 shall be facilities to which access is regulated:

3 (d) The urban minor arterial mileage on the existing  
4 State Highway System as of July 1, 1987, plus additional  
5 mileage to comply with the 2-percent requirement as described  
6 below. ~~These urban minor arterial routes shall be selected in~~  
7 ~~accordance with s. 335.04(1)(a) and (b).~~

8  
9 However, not less than 2 percent of the public road mileage of  
10 each urbanized area on record as of June 30, 1986, shall be  
11 included as minor arterials in the State Highway System.  
12 Urbanized areas not meeting the foregoing minimum requirement  
13 shall have transferred to the State Highway System additional  
14 minor arterials of the highest significance in which case the  
15 total minor arterials in the State Highway System from any  
16 urbanized area shall not exceed 2.5 percent of that area's  
17 total public urban road mileage.

18  
19 Reviser's note.--Amended to conform to the  
20 repeal of s. 335.04 by s. 35, ch. 95-257, Laws  
21 of Florida.

22  
23 Section 120. Section 336.01, Florida Statutes, is  
24 amended to read:

25 336.01 Designation of county road system.--The county  
26 road system shall be as defined in s. 334.03(8)~~334.03(7)~~.

27  
28 Reviser's note.--Amended to conform to the  
29 redesignation of s. 334.03(7) as s. 334.03(8)  
30 by s. 2, ch. 93-164, Laws of Florida.

1 Section 121. Section 337.023, Florida Statutes, is  
2 amended to read:

3 337.023 Sale of building; acceptance of replacement  
4 building.--Notwithstanding the provisions of s. 216.292(5)(b)  
5 ~~216.292(4)(b)~~, if the department sells a building, the  
6 department may accept the construction of a replacement  
7 building, in response to a request for proposals, totally or  
8 partially in lieu of cash, and may do so without a specific  
9 legislative appropriation. Such action is subject to the  
10 approval of the Executive Office of the Governor, and is  
11 subject to the notice, review, and objection procedures under  
12 s. 216.177. The replacement building shall be consistent with  
13 the current and projected needs of the department as agreed  
14 upon by the department and the Department of Management  
15 Services.

16  
17 Reviser's note.--Amended to conform to the  
18 redesignation of s. 216.292(4)(b) as s.  
19 216.292(5)(b) by s. 9, ch. 98-73, Laws of  
20 Florida.

21  
22 Section 122. Subsection (2) of section 337.407,  
23 Florida Statutes, is amended to read:

24 337.407 Regulation of signs and lights within  
25 rights-of-way.--

26 (2) The department has the authority to direct removal  
27 of any sign erected in violation of subsection (1)~~paragraph~~  
28 ~~(a)~~, in accordance with the provisions of chapter 479.

29  
30 Reviser's note.--Amended to conform to the  
31 redesignation of subunits of s. 337.407

1           necessitated by the repeal of former subsection  
2           (2) by s. 62, ch. 94-237, Laws of Florida.

3  
4           Section 123. Section 338.22, Florida Statutes, is  
5 amended to read:

6           338.22 Florida Turnpike Law; short title.--Sections  
7 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida  
8 Turnpike Law."

9  
10          Reviser's note.--Amended to conform to the  
11 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
12 of Florida.

13  
14          Section 124. Section 338.221, Florida Statutes, is  
15 amended to read:

16          338.221 Definitions of terms used in ss.  
17 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241  
18 ~~338.22-338.244~~, the following words and terms have the  
19 following meanings, unless the context indicates another or  
20 different meaning or intent:

21           (1) "Bonds" or "revenue bonds" means notes, bonds,  
22 refunding bonds or other evidences of indebtedness or  
23 obligations, in either temporary or definitive form, issued by  
24 the Division of Bond Finance on behalf of the department and  
25 authorized under the provisions of ss. 338.22-338.241  
26 ~~338.22-338.244~~ and the State Bond Act.

27           (2) "Cost," as applied to a turnpike project, includes  
28 the cost of acquisition of all land, rights-of-way, property,  
29 easements, and interests acquired by the department for  
30 turnpike project construction; the cost of such construction;  
31 the cost of all machinery and equipment, financing charges,

1 fees, and expenses related to the financing; establishment of  
2 reserves to secure bonds; interest prior to and during  
3 construction and for such period after completion of  
4 construction as shall be determined by the department; the  
5 cost of traffic estimates and of engineering and legal  
6 expenses, plans, specifications, surveys, estimates of cost  
7 and revenues; other expenses necessary or incident to  
8 determining the feasibility or practicability of acquiring or  
9 constructing any such turnpike project; administrative  
10 expenses; and such other expenses as may be necessary or  
11 incident to the acquisition or construction of a turnpike  
12 project, the financing of such acquisition or construction,  
13 and the placing of the turnpike project in operation.

14 (3) "Feeder road" means any road no more than 5 miles  
15 in length, connecting to the turnpike system which the  
16 department determines is necessary to create or facilitate  
17 access to a turnpike project.

18 (4) "Owner" includes any person or any governmental  
19 entity that has title to, or an interest in, any property,  
20 right, easement, or interest authorized to be acquired  
21 pursuant to ss. 338.22-338.241 ~~338.22-338.244~~.

22 (5) "Revenues" means all tolls, charges, rentals,  
23 gifts, grants, moneys, and other funds coming into the  
24 possession, or under the control, of the department by virtue  
25 of the provisions hereof, except the proceeds from the sale of  
26 bonds issued under ss. 338.22-338.241 ~~338.22-338.244~~.

27 (6) "Turnpike system" means those limited access toll  
28 highways and associated feeder roads and other structures,  
29 appurtenances, or rights previously designated, acquired, or  
30 constructed pursuant to the Florida Turnpike Law and such  
31

1 other additional turnpike projects as may be acquired or  
2 constructed as approved by the Legislature.

3 (7) "Turnpike improvement" means any betterment  
4 necessary or desirable for the operation of the turnpike  
5 system, including, but not limited to, widenings, the addition  
6 of interchanges to the existing turnpike system, resurfacings,  
7 toll plazas, machinery, and equipment.

8 (8) "Economically feasible" means:

9 (a) For a proposed turnpike project, that, as  
10 determined by the department before the issuance of revenue  
11 bonds for the project, the estimated net revenues of the  
12 proposed turnpike project, excluding feeder roads and turnpike  
13 improvements, will be sufficient to pay at least 50 percent of  
14 the debt service on the bonds by the end of the 5th year of  
15 operation and to pay at least 100 percent of the debt service  
16 on the bonds by the end of the 15th year of operation. In  
17 implementing this paragraph ~~subparagraph~~, up to 50 percent of  
18 the adopted work program costs of the project may be funded  
19 from turnpike revenues.

20 (b) For turnpike projects, except for feeder roads and  
21 turnpike improvements, financed from revenues of the turnpike  
22 system, such project, or such group of projects, originally  
23 financed from revenues of the turnpike system, that the  
24 project is expected to generate sufficient revenues to  
25 amortize project costs within 15 years of opening to traffic.

26  
27 This subsection does not prohibit the pledging of revenues  
28 from the entire turnpike system to bonds issued to finance or  
29 refinance a turnpike project or group of turnpike projects.

30 (9) "Turnpike project" means any extension to or  
31 expansion of the existing turnpike system and new limited

1 access toll highways and associated feeder roads and other  
2 structures, interchanges, appurtenances, or rights as may be  
3 approved in accordance with the Florida Turnpike Law.

4 (10) "Statement of environmental feasibility" means a  
5 statement by the Department of Environmental Protection of the  
6 project's significant environmental impacts.

7  
8 Reviser's note.--The introductory paragraph and  
9 subsections (1), (4), and (5) are amended to  
10 conform to the repeal of s. 338.244 by s. 8,  
11 ch. 94-237, Laws of Florida. Paragraph (8)(a)  
12 is amended to conform to the correct citation  
13 to the referenced material.

14  
15 Section 125. Subsection (2) of section 338.222,  
16 Florida Statutes, is amended to read:

17 338.222 Department of Transportation sole governmental  
18 entity to acquire, construct, or operate turnpike projects;  
19 exception.--

20 (2) The department may contract with any local  
21 governmental entity as defined in s. 334.03(14)~~334.03(13)~~ for  
22 the design, right-of-way acquisition, or construction of any  
23 turnpike project which the Legislature has approved. Local  
24 governmental entities may negotiate with the department for  
25 the design, right-of-way acquisition, and construction of any  
26 section of the turnpike project within areas of their  
27 respective jurisdictions or within counties with which they  
28 have interlocal agreements.

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 334.03(13) as s. 334.03(14)  
3 by s. 2, ch. 93-164, Laws of Florida.  
4

5 Section 126. Paragraph (b) of subsection (1) and  
6 subsection (3) of section 338.223, Florida Statutes, are  
7 amended to read:

8 338.223 Proposed turnpike projects.--

9 (1)

10 (b) Any proposed turnpike project or improvement shall  
11 be developed in accordance with the Florida Transportation  
12 Plan and the work program pursuant to s. 339.135. Turnpike  
13 projects that add capacity, alter access, affect feeder roads,  
14 or affect the operation of the local transportation system  
15 shall be included in the transportation improvement plan of  
16 the affected metropolitan planning organization. If such  
17 turnpike project does not fall within the jurisdiction of a  
18 metropolitan planning organization, the department shall  
19 notify the affected county and provide for public hearings in  
20 accordance with s. 339.155(6)(c)~~339.155(7)(c)~~.

21  
22 After a review of the department's report and any public  
23 comments, the Department of Environmental Protection shall  
24 submit a statement of environmental feasibility to the  
25 department within 30 days after the date on which public  
26 comments are due. The notice and the statement of  
27 environmental feasibility shall not give rise to any rights to  
28 a hearing or other rights or remedies provided pursuant to  
29 chapter 120 or chapter 403, and shall not bind the Department  
30 of Environmental Protection in any subsequent environmental  
31 permit review.



1 (3) All obligations and expenses incurred by the  
2 department under this section shall be paid by the department  
3 and charged to the appropriate turnpike project. The  
4 department shall keep proper records and accounts showing each  
5 amount that is so charged. All obligations and expenses so  
6 incurred shall be treated as part of the cost of such project  
7 and shall be reimbursed to the department out of turnpike  
8 revenues or out of the bonds authorized under ss.  
9 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement  
10 is prohibited by state or federal law.

11  
12 Reviser's note.--Paragraph (1)(b) is amended to  
13 conform to the redesignation of s.  
14 339.155(7)(c) as s. 339.155(6)(c) by s. 3, ch.  
15 93-164, Laws of Florida. Subsection (3) is  
16 amended to conform to the repeal of s. 338.244  
17 by s. 8, ch. 94-237, Laws of Florida.

18  
19 Section 127. Section 338.225, Florida Statutes, is  
20 amended to read:

21 338.225 Taking of public road for feeder road.--Before  
22 taking over any existing public road for maintenance and  
23 operation as a feeder road, the department shall obtain the  
24 consent of the governmental entity then exercising  
25 jurisdiction over the road, which governmental entity is  
26 authorized to give such consent by resolution. Each feeder  
27 road or portion of a feeder road acquired, constructed, or  
28 taken over under this section for maintenance and operation  
29 shall, for all purposes of ss. 338.22-338.241 ~~338.22-338.244~~,  
30 be deemed to constitute a part of the turnpike system, except  
31

1 that no toll shall be charged for transit between points on  
2 such feeder road.

3  
4 Reviser's note.--Amended to conform to the  
5 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
6 of Florida.

7  
8 Section 128. Subsection (2) of section 338.227,  
9 Florida Statutes, is amended to read:

10 338.227 Turnpike revenue bonds.--

11 (2) The proceeds of the bonds of each issue shall be  
12 used solely for the payment of the cost of the turnpike  
13 projects for which such bonds shall have been issued, except  
14 as provided in the State Bond Act. Such proceeds shall be  
15 disbursed and used as provided by ss. 338.22-338.241  
16 ~~338.22-338.244~~ and in such manner and under such restrictions,  
17 if any, as the Division of Bond Finance may provide in the  
18 resolution authorizing the issuance of such bonds or in the  
19 trust agreement hereinafter mentioned securing the same. All  
20 revenues and bond proceeds from the turnpike system received  
21 by the department pursuant to ss. 338.22-338.241  
22 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only  
23 for the cost of turnpike projects and turnpike improvements  
24 and for the administration, operation, maintenance, and  
25 financing of the turnpike system. No revenues or bond proceeds  
26 from the turnpike system shall be spent for the operation,  
27 maintenance, construction, or financing of any project which  
28 is not part of the turnpike system.

1 Reviser's note.--Amended to conform to the  
2 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
3 of Florida.

4  
5 Section 129. Section 338.228, Florida Statutes, is  
6 amended to read:

7 338.228 Bonds not debts or pledges of credit of  
8 state.--Turnpike revenue bonds issued under the provisions of  
9 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state  
10 or pledges of the faith and credit of the state. Such bonds  
11 are payable exclusively from revenues pledged for their  
12 payment. All such bonds shall contain a statement on their  
13 face that the state is not obligated to pay the same or the  
14 interest thereon, except from the revenues pledged for their  
15 payment, and that the faith and credit of the state is not  
16 pledged to the payment of the principal or interest of such  
17 bonds. The issuance of turnpike revenue bonds under the  
18 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ does not  
19 directly, indirectly, or contingently obligate the state to  
20 levy or to pledge any form of taxation whatsoever, or to make  
21 any appropriation for their payment. Except as provided in  
22 ss. 338.001, 338.223, and 338.2275, no state funds shall be  
23 used on any turnpike project or to pay the principal or  
24 interest of any bonds issued to finance or refinance any  
25 portion of the turnpike system, and all such bonds shall  
26 contain a statement on their face to this effect.

27  
28 Reviser's note.--Amended to conform to the  
29 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
30 of Florida.

31

1           Section 130. Section 338.229, Florida Statutes, is  
2 amended to read:

3           338.229 Pledge to bondholders not to restrict certain  
4 rights of department.--The state does pledge to, and agree  
5 with, the holders of the bonds issued pursuant to ss.  
6 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or  
7 restrict the rights vested in the department to construct,  
8 reconstruct, maintain, and operate any turnpike project as  
9 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish  
10 and collect such tolls or other charges as may be convenient  
11 or necessary to produce sufficient revenues to meet the  
12 expenses of maintenance and operation of the turnpike system  
13 and to fulfill the terms of any agreements made with the  
14 holders of bonds authorized by this act and that the state  
15 will not in any way impair the rights or remedies of the  
16 holders of such bonds until the bonds, together with interest  
17 on the bonds, are fully paid and discharged.

18  
19           Reviser's note.--Amended to conform to the  
20 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
21 of Florida.

22  
23           Section 131. Subsections (6) and (7) of section  
24 338.231, Florida Statutes, are amended to read:

25           338.231 Turnpike tolls, fixing; pledge of tolls and  
26 other revenues.--The department shall at all times fix,  
27 adjust, charge, and collect such tolls for the use of the  
28 turnpike system as are required in order to provide a fund  
29 sufficient with other revenues of the turnpike system to pay  
30 the cost of maintaining, improving, repairing, and operating  
31 such turnpike system; to pay the principal of and interest on

1 all bonds issued to finance or refinance any portion of the  
 2 turnpike system as the same become due and payable; and to  
 3 create reserves for all such purposes.

4 (6) In each fiscal year while any of the bonds of the  
 5 Broward County Expressway Authority series 1984 and series  
 6 1986-A remain outstanding, the department is authorized to  
 7 pledge revenues from the turnpike system to the payment of  
 8 principal and interest of such series of bonds, the repayment  
 9 of Broward County gasoline tax funds as provided in s.  
 10 338.2275(3)~~338.2275(4)~~, and the operation and maintenance  
 11 expenses of the Sawgrass Expressway, to the extent gross toll  
 12 revenues of the Sawgrass Expressway are insufficient to make  
 13 such payments. The terms of an agreement relative to the  
 14 pledge of turnpike system revenue will be negotiated with the  
 15 parties of the 1984 and 1986 Broward County Expressway  
 16 Authority lease-purchase agreements, and subject to the  
 17 covenants of those agreements. The agreement shall establish  
 18 that the Sawgrass Expressway shall be subject to the planning,  
 19 management, and operating control of the department limited  
 20 only by the terms of the lease-purchase agreements. The  
 21 department shall provide for the payment of operation and  
 22 maintenance expenses of the Sawgrass Expressway until such  
 23 agreement is in effect. This pledge of turnpike system  
 24 revenues shall be subordinate to the debt service requirements  
 25 of any future issue of turnpike bonds, the payment of turnpike  
 26 system operation and maintenance expenses, and subject to  
 27 provisions of any subsequent resolution or trust indenture  
 28 relating to the issuance of such turnpike bonds.

29 (7) The use and disposition of revenues pledged to  
 30 bonds are subject to the provisions of ss. 338.22-338.241  
 31 ~~338.22-338.244~~ and such regulations as the resolution

1 authorizing the issuance of such bonds or such trust agreement  
2 may provide.

3

4 Reviser's note.--Subsection (6) is amended to  
5 conform to the redesignation of s. 338.2275(4)  
6 as s. 338.2275(3) by s. 20, ch. 97-280, Laws of  
7 Florida. Subsection (7) is amended to conform  
8 to the repeal of s. 338.244 by s. 8, ch.  
9 94-237, Laws of Florida.

10

11 Section 132. Section 338.232, Florida Statutes, is  
12 amended to read:

13 338.232 Continuation of tolls upon provision for  
14 payment of bondholders and assumption of maintenance by  
15 department.--When all revenue bonds issued under the  
16 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ in connection  
17 with the turnpike system and the interest on the bonds have  
18 been paid, or an amount sufficient to provide for the payment  
19 of all such bonds and the interest on the bonds to the  
20 maturity of the bonds, or such earlier date on which the bonds  
21 may be called, has been set aside in trust for the benefit of  
22 the bondholders, the department may assume the maintenance of  
23 the turnpike system as part of the State Highway System,  
24 except that the turnpike system shall remain subject to  
25 sufficient tolls to pay the cost of the maintenance, repair,  
26 improvement, and operation of the system and the construction  
27 of turnpike projects.

28

29 Reviser's note.--Amended to conform to the  
30 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
31 of Florida.

1           Section 133. Section 338.239, Florida Statutes, is  
2 amended to read:

3           338.239 Traffic control on the turnpike system.--

4           (1) The department is authorized to adopt rules with  
5 respect to the use of the turnpike system, which rules must  
6 relate to vehicular speeds, loads and dimensions, safety  
7 devices, rules of the road, and other matters necessary to  
8 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.  
9 Insofar as these rules may be inconsistent with the provisions  
10 of chapter 316, the rules control. A violation of these rules  
11 must be punished pursuant to chapters 316 and 318.

12           (2) Members of the Florida Highway Patrol are vested  
13 with the power, and charged with the duty, to enforce the  
14 rules of the department. Expenses incurred by the Florida  
15 Highway Patrol in carrying out its powers and duties under ss.  
16 338.22-338.241 ~~338.22-338.244~~ may be treated as a part of the  
17 cost of the operation of the turnpike system, and the  
18 Department of Highway Safety and Motor Vehicles shall be  
19 reimbursed by the Department of Transportation for such  
20 expenses incurred on the turnpike mainline, which is that part  
21 of the turnpike system extending from the southern terminus in  
22 Florida City to the northern terminus in Wildwood including  
23 all contiguous sections.

24  
25           Reviser's note.--Amended to conform to the  
26 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
27 of Florida.

28  
29           Section 134. Paragraph (b) of subsection (2) of  
30 section 339.0805, Florida Statutes, 1998 Supplement, is  
31 amended to read:

1           339.0805 Funds to be expended with certified  
 2 disadvantaged business enterprises; specified percentage to be  
 3 expended; construction management development program; bond  
 4 guarantee program.--It is the policy of the state to  
 5 meaningfully assist socially and economically disadvantaged  
 6 business enterprises through a program that will provide for  
 7 the development of skills through construction and business  
 8 management training, as well as by providing contracting  
 9 opportunities and financial assistance in the form of bond  
 10 guarantees, to primarily remedy the effects of past economic  
 11 disparity.

12           (2) The department shall revoke the certification of a  
 13 disadvantaged business enterprise upon receipt of notification  
 14 of any change in ownership which results in the disadvantaged  
 15 individual or individuals used to qualify the business as a  
 16 disadvantaged business enterprise, no longer owning at least  
 17 51 percent of the business enterprise. Such notification shall  
 18 be made to the department by certified mail within 10 days  
 19 after the change in ownership, and such business shall be  
 20 removed from the certified disadvantaged business list until a  
 21 new application is submitted and approved by the department.  
 22 Failure to notify the department of the change in the  
 23 ownership which qualifies the business as a disadvantaged  
 24 business enterprise will result in revocation of certification  
 25 and subject the business to the provisions of s. 337.135. In  
 26 addition, the department may, for good cause, deny or suspend  
 27 the certification of a disadvantaged business enterprise. As  
 28 used in this subsection, the term "good cause" includes, but  
 29 is not limited to, the disadvantaged business enterprise:

30  
 31



1 (b) Making a false, deceptive, or fraudulent statement  
2 in it its application for certification or in any other  
3 information submitted to the department;

4  
5 Reviser's note.--Amended to improve clarity and  
6 facilitate correct interpretation.

7  
8 Section 135. Paragraph (e) of subsection (7) of  
9 section 339.135, Florida Statutes, is amended to read:

10 339.135 Work program; legislative budget request;  
11 definitions; preparation, adoption, execution, and  
12 amendment.--

13 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

14 (e) Notwithstanding the requirements in paragraph (d)  
15 and ss. 216.177(2) and 216.351, the secretary may request the  
16 Executive Office of the Governor to amend the adopted work  
17 program when an emergency exists, as defined in s. 252.34(3)  
18 ~~252.34(2)~~, and the emergency relates to the repair or  
19 rehabilitation of any state transportation facility. The  
20 Executive Office of the Governor may approve the amendment to  
21 the adopted work program and amend that portion of the  
22 department's approved budget in the event that the delay  
23 incident to the notification requirements in paragraph (d)  
24 would be detrimental to the interests of the state. However,  
25 the department shall immediately notify the parties specified  
26 in paragraph (d) and shall provide such parties written  
27 justification for the emergency action within 7 days of the  
28 approval by the Executive Office of the Governor of the  
29 amendment to the adopted work program and the department's  
30 budget. In no event may the adopted work program be amended  
31 under the provisions of this subsection without the

1 certification by the comptroller of the department that there  
2 are sufficient funds available pursuant to the 36-month cash  
3 forecast and applicable statutes.

4  
5 Reviser's note.--Amended to conform to the  
6 redesignation of s. 252.34(2) as s. 252.34(3)  
7 by s. 10, ch. 93-211, Laws of Florida.

8  
9 Section 136. Subsection (5) of section 341.051,  
10 Florida Statutes, is reenacted and amended to read:

11 341.051 Administration and financing of public transit  
12 programs and projects.--

13 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

14 (a) The department may fund up to 50 percent of the  
15 nonfederal share of the costs, not to exceed the local share,  
16 of any eligible public transit capital project or commuter  
17 assistance project that is local in scope; except, however,  
18 that departmental participation in the final design,  
19 right-of-way acquisition, and construction phases of an  
20 individual fixed-guideway project which is not approved for  
21 federal funding shall not exceed an amount equal to 12.5  
22 percent of the total cost of each phase.

23 (b) The Department of Transportation shall develop a  
24 major capital investment policy which shall include policy  
25 criteria and guidelines for the expenditure or commitment of  
26 state funds for public transit capital projects. The policy  
27 shall include the following:

28 1. Methods to be used to determine consistency of a  
29 transit project with the approved local government  
30 comprehensive plans of the units of local government in which  
31 the project is located.

1           2. Methods for evaluating the level of local  
2 commitment to a transit project, which is to be demonstrated  
3 through system planning and the development of a feasible plan  
4 to fund operating cost through fares, value capture techniques  
5 such as joint development and special districts, or other  
6 local funding mechanisms.

7           3. Methods for evaluating alternative transit systems  
8 including an analysis of technology and alternative methods  
9 for providing transit services in the corridor.

10  
11 ~~The department shall present such investment policy to both~~  
12 ~~the Senate Transportation Committee and the House Public~~  
13 ~~Transportation Committee along with recommended legislation by~~  
14 ~~March 1, 1991.~~

15           (c) The department is authorized to fund up to 100  
16 percent of the cost of any eligible transit capital project or  
17 commuter assistance project that is statewide in scope or  
18 involves more than one county where no other governmental  
19 entity or appropriate jurisdiction exists.

20           (d) The department is authorized to advance up to 80  
21 percent of the capital cost of any eligible project that will  
22 assist Florida's transit systems in becoming fiscally  
23 self-sufficient. Such advances shall be reimbursed to the  
24 department on an appropriate schedule not to exceed 5 years  
25 after the date of provision of the advances.

26           (e) The department is authorized to fund up to 100  
27 percent of the capital and net operating costs of statewide  
28 transit service development projects or transit corridor  
29 projects. All transit service development projects shall be  
30 specifically identified by way of a departmental appropriation  
31 request, and transit corridor projects shall be identified as

1 part of the planned improvements on each transportation  
 2 corridor designated by the department. The project  
 3 objectives, the assigned operational and financial  
 4 responsibilities, the timeframe required to develop the  
 5 required service, and the criteria by which the success of the  
 6 project will be judged shall be documented by the department  
 7 for each such transit service development project or transit  
 8 corridor project.

9 (f) The department is authorized to fund up to 50  
 10 percent of the capital and net operating costs of transit  
 11 service development projects that are local in scope and that  
 12 will improve system efficiencies, ridership, or revenues. All  
 13 such projects shall be identified in the appropriation request  
 14 of the department through a specific program of projects, as  
 15 provided for in s. 341.041, that is selectively applied in the  
 16 following functional areas and is subject to the specified  
 17 times of duration:

18 1. Improving system operations, including, but not  
 19 limited to, realigning route structures, increasing system  
 20 average speed, decreasing deadhead mileage, expanding area  
 21 coverage, and improving schedule adherence, for a period of up  
 22 to 3 years;

23 2. Improving system maintenance procedures, including,  
 24 but not limited to, effective preventive maintenance programs,  
 25 improved mechanics training programs, decreasing service  
 26 repair calls, decreasing parts inventory requirements, and  
 27 decreasing equipment downtime, for a period of up to 3 years;

28 3. Improving marketing and consumer information  
 29 programs, including, but not limited to, automated information  
 30 services, organized advertising and promotion programs, and  
 31

1 signing of designated stops, for a period of up to 2 years;  
2 and

3 4. Improving technology involved in overall  
4 operations, including, but not limited to, transit equipment,  
5 fare collection techniques, electronic data processing  
6 applications, and bus locators, for a period of up to 2 years.

7  
8 The term "net operating costs" means all operating costs of a  
9 project less any federal funds, fares, or other sources of  
10 income to the project.

11  
12 Reviser's note.--Section 57, ch. 95-257, Laws  
13 of Florida, purported to amend paragraphs  
14 (5)(a) and (c) of s. 341.051, but did not set  
15 out in full the amended material to include the  
16 flush left language at the end of the  
17 subsection. In the absence of affirmative  
18 evidence that the Legislature intended to  
19 repeal the omitted material, subsection (5) is  
20 reenacted to confirm that the omission was not  
21 intended. Subsection (5) is also amended to  
22 delete a provision that has served its purpose.

23  
24 Section 137. Subsection (1) of section 341.321,  
25 Florida Statutes, is amended to read:

26 341.321 Development of high-speed rail transportation  
27 system; legislative findings, policy, purpose, and intent.--

28 (1) The intent of ss. 341.3201-341.386 is to further  
29 and advance the goals and purposes of the 1984 High Speed Rail  
30 Transportation Commission Act; to ensure a harmonious  
31 relationship between that act and the various growth

1 management laws enacted by the Legislature including the Local  
 2 Government Comprehensive Planning and Land Development  
 3 Regulation Act, ss. 163.3161-163.3215 ~~163.3616-363.3215~~, the  
 4 Florida State Comprehensive Planning Act of 1972, as amended,  
 5 ss. 186.001-186.031 ~~186.011-186.031~~, the Florida Regional  
 6 Planning Council Act, ss. 186.501-186.513 ~~186.501-186.512~~, and  
 7 the State Comprehensive Plan, chapter 187; to promote the  
 8 implementation of these acts in an effective manner; and to  
 9 encourage and enhance the establishment of a high-speed rail  
 10 transportation system connecting the major urban areas of the  
 11 state as expeditiously as is economically feasible.

12 Furthermore, it is the intent of the Legislature that any  
 13 high-speed rail line and transit station be consistent to the  
 14 maximum extent feasible with local comprehensive plans, and  
 15 that any other development associated with the rail line and  
 16 transit station shall ultimately be consistent with  
 17 comprehensive plans. The Legislature therefore reaffirms these  
 18 enactments and further finds:

19 (a) That the implementation of a high-speed rail  
 20 transportation system in the state will result in overall  
 21 social and environmental benefits, improvements in ambient air  
 22 quality, better protection of water quality, greater  
 23 preservation of wildlife habitat, less use of open space, and  
 24 enhanced conservation of natural resources and energy.

25 (b) That a high-speed rail transportation system, when  
 26 used in conjunction with sound land use planning, becomes a  
 27 vigorous force in achieving growth management goals and in  
 28 encouraging the use of public transportation to augment and  
 29 implement land use and growth management goals and objectives.

30 (c) That urban and social benefits include  
 31 revitalization of blighted or economically depressed areas,

1 the redirection of growth in a carefully and comprehensively  
2 planned manner, and the creation of numerous employment  
3 opportunities within inner-city areas.

4 (d) That transportation benefits include improved  
5 travel times and more reliable travel, hence increased  
6 productivity. High-speed rail is far safer than other modes of  
7 transportation and, therefore, travel-related deaths and  
8 injuries can be reduced, and millions of dollars can be saved  
9 from avoided accidents.

10  
11 Reviser's note.--Amended to conform to the  
12 correct citations to the referenced acts.

13  
14 Section 138. Paragraph (c) of subsection (2) of  
15 section 348.0005, Florida Statutes, is amended to read:

16 348.0005 Bonds.--

17 (2)

18 (c) Said bonds shall be sold by the authority at  
19 public sale by competitive bid. However, if the authority,  
20 after receipt of a written recommendation from a financial  
21 adviser, shall determine by official action after public  
22 hearing by a two-thirds vote of all voting members of the  
23 authority that a negotiated sale of the bonds is in the best  
24 interest of the authority, the authority may negotiate for  
25 sale of the bonds with the underwriter or underwriters  
26 designated by the authority and the county in which the  
27 authority exists. The authority shall provide specific  
28 findings in a resolution as to the reasons requiring the  
29 negotiated sale, which resolution shall incorporate and have  
30 attached thereto the written recommendation of the financial  
31 adviser required by this subsection~~(4)~~.

1 Reviser's note.--Amended to facilitate correct  
2 interpretation. There is no subsection (4).

3  
4 Section 139. Paragraph (a) of subsection (2) of  
5 section 348.242, Florida Statutes, is amended to read:

6 348.242 Broward County Expressway Authority.--

7 (2) The governing body of the authority shall consist  
8 of five members. Each member of the governing body shall be a  
9 permanent resident of Broward County at all times during his  
10 or her term of office.

11 (a) Two members shall be appointed by the Governor,  
12 subject to confirmation by the Senate, and three members shall  
13 be appointed by the Board of County Commissioners of Broward  
14 County. Not more than one of the members appointed by the  
15 board of county commissioners may be a member of that board.  
16 One of the two members appointed by the Governor must be an  
17 elected municipal official, and the other member may not be an  
18 officeholder. The members appointed by the Governor shall  
19 serve terms of 4 years. If the member appointed by the  
20 Governor does not remain in elected municipal office, that  
21 member's seat shall become vacant. ~~Initially, two members of~~  
22 ~~the authority appointed by the Board of County Commissioners~~  
23 ~~of Broward County shall serve terms of 2 years, and one member~~  
24 ~~so appointed shall serve a term of 4 years; thereafter, The~~  
25 term of each appointed member shall be for 4 years. A vacancy  
26 occurring during a term shall be filled by the original  
27 appointing authority only for the balance of the unexpired  
28 term. Any member of the authority is eligible for  
29 reappointment. Members appointed by the Board of County  
30 Commissioners of Broward County shall be reviewed annually by  
31 the board.



1 Reviser's note.--Amended to delete provisions  
2 that have served their purpose.

3  
4 Section 140. Section 349.21, Florida Statutes, is  
5 amended to read:

6 349.21 Powers conferred by ~~part VI, chapter 163, and~~  
7 ~~by~~ s. 212.055(1).--Notwithstanding any other provision of law,  
8 any transportation authority created by this chapter shall  
9 have all the powers conferred by ~~part VI of chapter 163 and by~~  
10 s. 212.055(1). The revenues provided by this section shall be  
11 used to pay principal and interest on bonds for which tolls  
12 have been pledged. The powers provided by this section shall  
13 expire when all such bonds in existence on the effective date  
14 of this act have been retired.

15  
16 Reviser's note.--Amended to conform to the  
17 repeal by s. 105, ch. 90-136, Laws of Florida,  
18 of the provisions formerly contained in part VI  
19 of chapter 163, redesignated as part VII when a  
20 new part IV was added by ch. 87-243, Laws of  
21 Florida.

22  
23 Section 141. Subsection (3) of section 350.031,  
24 Florida Statutes, 1998 Supplement, is amended to read:

25 350.031 Florida Public Service Commission Nominating  
26 Council.--

27 (3) A majority of the membership of the council may  
28 conduct any business before the council. All meetings and  
29 proceedings of the council shall be staffed by the Office of  
30 Legislative Services and shall be subject to the provisions of  
31 ss. 119.07 and 286.011. Members of the council are entitled

1 to receive per diem and travel expenses as provided in s.  
2 112.061, which shall be funded by the Florida Public Service  
3 Regulatory Trust Fund. Applicants invited for interviews  
4 before the council may, in the discretion of the council,  
5 receive per diem and travel expenses as provided in s. 112.061  
6 ~~112.06~~, which shall be funded by the Florida Public Service  
7 Regulatory Trust Fund. The council shall establish policies  
8 and procedures to govern the process by which applicants are  
9 nominated.

10  
11 Reviser's note.--Amended to facilitate correct  
12 interpretation. Provisions relating to per diem  
13 and travel expenses are in s. 112.061.

14  
15 Section 142. Subsection (3) of section 350.0605,  
16 Florida Statutes, is amended to read:

17 350.0605 Former commissioners and employees;  
18 representation of clients before commission.--

19 (3) For a period of 2 years following termination of  
20 service on the commission, a former member may not accept  
21 employment by or compensation from a business entity which,  
22 directly or indirectly, owns or controls a public utility  
23 regulated by the commission, from a public utility regulated  
24 by the commission, from a business entity which, directly or  
25 indirectly, is an affiliate or subsidiary of a public utility  
26 regulated by the commission or is an actual business  
27 competitor of a local exchange company or public utility  
28 regulated by the commission and is otherwise exempt from  
29 regulation by the commission under ss. 364.02(12)~~364.02(7)~~  
30 and 366.02(1), or from a business entity or trade association  
31 that has been a party to a commission proceeding within the 2

1 years preceding the member's termination of service on the  
2 commission. This subsection applies only to members of the  
3 Florida Public Service Commission who are appointed or  
4 reappointed after May 10, 1993.

5  
6 Reviser's note.--Amended to conform to the  
7 redesignation of s. 364.02(7) as s. 364.02(12)  
8 by s. 6, ch. 95-403, Laws of Florida.

9  
10 Section 143. Effective October 1, 2002, sections  
11 351.03, 351.034, 351.35, 351.36, and 351.37, Florida Statutes,  
12 are reenacted to read:

13 351.03 Railroad-highway grade-crossing warning signs  
14 and signals; audible warnings; exercise of reasonable care;  
15 blocking highways, roads, and streets during darkness.--

16 (1) Every railroad company shall exercise reasonable  
17 care for the safety of motorists whenever its track crosses a  
18 highway and shall be responsible for erecting and maintaining  
19 crossbuck grade-crossing warning signs in accordance with the  
20 uniform system of traffic control devices adopted pursuant to  
21 s. 316.0745. Such crossbuck signs shall be erected and  
22 maintained at all public or private railroad-highway grade  
23 crossings.

24 (2) Advance railroad warning signs and pavement  
25 markings shall be installed and maintained at public  
26 railroad-highway grade crossings in accordance with the  
27 uniform system of traffic control devices by the governmental  
28 entity having jurisdiction over or maintenance responsibility  
29 for the highway or street. All persons approaching a  
30 railroad-highway grade crossing shall exercise reasonable care  
31 for their own safety and for the safety of railroad train

1 crews as well as for the safety of train or vehicle  
2 passengers.

3 (3) Except as provided in subsection (4), any railroad  
4 train approaching within 1,500 feet of a public  
5 railroad-highway grade crossing shall emit a signal audible  
6 for such distance.

7 (4)(a) The Department of Transportation and the  
8 Federal Railroad Administration may authorize a municipality  
9 or county to implement a whistle ban provided the following  
10 conditions are met:

11 1. A traffic operations system is implemented to  
12 secure railroad-highway grade crossings for the purpose of  
13 preventing vehicles from going around, under, or through  
14 lowered railroad gates.

15 2. The municipality or county has in effect an  
16 ordinance that unconditionally prohibits the sounding of  
17 railroad train horns and whistles during the hours of 10 p.m.  
18 and 6 a.m. at all public railroad-highway grade crossings  
19 within the municipality or county and where the municipality,  
20 county, or state has erected signs at the crossing announcing  
21 that railroad train horns and whistles may not be sounded  
22 during such hours. Signs so erected shall be in conformance  
23 with the uniform system of traffic control devices as  
24 specified in s. 316.0745.

25 (b) Upon final approval and verification by the  
26 department and the Federal Railroad Administration that such  
27 traffic operations system meets all state and federal safety  
28 and traffic regulations and that such railroad-highway grade  
29 crossings can be secured, the municipality or county may pass  
30 an ordinance prohibiting the sounding of audible warning  
31

1 devices by trains upon approaching such railroad-highway grade  
2 crossings between the hours of 10 p.m. and 6 a.m.

3 (c) Nothing in this subsection shall be construed to  
4 nullify the liability provisions of s. 768.28.

5 (5)(a) Whenever a railroad train engages in a  
6 switching operation or stops so as to block a public highway,  
7 street, or road at any time from one-half hour after sunset to  
8 one-half hour before sunrise, the crew of the railroad train  
9 shall cause to be placed a lighted fusee or other visual  
10 warning device in both directions from the railroad train upon  
11 or at the edge of the pavement of the highway, street, or road  
12 to warn approaching motorists of the railroad train blocking  
13 the highway, street, or road. However, this subsection does  
14 not apply to railroad-highway grade crossings at which there  
15 are automatic warning devices properly functioning or at which  
16 there is adequate lighting.

17 (b) A person who violates any provision of paragraph  
18 (a) is guilty of a misdemeanor of the second degree,  
19 punishable as provided in s. 775.082 or s. 775.083.

20 351.034 Railroad-highway grade crossings to be cleared  
21 for emergency vehicles.--Except for trains or equipment  
22 stopped due to mechanical failure where separation or movement  
23 is not possible, any train or equipment that has come to a  
24 complete stop and is blocking a railroad-highway grade  
25 crossing must be cut, separated, or moved to clear the  
26 crossing upon the approach of any emergency vehicle, which for  
27 the purpose of this law shall be:

28 (1) An ambulance operated by public authority or by  
29 private persons;

30 (2) A fire engine; or an emergency vehicle operated by  
31 power or electric companies; or

1           (3) Any other vehicle when operated as an emergency  
2 vehicle, defined as one which is engaged in the saving of  
3 life, property, or responding to any other public peril; or

4           (4) Emergency vehicles used as such by the Government  
5 of the United States; when upon the approach of such emergency  
6 vehicle, such vehicle gives due warning of its approach to  
7 such crossing by the sounding of sirens, flashing of lights,  
8 waving of flag, or any other warning sufficient to attract  
9 attention to such emergency vehicle; and thereupon the said  
10 train or equipment shall be cut and said crossing shall be  
11 cleared with all possible dispatch to permit the crossing and  
12 passing through of said emergency vehicle.

13           351.35 Railroad tracks and related equipment; safety  
14 rules; penalties.--

15           (1) The Department of Transportation shall adopt rules  
16 requiring companies operating railroads wholly or in part in  
17 the state to maintain tracks and all supportive, related  
18 equipment, including locomotives and other rolling stock, of  
19 such railroad companies within the state in a safe condition.

20           (2) If any company operating a railroad either in  
21 whole or in part within the state fails to comply with any  
22 rule adopted by the department, such company shall thereby  
23 incur a penalty as provided for in applicable federal  
24 regulations.

25           351.36 Railroad safety inspections and inspectors.--

26           (1) The Department of Transportation shall employ  
27 competent safety inspectors to inspect the physical conditions  
28 of the tracks and all supportive, related equipment, including  
29 locomotives and other rolling stock, of any railroad operated  
30 wholly or in part in the state. Safety inspectors shall  
31 attain Federal Railroad Administration employment

1 qualifications necessary to qualify the state for federal  
2 funds.

3 (2) The inspectors shall report in writing the results  
4 of their inspections in the manner and on forms prescribed by  
5 the department.

6 351.37 Railroad safety.--The state shall supplement  
7 and not replace the responsibility of the Federal Government  
8 in the inspection of physical conditions of railroad  
9 facilities within the state to ascertain compliance with  
10 federal standards and regulations. Because this is a  
11 supplementary program, the state shall not be deemed to be  
12 liable for any actions or omissions in inspecting or failing  
13 to inspect railroad facilities. The provisions of this act  
14 replace all other provisions in the Florida Statutes relating  
15 to jurisdiction over railroad safety.

16  
17 Reviser's note.--Reenacted to conform to the  
18 repeal of the s. 11.61 repeal of ss.  
19 351.03-351.37 by s. 4, ch. 91-429, Laws of  
20 Florida, and the confirmation of that repeal by  
21 s. 33, ch. 96-318, Laws of Florida.

22  
23 Section 144. Section 354.01, Florida Statutes, is  
24 amended to read:

25 354.01 Appointment of special officers.--Upon the  
26 application of any railroad or other common carrier doing  
27 business in this state, the Governor shall appoint one or more  
28 persons who have met the law enforcement qualifications and  
29 training requirements of s. 943.13(1)-(10) as special officers  
30 for the protection and safety of such carriers; their  
31 passengers and employees; and the property of such carriers,

1 passengers, and employees. ~~Any special officer appointed~~  
2 ~~before October 1, 1982, shall meet the training requirements~~  
3 ~~no later than October 1, 1985.~~

4  
5 Reviser's note.--Amended to delete a provision  
6 that has served its purpose.

7  
8 Section 145. Effective October 1, 2002, section  
9 354.01, Florida Statutes, is reenacted to read:

10 354.01 Appointment of special officers.--Upon the  
11 application of any railroad or other common carrier doing  
12 business in this state, the Governor shall appoint one or more  
13 persons who have met the law enforcement qualifications and  
14 training requirements of s. 943.13(1)-(10) as special officers  
15 for the protection and safety of such carriers; their  
16 passengers and employees; and the property of such carriers,  
17 passengers, and employees.

18  
19 Reviser's note.--Reenacted to conform to the  
20 repeal of the s. 11.61 repeal of s. 354.01 by  
21 s. 4, ch. 91-429, Laws of Florida, and the  
22 confirmation of that repeal by s. 33, ch.  
23 96-318, Laws of Florida.

24  
25 Section 146. Effective October 1, 2002, sections  
26 354.02, 354.03, 354.04, 354.05, and 354.07, Florida Statutes,  
27 are reenacted to read:

28 354.02 Powers.--Each special officer shall have and  
29 exercise throughout every county in which the common carrier  
30 for which he or she was appointed, shall do business, operate,  
31 or own property, the power to make arrests for violation of



1 law on the property of such common carrier, and to arrest  
2 persons, whether on or off such carrier's property, violating  
3 any law on such carrier's property, under the same conditions  
4 under which deputy sheriffs may by law make arrests, and shall  
5 have authority to carry weapons for the reasonable purpose of  
6 their offices.

7           354.03 Bond.--Before entering into the performance of  
8 his or her duties every such special officer shall enter into  
9 a good and sufficient bond payable to the Governor of Florida,  
10 and the Governor's successors, in the penal sum of \$5,000,  
11 with some surety company authorized to do business in this  
12 state as surety thereon, conditioned for the faithful  
13 performance of his or her duties, and to pay any and all  
14 damage done by any illegal act committed by him or her, to be  
15 approved by the Department of Banking and Finance.

16           354.04 Compensation.--Such special officers shall not  
17 receive any fees or salary from the state or any county, but  
18 their compensation shall be agreed upon and paid by the  
19 carrier making such application.

20           354.05 Term of office; removal.--The special officers  
21 provided for herein shall be commissioned by the Governor, and  
22 their commissions shall continue so long as they are employed  
23 in such capacity by the railroad or other common carrier; but  
24 they shall be removed by the Governor at any time, in the  
25 manner and for the causes provided by law.

26           354.07 Suit for damages on bond.--Any person whose  
27 person or property has been damaged by the wrongful act of  
28 such special officer may bring suit for the redress of such  
29 wrong on the bond of such officer. The remedy provided in this  
30 section is not exclusive of any remedy that otherwise may  
31 exist.

1 Reviser's note.--Reenacted to conform to the  
2 repeal of the s. 11.61 repeal of ss.  
3 354.02-354.07 by s. 4, ch. 91-429, Laws of  
4 Florida, and the confirmation of that repeal by  
5 s. 33, ch. 96-318, Laws of Florida.

6  
7 Section 147. Effective October 1, 2002, section  
8 361.025, Florida Statutes, is reenacted to read:

9 361.025 Right of eminent domain to railroad  
10 companies.--Any railroad company organized under the laws of  
11 this state, or organized under the laws of any other state and  
12 qualified to do business in this state, shall have the right  
13 of eminent domain to enter upon, for survey purposes, any land  
14 necessary for the construction, operation, and maintenance of  
15 its roads and required facilities and to appropriate the same  
16 or any part thereof upon making due compensation according to  
17 the procedures set forth in chapters 73 and 74; however, no  
18 such company shall have the right of eminent domain with  
19 respect to property belonging to the state or any agency  
20 thereof. Any railroad company may construct, operate, and  
21 maintain its roads and required facilities on such property,  
22 subject only to the permitting requirements and reasonable  
23 regulations that may be imposed by the public authorities  
24 having jurisdiction over such property. The right of eminent  
25 domain for the purpose of securing terminal facilities on any  
26 waters of this state, including a sufficient amount of land  
27 for such facilities, shall be subordinate to the right of the  
28 governmental entity wherein the property is located to condemn  
29 such property through the exercise of its powers of eminent  
30 domain for a public purpose.

31

1 Reviser's note.--Reenacted to conform to the  
2 repeal of the s. 11.61 repeal of s. 361.025 by  
3 s. 4, ch. 91-429, Laws of Florida, and the  
4 confirmation of that repeal by s. 33, ch.  
5 96-318, Laws of Florida.  
6

7 Section 148. Paragraph (c) of subsection (3) and  
8 paragraph (b) of subsection (4) of section 364.509, Florida  
9 Statutes, are amended to read:

10 364.509 The Florida Distance Learning Network;  
11 creation; membership; organization; meetings.--

12 (3) The Florida Distance Learning Network is  
13 established with the necessary powers to exercise  
14 responsibility for statewide leadership in coordinating,  
15 enhancing, and serving as a resource center for advanced  
16 telecommunications services and distance learning in all  
17 public education delivery systems. The Florida Distance  
18 Learning Network shall be governed by a board of directors  
19 which shall consist of the following members:

20 (c) The executive director of the Florida State  
21 Community College System or the executive director's designee.

22 (4)

23 (b) The board of directors shall ~~meet within 30 days~~  
24 ~~after July 1, 1995, and shall continue to~~ meet at least 4  
25 times each year, upon the call of the chairperson, or at the  
26 request of a majority of the membership. The board of  
27 directors shall take official action only by consensus.  
28

29 Reviser's note.--Paragraph (3)(c) is amended to  
30 conform to the redesignation of the State  
31 Community College System as the Florida

1 Community College System by s. 15, ch. 98-58,  
2 Laws of Florida. Paragraph (4)(b) is amended  
3 to delete a provision that has served its  
4 purpose.

5  
6  
7 Reviser's note.--Amended to conform to the  
8 repeal of s. 366.06(3) by s. 5, ch. 95-328,  
9 Laws of Florida.

10  
11 Section 149. Subsections (1) and (3) of section  
12 368.061, Florida Statutes, are amended to read:

13 368.061 Penalty.--

14 (1) Any person who violates any provision of this part  
15 ~~chapter~~, or any regulation issued hereunder, shall be subject  
16 to a civil penalty not to exceed \$25,000 for each violation  
17 for each day that such violation persists, except that the  
18 maximum civil penalty shall not exceed \$500,000 for any  
19 related series of violations.

20 (3) The commissioners may, at their discretion, cause  
21 to be instituted in any court of competent jurisdiction in  
22 this state proceedings for injunction against any person  
23 subject to the provisions of this part ~~chapter~~ to compel the  
24 observance of the provisions of this part ~~chapter~~ or any rule,  
25 regulation or requirement of the commission made thereunder.

26  
27 Reviser's note.--Amended to conform to the  
28 division of the chapter into parts incident to  
29 the compilation of ch. 92-284, Laws of Florida.

1           Section 150. Paragraph (e) of subsection (4) of  
2 section 370.06, Florida Statutes, 1998 Supplement, is amended  
3 to read:

4           370.06 Licenses.--

5           (4) SPECIAL ACTIVITY LICENSES.--

6           (e) The department is authorized to issue special  
7 activity licenses in accordance with ss. 370.071, 370.101, and  
8 this section; aquaculture permit consolidation procedures in  
9 s. 370.26(2)~~370.26(3)(a)~~; and rules of the Marine Fisheries  
10 Commission to permit the capture and possession of saltwater  
11 species protected by law and used as stock for artificial  
12 cultivation and propagation.

13  
14           Reviser's note.--Amended to conform to the  
15 redesignation of s. 370.26(3)(a) as s.  
16 370.26(2) by s. 14, ch. 98-333, Laws of  
17 Florida.

18  
19           Section 151. Subsection (7) and paragraphs (a) and (h)  
20 of subsection (12) of section 370.0605, Florida Statutes, 1998  
21 Supplement, are amended to read:

22           370.0605 Saltwater fishing license required; fees.--

23           ~~(7)(a) Each county tax collector, as issuing agent for~~  
24 ~~the department, shall submit to the department by January 31,~~  
25 ~~1997, a report of the sale of, and payment for, all licenses~~  
26 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

27           ~~(b) By March 15, 1997, each county tax collector shall~~  
28 ~~provide the department with a written report, on forms~~  
29 ~~provided by the department, of the audit numbers of all~~  
30 ~~unissued licenses and permits for the period of June 1, 1996,~~  
31 ~~to December 31, 1996. Within 30 days after the submission of~~

1 the annual audit report, each county tax collector shall  
2 provide the department with a written audit report of  
3 unissued, sold, and voided licenses, permits, and stamps,  
4 together with a certified reconciliation statement prepared by  
5 a certified public accountant. Concurrent with the submission  
6 of the certification, the county tax collector shall remit to  
7 the department the monetary value of all licenses, permits,  
8 and stamps that are unaccounted for. Each tax collector is  
9 also responsible for fees for all licenses, permits, and  
10 stamps distributed by him or her to subagents, sold by him or  
11 her, or reported by him or her as lost.

12 (12)(a) Any person cited for a violation of the  
13 license requirements of subsection (1) or the permit stamp  
14 requirements of s. 370.1111(1)(a) or s. 370.14(10)(a)  
15 ~~370.14(11)(a)~~ is guilty of a noncriminal infraction, shall be  
16 cited for such an infraction, and shall be cited to appear  
17 before the county court. The civil penalty for any such  
18 infraction is \$50, in addition to the cost of the amount of  
19 the annual license fee or stamp involved in the infraction,  
20 except as otherwise provided in this section. The civil  
21 penalty for any other noncriminal infraction shall be \$50,  
22 except as otherwise provided in this section.

23 (h) ~~Effective October 1, 1991,~~ Any person who fails to  
24 pay the civil penalty specified in paragraph (a) within 30  
25 days or who fails to appear before the court is guilty of a  
26 misdemeanor of the second degree, punishable as provided in s.  
27 775.082 or s. 775.083.

28  
29 Reviser's note.--Subsection (7) and paragraph  
30 (12)(h) are amended to delete provisions that  
31 have served their purpose. Paragraph (12)(a) is

1 amended to conform to the substitution of  
2 permit requirements for stamp requirements in  
3 ss. 370.1111 and 370.14 by ss. 8 and 9, ch.  
4 96-300, Laws of Florida, respectively, and to  
5 conform to the redesignation of s.  
6 370.14(11)(a) as s. 370.14(10)(a) necessitated  
7 by the repeal of former s. 370.14(6) by s. 20,  
8 ch. 98-227, Laws of Florida.

9  
10 Section 152. Subsection (3) of section 370.063,  
11 Florida Statutes, is amended to read:

12 370.063 Special recreational crawfish license.--There  
13 is created a special recreational crawfish license, to be  
14 issued to qualified persons as provided by this section for  
15 the recreational harvest of crawfish (spiny lobster) beginning  
16 August 5, 1994.

17 (3) The holder of a special recreational crawfish  
18 license must also possess the recreational crawfish permit  
19 ~~stamp~~ required by s. 370.14(10)~~370.14(11)~~ and the license  
20 required by s. 370.0605.

21  
22 Reviser's note.--Amended to conform to the  
23 substitution of recreational crawfish permits  
24 for recreational crawfish stamps by s. 9, ch.  
25 96-300, Laws of Florida, and the redesignation  
26 of s. 370.14(11) as s. 370.14(10) necessitated  
27 by the repeal of former s. 370.14(6) by s. 20,  
28 ch. 98-227, Laws of Florida.

29  
30  
31

1           Section 153. Subsection (3) and paragraph (b) of  
2 subsection (4) of section 370.0821, Florida Statutes, 1998  
3 Supplement, are amended to read:

4           370.0821 St. Johns County; use of nets.--

5           (3) No person, firm, or corporation shall use, or  
6 cause to be used, any manner of seine net, other than a  
7 recreational net as hereafter defined, in the salt waters of  
8 St. Johns County, or within 1 mile seaward of the Atlantic  
9 Ocean beaches and coast thereof, without a permit issued by  
10 the Division of Marine Resources of the Department of  
11 Environmental Protection. Applications for such permits shall  
12 be made on forms to be supplied by the division, which shall  
13 require the applicant to furnish such information as may be  
14 deemed pertinent to the best interests of saltwater  
15 conservation. The fee for such permits shall be \$250 per year.  
16 Each permit shall entitle the holder thereof to use no more  
17 than one seine net at any one time, subject to the provisions  
18 of subsections (1) and (2), ~~and (3)~~. The division may refuse  
19 to grant any permit when it is apparent that the best  
20 interests of saltwater conservation will be served by such  
21 denial. All permits granted shall be in the holder's  
22 possession whenever the holder is engaged in using a seine  
23 net. Each permit is subject to immediate revocation upon  
24 conviction of a violation of any provision of this section or  
25 when it is apparent that the best interests of saltwater  
26 conservation will be served by such revocation.

27           (4)

28           (b)1. No recreational net may be set or hauled within  
29 100 feet of any other recreational or commercial net.  
30  
31



1           2. No recreational net shall be used after the hours  
2 of sunset and before sunrise between May 1 and September 15 of  
3 each year.

4           3. Unless the user of a recreational net is also a  
5 holder of a permit specified in subsection (3)~~(4)~~, no user of  
6 a recreational net shall retain on the beach, in a vehicle on  
7 the beach, or in a boat, during the time that such net is in  
8 use, more than one bushel container of fish per net in use.  
9 All fish in excess of one bushel container per net and all  
10 unwanted species taken shall be returned alive to the waters  
11 when caught.

12  
13           Reviser's note.--Subsection (3) is amended to  
14 conform to the repeal of former subsection (3)  
15 by s. 12, ch. 98-227, Laws of Florida.

16           Paragraph (4)(b) is amended to conform to the  
17 redesignation of subsection (4) as subsection  
18 (3) necessitated by the repeal of former  
19 subsection (3) by s. 12, ch. 98-227.

20  
21           Section 154. Paragraph (b) of subsection (4) of  
22 section 370.12, Florida Statutes, 1998 Supplement, is amended  
23 to read:

24           370.12 Marine animals; regulation.--

25           (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

26           (b) Each fiscal year moneys in the Save the Manatee  
27 Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to  
28 reimburse the cost of activities related to manatee  
29 rehabilitation by facilities that rescue, rehabilitate, and  
30 release manatees as authorized pursuant to the Fish and  
31 Wildlife Service of the United States Department of the

1 Interior. Such facilities must be involved in the actual  
 2 rescue and full-time acute care veterinarian-based  
 3 rehabilitation of manatees. The cost of activities includes,  
 4 but is not limited to, costs associated with expansion,  
 5 capital outlay, repair, maintenance, and operations related to  
 6 the rescue, treatment, stabilization, maintenance, release,  
 7 and monitoring of manatees. Moneys distributed through  
 8 contractual agreement to each facility for manatee  
 9 rehabilitation shall be proportionate to the number of  
 10 manatees under acute care rehabilitation and those released  
 11 during the previous fiscal year. However, the reimbursement  
 12 may not exceed the total amount available pursuant to ss.  
 13 327.25(11)~~327.25(7)~~and 327.28(1)(b) for the purposes  
 14 provided in this paragraph. Prior to receiving reimbursement  
 15 for the expenses of rescue, rehabilitation, and release, a  
 16 facility that qualifies under state and federal regulations  
 17 shall submit a plan to the Department of Environmental  
 18 Protection for assisting the department and the Department of  
 19 Highway Safety and Motor Vehicles in marketing the manatee  
 20 specialty license plates. At a minimum, the plan shall include  
 21 provisions for graphics, dissemination of brochures, recorded  
 22 oral and visual presentation, and maintenance of a marketing  
 23 exhibit. The plan shall be updated annually and the Department  
 24 of Environmental Protection shall inspect each marketing  
 25 exhibit at least once each year to ensure the quality of the  
 26 exhibit and promotional material. Each facility that receives  
 27 funds for manatee rehabilitation shall annually provide the  
 28 department a written report, within 30 days after the close of  
 29 the state fiscal year, documenting the efforts and  
 30 effectiveness of the facility's promotional activities.  
 31

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 327.25(7) as s. 327.25(11)  
3 by s. 54, ch. 95-333, Laws of Florida.  
4

5 Section 155. Paragraph (a) of subsection (2) and  
6 subsection (9) of section 370.14, Florida Statutes, 1998  
7 Supplement, are amended to read:

8 370.14 Crawfish; regulation.--

9 (2)(a) Each trap used for taking or attempting to take  
10 crawfish must have a trap number permanently attached to the  
11 trap and the buoy. This trap number may be issued by the  
12 Division of Law Enforcement upon the receipt of application by  
13 the owner of the traps and accompanied by the payment of a fee  
14 of \$100. The design of the applications and of the trap number  
15 shall be determined by the division. ~~However, effective July~~  
16 ~~1, 1988, and until July 1, 1992, no crawfish trap numbers~~  
17 ~~issued pursuant to this section except those numbers that were~~  
18 ~~active during the 1990-1991 fiscal year shall be renewed or~~  
19 ~~reissued. No new trap numbers shall be issued during this~~  
20 ~~period. Until July 1, 1992, trap number holders or members of~~  
21 ~~their immediate family or a person to whom the trap number was~~  
22 ~~transferred in writing must request renewal of the number~~  
23 ~~prior to June 30 of each year. If a person holding an active~~  
24 ~~trap number or a member of the person's immediate family or a~~  
25 ~~person to whom the trap number was transferred in writing does~~  
26 ~~not request renewal of the number before the applicable date~~  
27 ~~as specified above, the department may reissue the number to~~  
28 ~~another applicant in the order of the receipt of the~~  
29 ~~application for a trap number.~~Any trap or device used in  
30 taking or attempting to take crawfish, other than a trap with  
31 the trap number attached as prescribed in this paragraph,

1 shall be seized and destroyed by the division. The proceeds of  
2 the fees imposed by this paragraph shall be deposited and used  
3 as provided in paragraph (b). The Department of Environmental  
4 Protection is authorized to promulgate rules and regulations  
5 to carry out the intent of this section.

6 (9) No common carrier or employee of said carrier may  
7 carry, knowingly receive for carriage, or permit the carriage  
8 of any crawfish of the species *Panulirus argus*, regardless of  
9 where taken, during the closed season, except of the species  
10 *Panulirus argus* lawfully imported from a foreign country for  
11 reshipment outside of the territorial limits of the state  
12 under United States Customs bond or in accordance with  
13 paragraph (7)(a) ~~(8)(a)~~.

14  
15 Reviser's note.--Paragraph (2)(a) is amended to  
16 delete provisions that have served their  
17 purpose. Subsection (9) is amended to conform  
18 to the redesignation of paragraph (8)(a) as  
19 paragraph (7)(a) necessitated by the repeal of  
20 former subsection (6) by s. 20, ch. 98-227,  
21 Laws of Florida.

22  
23 Section 156. Paragraphs (b) and (c) of subsection (2)  
24 of section 370.142, Florida Statutes, 1998 Supplement, are  
25 amended to read:

26 370.142 Spiny lobster trap certificate program.--

27 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
28 PENALTIES.--The Department of Environmental Protection shall  
29 establish a trap certificate program for the spiny lobster  
30 fishery of this state and shall be responsible for its  
31 administration and enforcement as follows:

1           (b) Trap tags.--Each trap used to take or attempt to  
2 take spiny lobsters in state waters or adjacent federal waters  
3 shall, in addition to the crawfish trap number required by s.  
4 370.14(2), have affixed thereto an annual trap tag issued by  
5 the department. Each such tag shall be made of durable plastic  
6 or similar material and shall, ~~beginning with those tags~~  
7 ~~issued for the 1993-1994 season~~ based on the number of  
8 certificates held, have stamped thereon the owner's license  
9 number. To facilitate enforcement and recordkeeping, such tags  
10 shall be issued each year in a color different from that of  
11 each of the previous 3 years. ~~A fee of 50 cents per tag issued~~  
12 ~~other than on the basis of a certificate held shall be~~  
13 ~~assessed through March 31, 1993. Until 1995, an annual fee of~~  
14 ~~50 cents per certificate shall be assessed, and thereafter,~~  
15 ~~until 1998, an annual fee of 75 cents per certificate shall be~~  
16 ~~assessed upon issuance in order to recover administrative~~  
17 ~~costs of the tags and the certificate program. Beginning in~~  
18 ~~1998,~~The annual certificate fee shall be \$1 per certificate.  
19 Replacement tags for lost or damaged tags may be obtained as  
20 provided by rule of the department.

21           (c) Prohibitions; penalties.--

22           1. It is unlawful for a person to possess or use a  
23 spiny lobster trap in or on state waters or adjacent federal  
24 waters without having affixed thereto the trap tag required by  
25 this section. It is unlawful for a person to possess or use  
26 any other gear or device designed to attract and enclose or  
27 otherwise aid in the taking of spiny lobster by trapping that  
28 is not a trap as defined in rule 46-24.006(2), Florida  
29 Administrative Code.

30  
31

1           2. It is unlawful for a person to possess or use spiny  
2 lobster trap tags without having the necessary number of  
3 certificates on record as required by this section.

4           3. In addition to any other penalties provided in s.  
5 370.021, a commercial harvester, as defined by rule  
6 46-24.002(1), Florida Administrative Code, who violates the  
7 provisions of this section, or the provisions relating to  
8 traps of chapter 46-24, Florida Administrative Code, shall be  
9 punished as follows:

10           a. If the first violation is for violation of  
11 subparagraph 1. or subparagraph 2., the department shall  
12 assess an additional civil penalty of up to \$1,000 and the  
13 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
14 ~~(7)~~ may be suspended for the remainder of the current license  
15 year. For all other first violations, the department shall  
16 assess an additional civil penalty of up to \$500.

17           b. For a second violation of subparagraph 1. or  
18 subparagraph 2. which occurs within 24 months of any previous  
19 such violation, the department shall assess an additional  
20 civil penalty of up to \$2,000 and the crawfish trap number  
21 issued pursuant to s. 370.14(2) or (6) ~~(7)~~ may be suspended  
22 for the remainder of the current license year.

23           c. For a third or subsequent violation of subparagraph  
24 1. or subparagraph 2. which occurs within 36 months of any  
25 previous two such violations, the department shall assess an  
26 additional civil penalty of up to \$5,000 and may suspend the  
27 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
28 ~~(7)~~ for a period of up to 24 months or may revoke the crawfish  
29 trap number and, if revoking the crawfish trap number, may  
30 also proceed against the licenseholder's saltwater products  
31

1 license in accordance with the provisions of s. 370.021(3)(i)  
2 ~~370.021(2)(e)~~.

3 d. Any person assessed an additional civil penalty  
4 pursuant to this section shall within 30 calendar days after  
5 notification:

6 (I) Pay the civil penalty to the department; or

7 (II) Request an administrative hearing pursuant to the  
8 provisions of s. 120.60.

9 e. The department shall suspend the crawfish trap  
10 number issued pursuant to s. 370.14(2) or ~~(6)(7)~~ for any  
11 person failing to comply with the provisions of  
12 sub-subparagraph d.

13 4.a. It is unlawful for any person to make, alter,  
14 forge, counterfeit, or reproduce a spiny lobster trap tag or  
15 certificate.

16 b. It is unlawful for any person to knowingly have in  
17 his or her possession a forged, counterfeit, or imitation  
18 spiny lobster trap tag or certificate.

19 c. It is unlawful for any person to barter, trade,  
20 sell, supply, agree to supply, aid in supplying, or give away  
21 a spiny lobster trap tag or certificate or to conspire to  
22 barter, trade, sell, supply, aid in supplying, or give away a  
23 spiny lobster trap tag or certificate unless such action is  
24 duly authorized by the department as provided in this chapter  
25 or in the rules of the department.

26 5.a. Any person who violates the provisions of  
27 subparagraph 4., or any person who engages in the commercial  
28 harvest, trapping, or possession of spiny lobster without a  
29 crawfish trap number as required by s. 370.14(2) or ~~(6)(7)~~ or  
30 during any period while such crawfish trap number is under  
31 suspension or revocation, commits a felony of the third

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

3           b. In addition to any penalty imposed pursuant to  
4 sub-subparagraph a., the department shall levy a fine of up to  
5 twice the amount of the appropriate surcharge to be paid on  
6 the fair market value of the transferred certificates, as  
7 provided in subparagraph (a)1., on any person who violates the  
8 provisions of sub-subparagraph 4.c.

9           6. Any certificates for which the annual certificate  
10 fee is not paid for a period of 3 years shall be considered  
11 abandoned and shall revert to the department. During any  
12 period of trap reduction, any certificates reverting to the  
13 department shall become permanently unavailable and be  
14 considered in that amount to be reduced during the next  
15 license-year period. Otherwise, any certificates that revert  
16 to the department are to be reallocated in such manner as  
17 provided by the department.

18           7. The proceeds of all civil penalties collected  
19 pursuant to subparagraph 3. and all fines collected pursuant  
20 to sub-subparagraph 5.b. shall be deposited into the Marine  
21 Resources Conservation Trust Fund.

22           8. All traps shall be removed from the water during  
23 any period of suspension or revocation.

24  
25           Reviser's note.--Paragraph (2)(b) is amended to  
26 delete provisions that have served their  
27 purpose. Paragraph (2)(c) is amended to  
28 conform to the redesignation of s. 370.14(7) as  
29 s. 370.14(6) necessitated by the repeal of  
30 former s. 370.14(6) by s. 20, ch. 98-227, Laws  
31 of Florida, and the redesignation of s.



1 370.021(2)(e) as s. 370.021(3)(i) by s. 2, ch.  
2 98-227.

3  
4 Section 157. Paragraph (d) of subsection (2) of  
5 section 370.1535, Florida Statutes, is amended to read:

6 370.1535 Regulation of shrimp fishing in Tampa Bay;  
7 licensing requirements.--

8 (2) The Department of Environmental Protection is  
9 authorized to issue a dead shrimp production permit to persons  
10 qualified pursuant to the following criteria:

11 (d) No person shall be issued a permit or be allowed  
12 to renew a permit if such person is registered for  
13 noncommercial trawling pursuant to s. 370.15(4)~~370.15(6)~~ or  
14 if such person holds a live bait shrimping license issued  
15 pursuant to s. 370.15(6)~~370.15(8)~~.

16  
17 Reviser's note.--Amended to conform to the  
18 redesignation of subunits of s. 370.15  
19 necessitated by the repeal of former s.  
20 370.15(2) and (3) by s. 21, ch. 98-227, Laws of  
21 Florida.

22  
23 Section 158. Section 370.154, Florida Statutes, is  
24 amended to read:

25 370.154 Shrimp regulations; closed areas; suspension  
26 of license, etc.--Any person convicted of taking shrimp in a  
27 closed area who is punishable under s. 370.15(5) or (6)  
28 ~~370.15(7) or (8)~~ shall, in addition to the penalties set forth  
29 therein, have his or her permit and the permit of the boat  
30 involved in the violation, issued pursuant to s. 370.15(4)  
31 ~~370.15(6)~~, revoked, if the person holds such a permit, and he

1 or she shall be ineligible to make application for such a  
2 permit for a period of 2 years from the date of such  
3 conviction. If a person not having a permit is convicted  
4 hereunder, that person and the boat involved in the violation  
5 shall not be eligible for such a permit for 5 years.

6  
7 Reviser's note.--Amended to conform to the  
8 redesignation of subunits of s. 370.15  
9 necessitated by the repeal of former s.  
10 370.15(2) and (3) by s. 21, ch. 98-227, Laws of  
11 Florida.

12  
13 Section 159. Subsection (3) of section 372.023,  
14 Florida Statutes, is amended to read:

15 372.023 J. W. Corbett and Cecil M. Webb Wildlife  
16 Management Areas.--

17 (3) Moneys received from the sale of lands within  
18 either wildlife management area, less reasonable expenses  
19 incident to the sale, shall be used by the Game and Fresh  
20 Water Fish Commission to acquire acreage contiguous to the  
21 wildlife management area or lands of equal wildlife value.  
22 The sale shall be made directly to the state, notwithstanding  
23 the procedures of s. ss. 270.08 and ~~270.09~~ to the contrary.

24  
25 Reviser's note.--Amended to conform to the  
26 repeal of s. 270.09 by s. 513, ch. 94-356, Laws  
27 of Florida.

28  
29 Section 160. Subsection (7) of section 372.561,  
30 Florida Statutes, 1998 Supplement, is amended to read:

1           372.561 Issuance of licenses to take wild animal life  
2 or freshwater aquatic life; costs; reporting.--

3           ~~(7)(a) Each county tax collector, as issuing agent for~~  
4 ~~the commission, shall submit to the commission by January 31,~~  
5 ~~1997, a report of the sale of, and payment for, all licenses~~  
6 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

7           ~~(b) By March 15, 1997, each county tax collector shall~~  
8 ~~provide the commission with a written report, on forms~~  
9 ~~provided by the commission, of the audit numbers of all~~  
10 ~~unissued licenses and permits for the period of June 1, 1996,~~  
11 ~~to December 31, 1996. Within 30 days after the submission of~~  
12 ~~the annual audit report, each county tax collector shall~~  
13 ~~provide the commission with a written audit report on~~  
14 ~~unissued, sold, and voided licenses, permits, and stamps with~~  
15 ~~a certified reconciliation statement prepared by a certified~~  
16 ~~public accountant. Concurrent with the submission of the~~  
17 ~~certification, the county tax collector shall remit to the~~  
18 ~~commission the monetary value of all licenses, permits, and~~  
19 ~~stamps that are unaccounted for. Each tax collector is also~~  
20 ~~responsible for fees for all licenses, permits, and stamps~~  
21 ~~distributed by him or her to subagents, sold by him or her, or~~  
22 ~~reported by him or her as lost.~~

23  
24           Reviser's note.--Amended to delete provisions  
25           that have served their purpose.

26  
27           Section 161. Subsection (13) of section 372.57,  
28 Florida Statutes, 1998 Supplement, is amended to read:

29           372.57 Licenses and permits; exemptions; fees.--No  
30 person, except as provided herein, shall take game, freshwater  
31 fish, or fur-bearing animals within this state without having

1 first obtained a license, permit, or authorization and paid  
2 the fees hereinafter set forth, unless such license is issued  
3 without fee as provided in s. 372.561. Such license, permit,  
4 or authorization shall authorize the person to whom it is  
5 issued to take game, freshwater fish, or fur-bearing animals  
6 in accordance with law and commission rules. Such license,  
7 permit, or authorization is not transferable. Each license or  
8 permit must bear on its face in indelible ink the name of the  
9 person to whom it is issued and other information requested by  
10 the commission. Such license, permit, or authorization issued  
11 by the commission or any agent must be in the personal  
12 possession of the person to whom issued while taking game,  
13 freshwater fish, or fur-bearing animals. The failure of such  
14 person to exhibit such license, permit, or authorization to  
15 the commission or its wildlife officers, when such person is  
16 found taking game, freshwater fish, or fur-bearing animals, is  
17 a violation of law. A positive form of identification is  
18 required when using an authorization, a lifetime license, a  
19 5-year license, or when otherwise required by the license or  
20 permit. The lifetime licenses and 5-year licenses provided  
21 herein shall be embossed with the name, date of birth, the  
22 date of issuance, and other pertinent information as deemed  
23 necessary by the commission. A certified copy of the  
24 applicant's birth certificate shall accompany all applications  
25 for a lifetime license for residents 12 years of age and  
26 younger. Each applicant for a license, permit, or  
27 authorization shall provide the applicant's social security  
28 number on the application form. Disclosure of social security  
29 numbers obtained through this requirement shall be limited to  
30 the purpose of administration of the Title IV-D child support  
31

1 enforcement program and use by the commission, and as  
2 otherwise provided by law.

3 (13) Fees collected pursuant to s. 370.0605(2) for  
4 5-year saltwater fishing licenses, fees collected pursuant to  
5 s. 370.0605(6)(e)~~370.0605(5)(e)~~ for replacement 5-year and  
6 lifetime licenses, fees collected pursuant to s. 370.0615 for  
7 lifetime saltwater fishing licenses and 30 percent of the fee  
8 for the lifetime sportsman's license shall be transferred  
9 within 30 days following the last day of the month in which  
10 the license fees were received by the commission to the Marine  
11 Resources Conservation Trust Fund.

12

13 Reviser's note.--Amended to facilitate correct  
14 interpretation; s. 370.0605(5)(e) does not  
15 exist. Section 370.0605(6)(e) pertains to  
16 replacement licenses.

17

18 Section 162. Section 372.573, Florida Statutes, is  
19 amended to read:

20 372.573 Management area permit revenues.--The  
21 commission shall expend the revenue generated from the sale of  
22 the management area permit as provided for in s. 372.57(4)(b)  
23 ~~372.57(5)(b)~~ or that pro rata portion of any license that  
24 includes management area privileges as provided for in s.  
25 372.57(2)(i)~~372.57(2)(k)~~ and (14)(b)~~(16)(b)~~ for the lease,  
26 management, and protection of lands for public hunting,  
27 fishing, and other outdoor recreation.

28

29 Reviser's note.--Amended to conform to the  
30 redesignation of subunits of s. 372.57 by s.  
31 13, ch. 96-300, Laws of Florida.

1           Section 163. Subsection (2) of section 372.661,  
2 Florida Statutes, is amended to read:

3           372.661 Private hunting preserve, license;  
4 exception.--

5           (2) A commercial hunting preserve license, which shall  
6 exempt patrons of licensed preserves from the licensure  
7 requirements of s. 372.57(2)(e), (f), (g), ~~(h)~~, and (i) ~~(k)~~,  
8 (4)(a) ~~(5)(a)~~, (c), (d), and (e), (7) ~~(9)~~, (9) ~~(11)~~, and  
9 (14)(b) ~~(16)(b)~~ while hunting on the licensed preserve  
10 property, shall be \$500. Such commercial hunting preserve  
11 license shall be available only to those private hunting  
12 preserves licensed pursuant to this section which are operated  
13 exclusively for commercial purposes, which are open to the  
14 public, and for which a uniform fee is charged to patrons for  
15 hunting privileges.

16  
17           Reviser's note.--Amended to conform to the  
18 repeal of s. 372.57(2)(h) and the redesignation  
19 of other subunits of s. 372.57 by s. 13, ch.  
20 96-300, Laws of Florida.

21  
22           Section 164. Paragraph (d) of subsection (1) of  
23 section 373.036, Florida Statutes, 1998 Supplement, is amended  
24 to read:

25           373.036 Florida water plan; district water management  
26 plans.--

27           (1) FLORIDA WATER PLAN.--In cooperation with the water  
28 management districts, regional water supply authorities, and  
29 others, the department shall develop the Florida water plan.  
30 The Florida water plan shall include, but not be limited to:  
31

1 (d) Goals, objectives, and guidance for the  
 2 development and review of programs, rules, and plans relating  
 3 to water resources, based on statutory policies and  
 4 directives. The state water policy rule, renamed the water  
 5 resource implementation rule pursuant to s. 373.019(20)  
 6 ~~373.019(21)~~, shall serve as this part of the plan. Amendments  
 7 or additions to this part of the Florida water plan shall be  
 8 adopted by the department as part of the water resource  
 9 implementation rule. In accordance with s. 373.114, the  
 10 department shall review rules of the water management  
 11 districts for consistency with this rule. Amendments to the  
 12 water resource implementation rule must be adopted by the  
 13 secretary of the department and be submitted to the President  
 14 of the Senate and the Speaker of the House of Representatives  
 15 within 7 days after publication in the Florida Administrative  
 16 Weekly. Amendments shall not become effective until the  
 17 conclusion of the next regular session of the Legislature  
 18 following their adoption.

19  
 20 Reviser's note.--Amended to facilitate correct  
 21 interpretation; the water resource  
 22 implementation rule can be found at s.  
 23 373.019(20).

24  
 25 Section 165. Subsection (1) of section 373.0691,  
 26 Florida Statutes, is amended to read:  
 27 373.0691 Transfer of areas.--  
 28 (1) At the time of change of boundaries of the  
 29 respective districts under s. 373.069(3), 1976 Supplement to  
 30 Florida Statutes 1975, all contractual obligations with  
 31 respect to an area being transferred to another district shall

1 be assumed by the district receiving such area; all real  
2 property interests owned by a district within an area to be  
3 transferred shall be conveyed to the district receiving such  
4 area; and all equipment, vehicles, other personal property,  
5 and records owned, located, and used by a district solely  
6 within an area being transferred shall be delivered to the  
7 district receiving such area. However, if an area is  
8 transferred from a district with a contractual obligation to  
9 the United States of America for the operation and maintenance  
10 of works within such area, then the deliveries and conveyances  
11 required in this section shall be deferred until the United  
12 States has approved the assumption of the contractual  
13 obligations by the receiving district.

14

15 Reviser's note.--Amended to clarify the  
16 reference to s. 373.069(3), which appeared at  
17 the location and referenced the time of change  
18 of boundaries of the districts in the 1976  
19 Supplement.

20

21 Section 166. Subsections (2) and (3) of section  
22 373.197, Florida Statutes, are reenacted to read:

23 373.197 Kissimmee River Valley and Taylor  
24 Creek-Nubbins Slough Basin restoration project; measures  
25 authorized.--

26 (2) The Legislature recommends that the authorization  
27 provide that the Board of Engineers for Rivers and Harbors,  
28 created under s. 3 of the Rivers and Harbors Act, approved  
29 June 13, 1902, be directed to review the report of the Chief  
30 of Engineers on Central and Southern Florida, published as  
31 House Document Numbered 643, Eightieth Congress, and other



1 pertinent reports, with a view to determining whether any  
 2 modification of the recommendations contained therein and of  
 3 the system of works constructed pursuant thereto is advisable  
 4 with respect to questions of the quality of water entering the  
 5 Kissimmee River and Taylor Creek-Nubbins Slough and Lake  
 6 Okeechobee therefrom, flood control, recreation, navigation,  
 7 loss of fish and wildlife resources, other current and  
 8 foreseeable environmental problems, and loss of environmental  
 9 amenities in those areas. Potential modification  
 10 alternatives, if any, shall include, but not be limited to,  
 11 consideration of restoration of all or parts of the Kissimmee  
 12 River below Lake Kissimmee and of the Taylor Creek-Nubbins  
 13 Slough Basin.

14 (3) The department and the Water Management District  
 15 shall also seek to assure that this restudy be conducted by  
 16 the Corps of Engineers in close cooperation with the  
 17 Coordinating Council on the Restoration of the Kissimmee River  
 18 Valley and the Taylor Creek-Nubbins Slough Basin and that the  
 19 study be responsive to the problems and needs identified by  
 20 the Coordinating Council and consider development of detailed  
 21 physical and mathematical models to assess and predict these  
 22 identified problems.

23  
 24 Reviser's note.--Section 260, ch. 94-356, Laws  
 25 of Florida, purported to amend s. 373.197, but  
 26 failed to republish subsections (2) and (3).  
 27 In the absence of affirmative evidence that the  
 28 Legislature intended to repeal the omitted  
 29 material, coupled with the fact that the form  
 30 of the amendment affirmatively evidenced an  
 31 intent to retain the existing subsection

1 structure, subsections (2) and (3) are  
2 reenacted to confirm that the omission was not  
3 intended.

4  
5 Section 167. Section 373.213, Florida Statutes, is  
6 amended to read:

7 373.213 Certain artesian wells exempt.--Nothing in ss.  
8 373.203, 373.206, 373.209, or s. 373.213 ~~ss. 370.051-370.054~~  
9 shall be construed to apply to an artesian well feeding a lake  
10 already in existence prior to June 15, 1953, which lake is  
11 used or intended to be used for public bathing and/or the  
12 propagation of fish, where the continuous flow of water is  
13 necessary to maintain its purity for bathing and the water  
14 level of said lake for fish.

15  
16 Reviser's note.--Amended to conform to the  
17 redesignation of the referenced sections  
18 incident to the compilation of the Florida  
19 Statutes 1957 and the further redesignation of  
20 sections pursuant to the directive of the  
21 Legislature in s. 25, ch. 73-190, Laws of  
22 Florida. Section 370.054, as redesignated s.  
23 373.051, was repealed by s. 1, part VI, ch.  
24 72-299, Laws of Florida.

25  
26 Section 168. Subsection (1) of section 373.246,  
27 Florida Statutes, is amended to read:

28 373.246 Declaration of water shortage or emergency.--  
29 (1) The governing board or the department by  
30 regulation shall formulate a plan for implementation during  
31 periods of water shortage. ~~Copies of the water shortage plan~~

1 ~~shall be submitted to the Speaker of the House of~~  
2 ~~Representatives and the President of the Senate no later than~~  
3 ~~October 31, 1983.~~ As a part of this plan the governing board  
4 or the department shall adopt a reasonable system of water-use  
5 classification according to source of water supply; method of  
6 extraction, withdrawal, or diversion; or use of water or a  
7 combination thereof. The plan may include provisions for  
8 variances and alternative measures to prevent undue hardship  
9 and ensure equitable distribution of water resources.

10  
11 Reviser's note.--Amended to delete a provision  
12 that has served its purpose.

13  
14 Section 169. Subsection (9) of section 373.414,  
15 Florida Statutes, is amended to read:

16 373.414 Additional criteria for activities in surface  
17 waters and wetlands.--

18 (9) The department and the governing boards, on or  
19 before July 1, 1994, shall adopt rules to incorporate the  
20 provisions of this section, relying primarily on the existing  
21 rules of the department and the water management districts,  
22 into the rules governing the management and storage of surface  
23 waters. Such rules shall seek to achieve a statewide,  
24 coordinated and consistent permitting approach to activities  
25 regulated under this part. Variations in permitting criteria  
26 in the rules of individual water management districts or the  
27 department shall only be provided to address differing  
28 physical or natural characteristics. Such rules adopted  
29 pursuant to this subsection shall include the special criteria  
30 adopted pursuant to s. 403.061(29) and may include the special  
31 criteria adopted pursuant to s. 403.061(34)~~403.061(35)~~. Such

1 rules shall include a provision requiring that a notice of  
 2 intent to deny or a permit denial based upon this section  
 3 shall contain an explanation of the reasons for such denial  
 4 and an explanation, in general terms, of what changes, if any,  
 5 are necessary to address such reasons for denial. Such rules  
 6 may establish exemptions and general permits, if such  
 7 exemptions and general permits do not allow significant  
 8 adverse impacts to occur individually or cumulatively. Such  
 9 rules may require submission of proof of financial  
 10 responsibility which may include the posting of a bond or  
 11 other form of surety prior to the commencement of construction  
 12 to provide reasonable assurance that any activity permitted  
 13 pursuant to this section, including any mitigation for such  
 14 permitted activity, will be completed in accordance with the  
 15 terms and conditions of the permit once the construction is  
 16 commenced. Until rules adopted pursuant to this subsection  
 17 become effective, existing rules adopted under this part and  
 18 rules adopted pursuant to the authority of ss. 403.91-403.929  
 19 shall be deemed authorized under this part and shall remain in  
 20 full force and effect. Neither the department nor the  
 21 governing boards are limited or prohibited from amending any  
 22 such rules.

23

24 Reviser's note.--Amended to conform to the  
 25 redesignation of s. 403.061(35) as s.  
 26 403.061(34) necessitated by the repeal of s.  
 27 403.061(33) by s. 26, ch. 97-160, Laws of  
 28 Florida.

29

30 Section 170. Subsection (1) of section 373.421,  
 31 Florida Statutes, 1998 Supplement, is amended to read:

1           373.421 Delineation methods; formal determinations.--  
2           (1) ~~By January 1, 1994,~~The Environmental Regulation  
3 Commission shall adopt a unified statewide methodology for the  
4 delineation of the extent of wetlands as defined in s.  
5 373.019(22)~~373.019(23)~~. This methodology shall consider  
6 regional differences in the types of soils and vegetation that  
7 may serve as indicators of the extent of wetlands. This  
8 methodology shall also include provisions for determining the  
9 extent of surface waters other than wetlands for the purposes  
10 of regulation under s. 373.414. This methodology shall not  
11 become effective until ratified by the Legislature. Subsequent  
12 to legislative ratification, the wetland definition in s.  
13 373.019(22)~~373.019(23)~~and the adopted wetland methodology  
14 shall be binding on the department, the water management  
15 districts, local governments, and any other governmental  
16 entities. Upon ratification of such wetland methodology, the  
17 Legislature preempts the authority of any water management  
18 district, state or regional agency, or local government to  
19 define wetlands or develop a delineation methodology to  
20 implement the definition and determines that the exclusive  
21 definition and delineation methodology for wetlands shall be  
22 that established pursuant to s. 373.019(22)~~373.019(23)~~and  
23 this section. Upon such legislative ratification, any existing  
24 wetlands definition or wetland delineation methodology shall  
25 be superseded by the wetland definition and delineation  
26 methodology established pursuant to this chapter. Subsequent  
27 to legislative ratification, a delineation of the extent of a  
28 surface water or wetland by the department or a water  
29 management district, pursuant to a formal determination under  
30 subsection (2), or pursuant to a permit issued under this part  
31 in which the delineation was field-verified by the permitting

1 agency and specifically approved in the permit, shall be  
2 binding on all other governmental entities for the duration of  
3 the formal determination or permit. All existing rules and  
4 methodologies of the department, the water management  
5 districts, and local governments, regarding surface water or  
6 wetland definition and delineation shall remain in full force  
7 and effect until the common methodology rule becomes  
8 effective. However, this shall not be construed to limit any  
9 power of the department, the water management districts, and  
10 local governments to amend or adopt a surface water or wetland  
11 definition or delineation methodology until the common  
12 methodology rule becomes effective.

13

14 Reviser's note.--Amended to delete a provision  
15 that has served its purpose and to conform to  
16 the correct location of the definition of  
17 "wetlands" in s. 373.019.

18

19 Section 171. Paragraph (a) of subsection (4) and  
20 paragraph (e) of subsection (6) of section 373.4592, Florida  
21 Statutes, are amended to read:

22 373.4592 Everglades improvement and management.--

23 (4) EVERGLADES PROGRAM.--

24 (a) Everglades Construction Project.--The district  
25 shall implement the Everglades Construction Project. By the  
26 time of completion of the project, the state, district, or  
27 other governmental authority shall purchase the inholdings in  
28 the Rotenberger and such other lands necessary to achieve a  
29 2:1 mitigation ratio for the use of Brown's Farm and other  
30 similar lands, including those needed for the STA 1 Inflow and  
31 Distribution Works. The inclusion of public lands as part of

1 the project is for the purpose of treating waters not coming  
2 from the EAA for hydroperiod restoration. It is the intent of  
3 the Legislature that the district aggressively pursue the  
4 implementation of the Everglades Construction Project in  
5 accordance with the schedule in this subsection. The  
6 Legislature recognizes that adherence to the schedule is  
7 dependent upon factors beyond the control of the district,  
8 including the timely receipt of funds from all contributors.  
9 The district shall take all reasonable measures to complete  
10 timely performance of the schedule in this section in order to  
11 finish the Everglades Construction Project. The district shall  
12 not delay implementation of the project beyond the time delay  
13 caused by those circumstances and conditions that prevent  
14 timely performance. The district shall not levy ad valorem  
15 taxes in excess of 0.1 mill within the Okeechobee Basin for  
16 the purposes of the design, construction, and acquisition of  
17 the Everglades Construction Project. The ad valorem tax  
18 proceeds not exceeding 0.1 mill levied within the Okeechobee  
19 Basin for such purposes shall be the sole direct district  
20 contribution from district ad valorem taxes appropriated or  
21 expended for the design, construction, and acquisition of the  
22 Everglades Construction Project unless the Legislature by  
23 specific amendment to this section increases the 0.1 mill ad  
24 valorem tax contribution, increases the agricultural privilege  
25 taxes, or otherwise reallocates the relative contribution by  
26 ad valorem taxpayers and taxpayers paying the agricultural  
27 privilege taxes toward the funding of the design,  
28 construction, and acquisition of the Everglades Construction  
29 Project. Notwithstanding the provisions of s. 200.069 to the  
30 contrary, any millage levied under the 0.1 mill limitation in  
31 this paragraph shall be included as a separate entry on the

1 Notice of Proposed Property Taxes pursuant to s. 200.069. Once  
 2 the STAs are completed, the district shall allow these areas  
 3 to be used by the public for recreational purposes in the  
 4 manner set forth in s. 373.59(11)~~373.59(10)~~, considering the  
 5 suitability of these lands for such uses. These lands shall be  
 6 made available for recreational use unless the district  
 7 governing board can demonstrate that such uses are  
 8 incompatible with the restoration goals of the Everglades  
 9 Construction Project or the water quality and hydrological  
 10 purposes of the STAs or would otherwise adversely impact the  
 11 implementation of the project. The district shall give  
 12 preferential consideration to the hiring of agricultural  
 13 workers displaced as a result of the Everglades Construction  
 14 Project, consistent with their qualifications and abilities,  
 15 for the construction and operation of these STAs. The  
 16 following milestones apply to the completion of the Everglades  
 17 Construction Project as depicted in the February 15, 1994,  
 18 conceptual design document:

19           1. The district must complete the final design of the  
 20 STA 1 East and West and pursue STA 1 East project components  
 21 as part of a cost-shared program with the Federal Government.  
 22 The district must be the local sponsor of the federal project  
 23 that will include STA 1 East, and STA 1 West if so authorized  
 24 by federal law. Land acquisition shall be completed for STA 1  
 25 West by April 1, 1996, and for STA 1 East by July 1, 1998;

26           2. Construction of STA 1 East is to be completed under  
 27 the direction of the United States Army Corps of Engineers in  
 28 conjunction with the currently authorized C-51 flood control  
 29 project by July 1, 2002;

30           3. The district must complete construction of STA 1  
 31 West and STA 1 Inflow and Distribution Works under the



1 direction of the United States Army Corps of Engineers, if the  
2 direction is authorized under federal law, in conjunction with  
3 the currently authorized C-51 flood control project, by  
4 January 1, 1999;

5 4. The district must complete construction of STA 2 by  
6 February 1, 1999;

7 5. The district must complete construction of STA 3/4  
8 by October 1, 2003;

9 6. The district must complete construction of STA 5 by  
10 January 1, 1999; and

11 7. The district must complete construction of STA 6 by  
12 October 1, 1997.

13 8. East Beach Water Control District, South Shore  
14 Drainage District, South Florida Conservancy District, East  
15 Shore Water Control District, and the lessee of agricultural  
16 lease number 3420 shall complete any system modifications  
17 described in the Everglades Construction Project to the extent  
18 that funds are available from the Everglades Fund. These  
19 entities shall divert the discharges described within the  
20 Everglades Construction Project within 60 days of completion  
21 of construction of the appropriate STA. Such required  
22 modifications shall be deemed to be a part of each district's  
23 plan of reclamation pursuant to chapter 298.

24 (6) EVERGLADES AGRICULTURAL PRIVILEGE TAX.--

25 (e) If, for any tax year, the number of acres subject  
26 to the Everglades agricultural privilege tax is less than the  
27 number of acres included on the Everglades agricultural  
28 privilege tax roll certified for the tax notices mailed in  
29 November 1994, the minimum tax shall be subject to increase in  
30 the manner provided in this paragraph. In determining the  
31 number of acres subject to the Everglades agricultural

1 privilege tax for purposes of this paragraph, property  
2 acquired by a not-for-profit entity for purposes of  
3 conservation and preservation, the United States, or the  
4 state, or any agency thereof, and removed from the Everglades  
5 agricultural privilege tax roll after January 1, 1994, shall  
6 be treated as subject to the tax even though no tax is imposed  
7 or due: in its entirety, for tax notices mailed prior to  
8 November 2000; to the extent its area exceeds 4 percent of the  
9 total area of property subject to the Everglades agricultural  
10 tax, for tax notices mailed in November 2000 through November  
11 2005; and to the extent its area exceeds 8 percent of the  
12 total area of property subject to the Everglades agricultural  
13 tax, for tax notices mailed in November 2006 and thereafter.  
14 For each tax year, the district shall determine the amount, if  
15 any, by which the sum of the following exceeds \$12,367,000:

16 1. The product of the minimum tax multiplied by the  
17 number of acres subject to the Everglades agricultural  
18 privilege tax; and

19 2. The ad valorem tax increment, as defined in this  
20 subparagraph.

21  
22 The aggregate of such annual amounts, less any portion  
23 previously applied to eliminate or reduce future increases in  
24 the minimum tax, as described in this paragraph ~~subparagraph~~,  
25 shall be known as the "excess tax amount." If for any tax  
26 year, the amount computed by multiplying the minimum tax by  
27 the number of acres then subject to the Everglades  
28 agricultural privilege tax is less than \$12,367,000, the  
29 excess tax amount shall be applied in the following manner. If  
30 the excess tax amount exceeds such difference, an amount equal  
31 to the difference shall be deducted from the excess tax amount

1 and applied to eliminate any increase in the minimum tax. If  
 2 such difference exceeds the excess tax amount, the excess tax  
 3 amount shall be applied to reduce any increase in the minimum  
 4 tax. In such event, a new minimum tax shall be computed by  
 5 subtracting the remaining excess tax amount from \$12,367,000  
 6 and dividing the result by the number of acres subject to the  
 7 Everglades agricultural privilege tax for such tax year. For  
 8 purposes of this paragraph ~~subparagraph~~, the "ad valorem tax  
 9 increment" means 50 percent of the difference between the  
 10 amount of ad valorem taxes actually imposed by the district  
 11 for the immediate prior tax year against property included on  
 12 the Everglades agricultural privilege tax roll certified for  
 13 the tax notices mailed in November 1994 that was not subject  
 14 to the Everglades agricultural privilege tax during the  
 15 immediate prior tax year and the amount of ad valorem taxes  
 16 that would have been imposed against such property for the  
 17 immediate prior tax year if the taxable value of each acre had  
 18 been equal to the average taxable value of all other land  
 19 classified as agricultural within the EAA for such year;  
 20 however, the ad valorem tax increment for any year shall not  
 21 exceed the amount that would have been derived from such  
 22 property from imposition of the minimum tax during the  
 23 immediate prior tax year.

24  
 25  
 26  
 27  
 28  
 29  
 30  
 31

Reviser's note.--Paragraph (4)(a) is amended to  
 conform to the redesignation of subunits of s.  
 373.59 by s. 17, ch. 96-389, Laws of Florida.  
 Paragraph (6)(e) is amended to reflect that  
 references to "this subparagraph" occurred in  
 text that is not designated as a subparagraph.

1           Section 172. Paragraph (a) of subsection (2),  
2 subsection (6), and paragraphs (a) and (d) of subsection (14)  
3 of section 373.59, Florida Statutes, 1998 Supplement, are  
4 amended to read:

5           373.59 Water Management Lands Trust Fund.--

6           (2)(a) By January 15 of each year, each district shall  
7 file with the Legislature and the Secretary of Environmental  
8 Protection a report of acquisition activity together with  
9 modifications or additions to its 5-year plan of acquisition.  
10 Included in the report shall be an identification of those  
11 lands which require a full fee simple interest to achieve  
12 water management goals and those lands which can be acquired  
13 using alternatives to fee simple acquisition techniques and  
14 still achieve such goals. In their evaluation of which lands  
15 would be appropriate for acquisition through alternatives to  
16 fee simple, district staff shall consider criteria including,  
17 but not limited to, acquisition costs, the net present value  
18 of future land management costs, the net present value of ad  
19 valorem revenue loss to the local government, and the  
20 potential for revenue generated from activities compatible  
21 with acquisition objectives. The report shall also include a  
22 description of land management activity. Expenditure of moneys  
23 from the Water Management Lands Trust Fund shall be limited to  
24 the costs for acquisition, management, maintenance, and  
25 capital improvements of lands included within the 5-year plan  
26 as filed by each district and to the department's costs of  
27 administration of the fund. The department's costs of  
28 administration shall be charged proportionally against each  
29 district's allocation using the formula provided in subsection  
30 (8)~~(7)~~. However, no acquisition of lands shall occur without  
31 a public hearing similar to those held pursuant to the

1 provisions set forth in s. 120.54. In the annual update of its  
 2 5-year plan for acquisition, each district shall identify  
 3 lands needed to protect or recharge groundwater and shall  
 4 establish a plan for their acquisition as necessary to protect  
 5 potable water supplies. Lands which serve to protect or  
 6 recharge groundwater identified pursuant to this paragraph  
 7 shall also serve to protect other valuable natural resources  
 8 or provide space for natural resource based recreation.

9 (6) If a district issues revenue bonds or notes under  
 10 s. 373.584, the district may pledge its share of the moneys in  
 11 the Water Management Lands Trust Fund as security for such  
 12 bonds or notes. The Department of Environmental Protection  
 13 shall pay moneys from the trust fund to a district or its  
 14 designee sufficient to pay the debt service, as it becomes  
 15 due, on the outstanding bonds and notes of the district;  
 16 however, such payments shall not exceed the district's  
 17 cumulative portion of the trust fund. However, any moneys  
 18 remaining after payment of the amount due on the debt service  
 19 shall be released to the district pursuant to subsection(4)  
 20 ~~(3)~~.

21 (14)(a) ~~Beginning in fiscal year 1992-1993,~~Not more  
 22 than one-fourth of the land management funds provided for in  
 23 subsections (1) and (9) in any year shall be reserved annually  
 24 by a governing board, during the development of its annual  
 25 operating budget, for payment in lieu of taxes to qualifying  
 26 counties for actual ad valorem tax losses incurred as a result  
 27 of lands purchased with funds allocated pursuant to s.  
 28 259.101(3)(b). In addition, the Northwest Florida Water  
 29 Management District, the South Florida Water Management  
 30 District, the Southwest Florida Water Management District, the  
 31 St. Johns River Water Management District, and the Suwannee

1 River Water Management District shall pay to qualifying  
2 counties payments in lieu of taxes for district lands acquired  
3 with funds allocated pursuant to subsection (8). Reserved  
4 funds that are not used for payment in lieu of taxes in any  
5 year shall revert to the fund to be used for management  
6 purposes or land acquisition in accordance with this section.

7 (d) The payment amount shall be based on the average  
8 amount of actual taxes paid on the property for the 3 years  
9 immediately preceding acquisition. ~~For lands purchased prior~~  
10 ~~to July 1, 1992, applications for payment in lieu of taxes~~  
11 ~~shall be made to the districts by January 1, 1993. For lands~~  
12 ~~purchased after July 1, 1992, Applications for payment in lieu~~  
13 of taxes shall be made no later than January 31 of the year  
14 following acquisition. No payment in lieu of taxes shall be  
15 made for properties which were exempt from ad valorem taxation  
16 for the year immediately preceding acquisition. Payment in  
17 lieu of taxes shall be limited to a period of 10 consecutive  
18 years of annual payments.

19  
20 Reviser's note.--Paragraph (2)(a) and  
21 subsection (6) are amended to conform to the  
22 redesignation of subunits of s. 373.59 by s.  
23 17, ch. 96-389, Laws of Florida. Paragraphs  
24 (14)(a) and (d) are amended to delete  
25 provisions that have served their purpose.

26  
27 Section 173. Subsection (1) of section 373.591,  
28 Florida Statutes, 1998 Supplement, is amended to read:

29 373.591 Management review teams.--

30 (1) To determine whether conservation, preservation,  
31 and recreation lands titled in the names ~~named~~ of the water

1 management districts are being managed for the purposes for  
2 which they were acquired and in accordance with land  
3 management objectives, the water management districts shall  
4 establish land management review teams to conduct periodic  
5 management reviews. The land management review teams shall be  
6 composed of the following members:

7 (a) One individual from the county or local community  
8 in which the parcel is located.

9 (b) One employee of the water management district.

10 (c) A private land manager mutually agreeable to the  
11 governmental agency representatives.

12 (d) A member of the local soil and water conservation  
13 district board of supervisors.

14 (e) One individual from the Game and Fresh Water Fish  
15 Commission.

16 (f) One individual from the Department of  
17 Environmental Protection.

18 (g) One individual representing a conservation  
19 organization.

20 (h) One individual from the Department of Agriculture  
21 and Consumer Services' Division of Forestry.

22  
23 Reviser's note.--Amended to improve clarity and  
24 facilitate correct interpretation.

25  
26 Section 174. Subsection (1) of section 374.976,  
27 Florida Statutes, 1998 Supplement, is amended to read:

28 374.976 Authority to address impacts of waterway  
29 development projects.--

30 (1) Each inland navigation district, ~~except the~~  
31 ~~district created pursuant to s. 374.301,~~ is empowered and

1 authorized to undertake programs intended to alleviate the  
2 problems associated with its waterway or waterways, including,  
3 but not limited to, the following:

4 (a) The district may act as a local interest sponsor  
5 for any project designated as a "Section 107, River and Harbor  
6 Act of 1960" project authorized and undertaken by the U.S.  
7 Army Corps of Engineers and, in this regard, may comply with  
8 any or all conditions imposed on local interests as part of  
9 such project.

10 (b) It is the intent of the Legislature that the  
11 district may sponsor or furnish assistance and support to  
12 member counties and local governments within the district in  
13 planning and carrying out beach renourishment and inlet  
14 management projects. Such assistance and support, if  
15 financial in nature, shall be contributed only after a finding  
16 by the board that inlet management projects are a benefit to  
17 public navigation in the district and that the beaches to be  
18 nourished have been adversely impacted by navigation inlets,  
19 navigation structures, navigation dredging, or a navigation  
20 project. Such projects will be consistent with Department of  
21 Environmental Protection approved inlet management plans and  
22 the statewide beach management plan pursuant to s. 161.161.  
23 Inlet management projects that are determined to be consistent  
24 with Department of Environmental Protection approved inlet  
25 management plans are declared to be a benefit to public  
26 navigation.

27 (c) The district is authorized to aid and cooperate  
28 with the Federal Government, state, member counties, and local  
29 governments within the district in planning and carrying out  
30 public navigation, local and regional anchorage management,  
31 beach renourishment, public recreation, inlet management,



1 environmental education, and boating safety projects, directly  
2 related to the waterways. The district is also authorized to  
3 enter into cooperative agreements with the United States Army  
4 Corps of Engineers, state, and member counties, and to  
5 covenant in any such cooperative agreement to pay part of the  
6 costs of acquisition, planning, development, construction,  
7 reconstruction, extension, improvement, operation, and  
8 maintenance of such projects.

9 (d) The district is authorized to enter into  
10 cooperative agreements with navigation-related districts to  
11 pay part of the costs of acquisition of spoil disposal sites.

12 (e) The district is authorized to enter into ecosystem  
13 management agreements with the Department of Environmental  
14 Protection pursuant to s. 403.075.

15  
16 Reviser's note.--Amended to conform to the  
17 repeal of s. 374.301 by s. 2, ch. 93-265, Laws  
18 of Florida.

19  
20 Section 175. Subsection (3) of section 374.983,  
21 Florida Statutes, is amended to read:

22 374.983 Governing body.--

23 (3) The officers of the board shall be: one chair,  
24 one vice chair, one secretary, and one treasurer; provided,  
25 however, that no one person shall be eligible to hold more  
26 than one of said offices at one and the same time. The  
27 officers shall be elected from the board by the members  
28 thereof. Six members of the board of commissioners shall  
29 constitute a quorum, and the vote of a majority of such quorum  
30 shall be necessary to the transaction of business. Board and  
31 committee meetings may be conducted utilizing communications

1 media technology, pursuant to s. 120.54(5)(b)2~~120.53(6)~~. The  
2 chair shall have the right to vote at all meetings of the  
3 board. Special meetings of the board may be called at any time  
4 by the chair, with notice thereof to be given to each member  
5 of the board.

6  
7 Reviser's note.--Amended to conform to  
8 revisions to chapter 120 by ch. 96-159, Laws of  
9 Florida. Material relating to utilization of  
10 communications media technology formerly  
11 located in s. 120.53(6) is now located in s.  
12 120.54(5)(b)2.

13  
14 Section 176. Subsection (2) of section 375.041,  
15 Florida Statutes, is amended to read:

16 375.041 Land Acquisition Trust Fund.--

17 (2) The moneys on deposit in the Land Acquisition  
18 Trust Fund shall be first applied to pay the rentals due under  
19 lease-purchase agreements or to meet debt service requirements  
20 of revenue bonds issued pursuant to s. 375.051; provided,  
21 however, that debt service on Save Our Coast bonds shall not  
22 be paid from moneys transferred to the Land Acquisition Trust  
23 Fund pursuant to s. 259.032(2)(b)~~253.023(2)(b)~~.

24  
25 Reviser's note.--Amended to conform to the  
26 transfer of s. 253.023 to s. 259.032 by s. 1,  
27 ch. 94-240, Laws of Florida.

28  
29 Section 177. Paragraph (i) of subsection (4) of  
30 section 376.3071, Florida Statutes, is amended to read:

1           376.3071 Inland Protection Trust Fund; creation;  
2 purposes; funding.--

3           (4) USES.--Whenever, in its determination, incidents  
4 of inland contamination related to the storage of petroleum or  
5 petroleum products may pose a threat to the environment or the  
6 public health, safety, or welfare, the department shall  
7 obligate moneys available in the fund to provide for:

8           (i) Funding of the provisions of ss. 376.305(6)  
9 ~~376.305(7)~~and 376.3072.

10

11 The Inland Protection Trust Fund may only be used to fund the  
12 activities in ss. 376.30-376.319 except ss. 376.3078 and  
13 376.3079. Amounts on deposit in the Inland Protection Trust  
14 Fund in each fiscal year shall first be applied or allocated  
15 for the payment of amounts payable by the department pursuant  
16 to paragraph (o) under a service contract entered into by the  
17 department pursuant to s. 376.3075 and appropriated in each  
18 year by the Legislature prior to making or providing for other  
19 disbursements from the fund. Nothing in this subsection shall  
20 authorize the use of the Inland Protection Trust Fund for  
21 cleanup of contamination caused primarily by a discharge of  
22 solvents as defined in s. 206.9925(6), or polychlorinated  
23 biphenyls when their presence causes them to be hazardous  
24 wastes, except solvent contamination which is the result of  
25 chemical or physical breakdown of petroleum products and is  
26 otherwise eligible. Facilities used primarily for the storage  
27 of motor or diesel fuels as defined in ss. 206.01 and 206.86  
28 shall be presumed not to be excluded from eligibility pursuant  
29 to this section.

30

31

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 376.305(7) as s. 376.305(6)  
3 by s. 4, ch. 96-277, Laws of Florida.  
4

5 Section 178. Paragraphs (b) and (c) of subsection (2)  
6 of section 376.30711, Florida Statutes, are reenacted to read:  
7 376.30711 Preapproved site rehabilitation, effective  
8 March 29, 1995.--

9 (2)

10 (b) Any contractor performing site rehabilitation  
11 program tasks must demonstrate to the department that:

12 1. The contractor meets all certification and license  
13 requirements imposed by law.

14 2. The contractor has obtained approval of its  
15 Comprehensive Quality Assurance Plan prepared under department  
16 rules.

17 (c) The contractor shall certify to the department  
18 that such contractor:

19 1. Complies with applicable OSHA regulations.

20 2. Maintains workers' compensation insurance for all  
21 employees as required by the Florida Workers' Compensation  
22 Law.

23 3. Maintains comprehensive general liability and  
24 comprehensive automobile liability insurance with minimum  
25 limits of at least \$1 million per occurrence and \$1 million  
26 annual aggregate, as shall protect it from claims for damage  
27 for personal injury, including accidental death, as well as  
28 claims for property damage which may arise from performance of  
29 work under the program, designating the state as an additional  
30 insured party.  
31

1           4. Maintains professional liability insurance of at  
2 least \$1 million per occurrence and \$1 million annual  
3 aggregate.

4           5. Has completed and submitted a sworn statement under  
5 s. 287.133(3)(a), on public entity crimes.

6           6. Has the capacity to perform or directly supervise  
7 the majority of the work at a site in accordance with s.  
8 489.113(9).

9  
10           Reviser's note.--Section 15, ch. 97-277, Laws  
11 of Florida, purported to amend s. 376.30711(2),  
12 but failed to republish paragraphs (2)(b) and  
13 (c). In the absence of affirmative evidence  
14 that the Legislature intended to repeal the  
15 omitted material, coupled with the fact that  
16 the form of the amendment affirmatively  
17 evidences an intent to preserve the existing  
18 paragraph structure, paragraphs (2)(b) and (c)  
19 are reenacted to confirm that the omission was  
20 not intended.

21  
22           Section 179. Paragraph (a) of subsection (2) of  
23 section 376.3072, Florida Statutes, is amended to read:

24           376.3072 Florida Petroleum Liability and Restoration  
25 Insurance Program.--

26           (2)(a) Any owner or operator of a petroleum storage  
27 system may become an insured in the restoration insurance  
28 program at a facility provided:

29           1. A site at which an incident has occurred shall be  
30 eligible for restoration if the insured is a participant in  
31 the third-party liability insurance program or otherwise meets

1 applicable financial responsibility requirements. After July  
2 1, 1993, the insured must also provide the required excess  
3 insurance coverage or self-insurance for restoration to  
4 achieve the financial responsibility requirements of 40 C.F.R.  
5 s. 280.97, subpart H, not covered by paragraph (d)~~(e)~~.

6 2. A site which had a discharge reported prior to  
7 January 1, 1989, for which notice was given pursuant to s.  
8 376.3071(9) or (12), and which is ineligible for the  
9 third-party liability insurance program solely due to that  
10 discharge shall be eligible for participation in the  
11 restoration program for any incident occurring on or after  
12 January 1, 1989, in accordance with subsection (3).

13 Restoration funding for an eligible contaminated site will be  
14 provided without participation in the third-party liability  
15 insurance program until the site is restored as required by  
16 the department or until the department determines that the  
17 site does not require restoration.

18 3. Notwithstanding paragraph (b), a site where an  
19 application is filed with the department prior to January 1,  
20 1995, where the owner is a small business under s. 288.703(1),  
21 a state community college with less than 2,500 FTE, a  
22 religious institution as defined by s. 212.08(7)(o)2.a., a  
23 charitable institution as defined by s. 212.08(7)(o)2.b., or a  
24 county or municipality with a population of less than 50,000,  
25 shall be eligible for up to \$300,000 of eligible restoration  
26 costs, less a deductible of \$10,000 for small businesses,  
27 eligible community colleges, and religious or charitable  
28 institutions, and \$30,000 for eligible counties and  
29 municipalities, provided that:

30  
31

1 a. Except as provided in sub-subparagraph e., the  
2 facility was in compliance with department rules at the time  
3 of the discharge.

4 b. The owner or operator has, upon discovery of a  
5 discharge, promptly reported the discharge to the department,  
6 and drained and removed the system from service, if necessary.

7 c. The owner or operator has not intentionally caused  
8 or concealed a discharge or disabled leak detection equipment.

9 d. The owner or operator proceeds to complete initial  
10 remedial action as defined by department rules.

11 e. The owner or operator, if required and if it has  
12 not already done so, applies for third-party liability  
13 coverage for the facility within 30 days of receipt of an  
14 eligibility order issued by the department pursuant to this  
15 provision.

16  
17 However, the department may consider in-kind services from  
18 eligible counties and municipalities in lieu of the \$30,000  
19 deductible. The cost of conducting initial remedial action as  
20 defined by department rules shall be an eligible restoration  
21 cost pursuant to this provision.

22 4.a. By January 1, 1997, facilities at sites with  
23 existing contamination shall be required to have methods of  
24 release detection to be eligible for restoration insurance  
25 coverage for new discharges subject to department rules for  
26 secondary containment. Annual storage system testing, in  
27 conjunction with inventory control, shall be considered to be  
28 a method of release detection until the later of December 22,  
29 1998, or 10 years after the date of installation or the last  
30 upgrade. Other methods of release detection for storage tanks  
31 which meet such requirement are:

1 (I) Interstitial monitoring of tank and integral  
2 piping secondary containment systems;

3 (II) Automatic tank gauging systems; or

4 (III) A statistical inventory reconciliation system  
5 with a tank test every 3 years.

6 b. For pressurized integral piping systems, the owner  
7 or operator must use:

8 (I) An automatic in-line leak detector with flow  
9 restriction meeting the requirements of department rules used  
10 in conjunction with an annual tightness or pressure test; or

11 (II) An automatic in-line leak detector with  
12 electronic flow shut-off meeting the requirements of  
13 department rules.

14 c. For suction integral piping systems, the owner or  
15 operator must use:

16 (I) A single check valve installed directly below the  
17 suction pump, provided there are no other valves between the  
18 dispenser and the tank; or

19 (II) An annual tightness test or other approved test.

20 d. Owners of facilities with existing contamination  
21 that install internal release detection systems in accordance  
22 with sub-subparagraph a. shall permanently close their  
23 external groundwater and vapor monitoring wells in accordance  
24 with department rules by December 31, 1998. Upon installation  
25 of the internal release detection system, these wells shall be  
26 secured and taken out of service until permanent closure.

27 e. Facilities with vapor levels of contamination  
28 meeting the requirements of or below the concentrations  
29 specified in the performance standards for release detection  
30 methods specified in department rules may continue to use  
31 vapor monitoring wells for release detection.



1 f. The department may approve other methods of release  
2 detection for storage tanks and integral piping which have at  
3 least the same capability to detect a new release as the  
4 methods specified in this subparagraph.

5  
6 Reviser's note.--Amended to conform to the  
7 redesignation of paragraph (e) of s.  
8 376.3072(2) as paragraph (d) by s. 8, ch.  
9 96-277, Laws of Florida.

10  
11 Section 180. Paragraph (a) of subsection (8) and  
12 subsection (12) of section 376.3078, Florida Statutes, 1998  
13 Supplement, are amended to read:

14 376.3078 Drycleaning facility restoration; funds;  
15 uses; liability; recovery of expenditures.--

16 (8) SCORING SYSTEM APPLICATION.--

17 (a) If the department determines that a site is  
18 eligible for the program, pursuant to this section, then the  
19 department shall develop a score for the site in accordance  
20 with provisions of subsection (7)~~(5)~~.

21 (12) REOPENERS.--Upon completion of site  
22 rehabilitation in compliance with subsection (11)~~(10)~~,  
23 additional site rehabilitation is not required unless it is  
24 demonstrated:

25 (a) That fraud was committed in demonstrating site  
26 conditions or completion of site rehabilitation;

27 (b) That new information confirms the existence of an  
28 area of previously unknown contamination which exceeds the  
29 site-specific rehabilitation levels established in accordance  
30 with subsection (4), or which otherwise poses the threat of  
31

1 real and substantial harm to public health, safety, or the  
2 environment;

3 (c) That the remediation efforts failed to achieve the  
4 site rehabilitation criteria established under this section;

5 (d) That the level of risk is increased beyond the  
6 acceptable risk established under subsection (4) due to  
7 substantial changes in exposure conditions, such as a change  
8 in land use from nonresidential to residential use. Any person  
9 who changes the land use of the site, thus causing the level  
10 of risk to increase beyond the acceptable risk level, may be  
11 required by the department to undertake additional remediation  
12 measures to assure that human health, public safety, and the  
13 environment are protected consistent with this section; or

14 (e) That a new discharge occurs at the drycleaning  
15 site subsequent to a determination of eligibility for  
16 participation in the drycleaning program established under  
17 this section.

18

19 Reviser's note.--Amended to conform to the  
20 redesignation of subunits of s. 376.3078 by the  
21 reviser incident to compiling the 1998  
22 Supplement to the Florida Statutes 1997.

23

24 Section 181. Paragraph (a) of subsection (2) of  
25 section 376.30781, Florida Statutes, 1998 Supplement, is  
26 amended to read:

27 376.30781 Partial tax credits for rehabilitation of  
28 drycleaning-solvent-contaminated sites and brownfield sites in  
29 designated brownfield areas; application process; rulemaking  
30 authority; revocation authority.--

31

1           (2)(a) A credit in the amount of 35 percent of the  
2 costs of voluntary cleanup activity that is integral to site  
3 rehabilitation at the following sites is allowed pursuant to  
4 ss. 199.1055 and 220.1845:

5           1. A drycleaning-solvent-contaminated site eligible  
6 for state-funded site rehabilitation under s. 376.3078(3);

7           2. A drycleaning-solvent-contaminated site at which  
8 cleanup is undertaken by the real property owner pursuant to  
9 s. 376.3078(11)~~376.3078(10)~~, if the real property owner is  
10 not also, and has never been, the owner or operator of the  
11 drycleaning facility where the contamination exists; or

12           3. A brownfield site in a designated brownfield area  
13 under s. 376.80.

14  
15           Reviser's note.--Amended to conform to the  
16 redesignation of s. 376.3078(10) as s.

17           376.3078(11) by the reviser necessitated by the  
18 inclusion of two subsections numbered (6) in s.  
19 10, ch. 98-189, Laws of Florida.

20  
21           Section 182. Paragraph (a) of subsection (1) of  
22 section 376.82, Florida Statutes, 1998 Supplement, is amended  
23 to read:

24           376.82 Eligibility criteria and liability  
25 protection.--

26           (1) ELIGIBILITY.--Any person who has not caused or  
27 contributed to the contamination of a brownfield site on or  
28 after July 1, 1997, is eligible to participate in the  
29 brownfield rehabilitation program established in ss.  
30 376.77-376.85, subject to the following:

1 (a) Potential brownfield sites that are subject to an  
 2 ongoing formal judicial or administrative enforcement action  
 3 or corrective action pursuant to federal authority, including,  
 4 but not limited to, the Comprehensive Environmental Response  
 5 Compensation and Liability Act, 42 U.S.C. ss. 9601, et seq.,  
 6 as amended; the Safe Drinking Water Act, 42 U.S.C. ss.  
 7 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss.  
 8 1251-1387, as amended; or under an order from the United  
 9 States Environmental Protection Agency pursuant to s. 3008(h)  
 10 of the Resource Conservation and Recovery Act, as amended (42  
 11 U.S.C.A. s. 6928(h)); or that have obtained or are required to  
 12 obtain a permit for the operation of a hazardous waste  
 13 treatment, storage, or disposal facility; a postclosure  
 14 permit; or a permit pursuant to the federal Hazardous and  
 15 Solid Waste Amendments of 1984, are not eligible for  
 16 participation unless specific exemptions are secured by a  
 17 memorandum of agreement with the United States Environmental  
 18 Protection Agency pursuant to paragraph (2)(g)~~(2)(e)~~. A  
 19 brownfield site within an eligible brownfield area that  
 20 subsequently becomes subject to formal judicial or  
 21 administrative enforcement action or corrective action under  
 22 such federal authority shall have its eligibility revoked  
 23 unless specific exemptions are secured by a memorandum of  
 24 agreement with the United States Environmental Protection  
 25 Agency pursuant to paragraph (2)(g).

26  
 27 Reviser's note.--Amended to facilitate correct  
 28 interpretation and to conform to usage  
 29 elsewhere in the paragraph; paragraph (2)(e)  
 30 does not relate to agreements with the United  
 31 States Environmental Protection Agency.

1           Section 183. Paragraphs (b), (c), (d), (e), (h), (i),  
2 (j), (k), (l), and (m) of subsection (3) of section 377.703,  
3 Florida Statutes, 1998 Supplement, are reenacted to read:

4           377.703 Additional functions of the Department of  
5 Community Affairs; energy emergency contingency plan; federal  
6 and state conservation programs.--

7           (3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.--The  
8 Department of Community Affairs shall, in addition to assuming  
9 the duties and responsibilities provided by ss. 20.18 and  
10 377.701, perform the following functions consistent with the  
11 development of a state energy policy:

12           (b) The department shall constitute the responsible  
13 state agency for performing or coordinating the functions of  
14 any federal energy programs delegated to the state, including  
15 energy supply, demand, conservation, or allocation.

16           (c) The department shall analyze present and proposed  
17 federal energy programs and make recommendations regarding  
18 those programs to the Governor.

19           (d) The department shall coordinate efforts to seek  
20 federal support or other support for state energy activities,  
21 including energy conservation, research, or development, and  
22 shall be the state agency responsible for the coordination of  
23 multiagency energy conservation programs and plans.

24           (e) The department shall analyze energy data collected  
25 and prepare long-range forecasts of energy supply and demand  
26 in coordination with the Florida Public Service Commission,  
27 which shall have responsibility for electricity and natural  
28 gas forecasts. To this end, the forecasts shall contain:

29           1. An analysis of the relationship of state economic  
30 growth and development to energy supply and demand, including  
31

1 the constraints to economic growth resulting from energy  
2 supply constraints.

3           2. Plans for the development of renewable energy  
4 resources and reduction in dependence on depletable energy  
5 resources, particularly oil and natural gas, and an analysis  
6 of the extent to which renewable energy sources are being  
7 utilized in the state.

8           3. Consideration of alternative scenarios of statewide  
9 energy supply and demand for 5, 10, and 20 years, to identify  
10 strategies for long-range action, including identification of  
11 potential social, economic, and environmental effects.

12           4. An assessment of the state's energy resources,  
13 including examination of the availability of commercially  
14 developable and imported fuels, and an analysis of anticipated  
15 effects on the state's environment and social services  
16 resulting from energy resource development activities or from  
17 energy supply constraints, or both.

18           (h) Promote the development and use of renewable  
19 energy resources, in conformance with the provisions of  
20 chapter 187 and s. 377.601, by:

21           1. Establishing goals and strategies for increasing  
22 the use of solar energy in this state.

23           2. Aiding and promoting the commercialization of solar  
24 energy technology, in cooperation with the Florida Solar  
25 Energy Center, the Department of Commerce, and any other  
26 federal, state, or local governmental agency which may seek to  
27 promote research, development, and demonstration of solar  
28 energy equipment and technology.

29           3. Identifying barriers to greater use of solar energy  
30 systems in this state, and developing specific recommendations  
31 for overcoming identified barriers, with findings and

1 recommendations to be submitted annually in the report to the  
2 Legislature required under paragraph (f).

3           4. In cooperation with the Department of  
4 Transportation, the Department of Commerce, the Florida Solar  
5 Energy Center, and the Florida Solar Energy Industries  
6 Association, investigating opportunities, pursuant to the  
7 National Energy Policy Act of 1992 and the Housing and  
8 Community Development Act of 1992, for solar electric vehicles  
9 and other solar energy manufacturing, distribution,  
10 installation, and financing efforts which will enhance this  
11 state's position as the leader in solar energy research,  
12 development, and use.

13           5. Undertaking other initiatives to advance the  
14 development and use of renewable energy resources in this  
15 state.

16  
17 In the exercise of its responsibilities under this paragraph,  
18 the department shall seek the assistance of the solar energy  
19 industry in this state and other interested parties and is  
20 authorized to enter into contracts, retain professional  
21 consulting services, and expend funds appropriated by the  
22 Legislature for such purposes.

23           (i) The department shall promote energy conservation  
24 in all energy use sectors throughout the state and shall  
25 constitute the state agency primarily responsible for this  
26 function. To this end, the department shall coordinate the  
27 energy conservation programs of all state agencies and review  
28 and comment on the energy conservation programs of all state  
29 agencies.

30           (j) The department shall serve as the state  
31 clearinghouse for indexing and gathering all information

1 related to energy programs in state universities, in private  
 2 universities, in federal, state, and local government  
 3 agencies, and in private industry and shall prepare and  
 4 distribute such information in any manner necessary to inform  
 5 and advise the citizens of the state of such programs and  
 6 activities. This shall include developing and maintaining a  
 7 current index and profile of all research activities, which  
 8 shall be identified by energy area and may include a summary  
 9 of the project, the amount and sources of funding, anticipated  
 10 completion dates, or, in case of completed research,  
 11 conclusions, recommendations, and applicability to state  
 12 government and private sector functions. The department shall  
 13 coordinate, promote, and respond to efforts by all sectors of  
 14 the economy to seek financial support for energy activities.  
 15 The department shall provide information to consumers  
 16 regarding the anticipated energy-use and energy-saving  
 17 characteristics of products and services in coordination with  
 18 any federal, state, or local governmental agencies as may  
 19 provide such information to consumers.

20 (k) The department shall coordinate energy-related  
 21 programs of state government, including, but not limited to,  
 22 the programs provided in this section. To this end, the  
 23 department shall:

24 1. Provide assistance to other state agencies,  
 25 counties, municipalities, and regional planning agencies to  
 26 further and promote their energy planning activities.

27 2. Require, in cooperation with the Department of  
 28 Management Services, all state agencies to operate state-owned  
 29 and state-leased buildings in accordance with energy  
 30 conservation standards as adopted by the Department of  
 31 Management Services. Every 3 months, the Department of



1 Management Services shall furnish the department data on  
2 agencies' energy consumption in a format mutually agreed upon  
3 by the two departments.

4 3. Promote the development and use of renewable energy  
5 resources, energy efficiency technologies, and conservation  
6 measures.

7 4. Promote the recovery of energy from wastes,  
8 including, but not limited to, the use of waste heat, the use  
9 of agricultural products as a source of energy, and recycling  
10 of manufactured products. Such promotion shall be conducted in  
11 conjunction with, and after consultation with, the Department  
12 of Environmental Protection, the Florida Public Service  
13 Commission where electrical generation or natural gas is  
14 involved, and any other relevant federal, state, or local  
15 governmental agency having responsibility for resource  
16 recovery programs.

17 (1) The department shall develop, coordinate, and  
18 promote a comprehensive research plan for state programs. Such  
19 plan shall be consistent with state energy policy and shall be  
20 updated on a biennial basis.

21 (m) In recognition of the devastation to the economy  
22 of this state and the dangers to the health and welfare of  
23 residents of this state caused by Hurricane Andrew, and the  
24 potential for such impacts caused by other natural disasters,  
25 the department shall include in its energy emergency  
26 contingency plan and in the state model energy efficiency  
27 building code specific provisions to facilitate the use of  
28 cost-effective solar energy technologies as emergency remedial  
29 and preventive measures for providing electric power, street  
30 lighting, and water heating service in the event of electric  
31 power outages.

1 Reviser's note.--Section 7, ch. 95-328, Laws of  
 2 Florida, purported to amend subsection (3) of  
 3 s. 377.703, but did not set out in full the  
 4 amended subsection to include paragraphs  
 5 (b)-(m). Paragraph (f) was amended by s. 39,  
 6 ch. 95-196, Laws of Florida, and paragraph (g)  
 7 was amended by s. 89, ch. 98-200, Laws of  
 8 Florida. In the absence of affirmative evidence  
 9 that the Legislature intended to repeal the  
 10 omitted material, coupled with the amendment of  
 11 two of the omitted paragraphs in other  
 12 legislation and the fact that the amendments by  
 13 ch. 95-196, ch. 95-328, and ch. 98-200  
 14 affirmatively evidence an intent to preserve  
 15 the existing subsection structure, paragraphs  
 16 (b)-(e) and (h)-(m) are reenacted to confirm  
 17 that their omission was not intended.

18  
 19 Section 184. Subsection (9) of section 378.901,  
 20 Florida Statutes, is amended to read:

21 378.901 Life-of-the-mine permit.--

22 (9) Each operator of a mine that has received  
 23 construction approval in accordance with s. 403.087, s.  
 24 403.088, former part VIII of chapter 403, or part IV of  
 25 chapter 373 in response to an application which was submitted  
 26 prior to July 1, 1995, may elect either to seek renewal of  
 27 that permit or to seek a life-of-the-mine permit for all new  
 28 or existing activities that require a permit. Life-of-the-mine  
 29 permit applications for existing fuller's earth mining  
 30 activities must be reviewed as set forth in s. 373.414(15).

31

1 Reviser's note.--Amended to conform to the fact  
2 that the only provision in former part VIII of  
3 chapter 403 existing at the time the reference  
4 was enacted, s. 403.939, expired October 1,  
5 1994, and was repealed by s. 18, ch. 95-145,  
6 Laws of Florida.

7  
8 Section 185. Subsections (4) and (5), paragraphs (b)  
9 and (c) of subsection (8), and paragraphs (d) and (g) of  
10 subsection (10) of section 380.0555, Florida Statutes, 1998  
11 Supplement, are amended to read:

12 380.0555 Apalachicola Bay Area; protection and  
13 designation as area of critical state concern.--

14 (4) REMOVAL OF DESIGNATION.--The state land planning  
15 agency may recommend to the Administration Commission the  
16 removal of the designation from all or part of the area  
17 specified in subsection (3), if it determines that all local  
18 land development regulations and local comprehensive plans and  
19 the administration of such regulations and plans are adequate  
20 to protect the Apalachicola Bay Area, continue to carry out  
21 the legislative intent set forth in subsection (2), and are in  
22 compliance with the principles for guiding development set  
23 forth in subsection (7)~~(8)~~. If the Administration Commission  
24 concurs with the recommendations of the state land planning  
25 agency to remove any area from the designation, it shall,  
26 within 45 days after receipt of the recommendation, initiate  
27 rulemaking to remove the designation. The state land planning  
28 agency shall make recommendations to the Administration  
29 Commission annually.

30 (5) APPLICATION OF CHAPTER 380 PROVISIONS.--Section  
31 380.05(1)-(6), (8)-(12), (15), (17), and (21), shall not apply

1 to the area designated by this act for so long as the  
 2 designation remains in effect. Except as otherwise provided in  
 3 this act, s. 380.045 shall not apply to the area designated by  
 4 this act. All other provisions of this chapter shall apply,  
 5 including ss. 380.07 and 380.11, except that the "local  
 6 development regulations" in s. 380.05(13) shall include the  
 7 regulations set forth in subsection(8)~~(9)~~for purposes of s.  
 8 380.05(13), and the plan or plans submitted pursuant to s.  
 9 380.05(14) shall be submitted no later than February 1, 1986.  
 10 All or part of the area designated by this act may be  
 11 redesignated pursuant to s. 380.05 as if it had been initially  
 12 designated pursuant to that section.

13 (8) COMPREHENSIVE PLAN ELEMENTS AND LAND DEVELOPMENT  
 14 REGULATIONS.--

15 (b) Conflicting regulations.--In the event of any  
 16 inconsistency between subparagraph (a)1. and subparagraphs  
 17 (a)2.-11., subparagraph (a)1. shall control. Further, in the  
 18 event of any inconsistency between subsection(7)~~(8)~~and  
 19 paragraph (a) of this subsection and a development order  
 20 issued pursuant to s. 380.06, which has become final prior to  
 21 June 18, 1985, or between subsection(7)~~(8)~~and paragraph (a)  
 22 and an amendment to a final development order, which amendment  
 23 has been requested prior to April 2, 1985, the development  
 24 order or amendment thereto shall control. However, any  
 25 modification to paragraph (a) enacted by a local government  
 26 and approved by the Administration Commission pursuant to  
 27 subsection(9)~~(10)~~may provide whether it shall control over  
 28 an inconsistent provision of a development order or amendment  
 29 thereto. A development order or any amendment thereto  
 30 referred to in this paragraph shall not be subject to approval  
 31

1 by the Administration Commission pursuant to subsection (9)  
2 ~~(10)~~.

3 (c) Effect of existing plans and regulations.--Legally  
4 adopted comprehensive plans and land development regulations  
5 other than those listed in this subsection shall remain in  
6 full force and effect unless inconsistent with the principles  
7 for guiding development set forth in subsection (7)~~(8)~~, the  
8 elements of the comprehensive plan listed in this subsection,  
9 or the land development regulations listed in this subsection.

10 (10) REQUIREMENTS; LOCAL GOVERNMENTS.--

11 (d) Franklin County and the municipalities within it  
12 shall, within 12 months from June 18, 1985, establish by  
13 ordinance a map of "pollution-sensitive segments of the  
14 critical shoreline" within the Apalachicola Bay Area, which  
15 ordinance shall not be effective until approved by the  
16 Department of Health and Rehabilitative Services and the  
17 Department of Environmental Regulation. Franklin County and  
18 the municipalities within it, after the effective date of  
19 these ordinances, shall no longer grant permits for onsite  
20 wastewater disposal systems in pollution-sensitive segments of  
21 the critical shoreline, except for those onsite wastewater  
22 systems that will not degrade water quality in the river or  
23 bay. These ordinances shall not become effective until  
24 approved by the resource planning and management committee.  
25 Until such ordinances become effective, the Franklin County  
26 Health Department shall not give a favorable recommendation to  
27 the granting of a septic tank variance pursuant to section (1)  
28 of Ordinance 79-8, adopted on June 22, 1979, by the Franklin  
29 County Board of County Commissioners and filed with the  
30 Secretary of State on June 27, 1979, or issue a permit for a  
31 septic tank or alternative waste disposal system pursuant to

1 Ordinance 81-5, adopted on June 22, 1981, by the Franklin  
2 County Board of County Commissioners and filed with the  
3 Secretary of State on June 30, 1981, as amended as set forth  
4 in subparagraph (8)(a)2.~~(9)(a)2.~~, unless the Franklin County  
5 Health Department certifies, in writing, that the use of such  
6 system will be consistent with paragraph (7)(f)~~(8)(f)~~ and  
7 subsection (8)~~(9)~~.

8 (g) Franklin County and the municipalities within it  
9 shall, beginning 12 months from June 18, 1985, prepare  
10 semiannual reports on the implementation of paragraphs (b)-(f)  
11 on the environmental status of the Apalachicola Bay Area. The  
12 state land planning agency may prescribe additional detailed  
13 information required to be reported. Each report shall be  
14 delivered to the resource planning and management committee  
15 and the state land planning agency for review and  
16 recommendations. The state land planning agency shall review  
17 each report and consider such reports when making  
18 recommendations to the Administration Commission pursuant to  
19 subsection (9)~~(10)~~.

20  
21 Reviser's note.--Amended to conform to the  
22 redesignation of the subunits of s. 380.0555  
23 necessitated by the repeal of former subsection  
24 (7) by s. 31, ch. 98-176, Laws of Florida.

25  
26 Section 186. Section 380.20, Florida Statutes, is  
27 amended to read:

28 380.20 Short title.--Sections 380.205-380.24 ~~and ss.~~  
29 ~~380.31-380.33~~ may be cited as the "Florida Coastal Management  
30 Act."  
31

1 Reviser's note.--Amended to conform to the  
2 repeal of ss. 380.31-380.33 by s. 12, ch.  
3 95-145, Laws of Florida.

4  
5 Section 187. Section 380.205, Florida Statutes, is  
6 amended to read:

7 380.205 Definitions.--As used in ss. 380.21-380.24 ~~and~~  
8 ~~380.31-380.33~~:

9 (1) "Department" means the Department of Community  
10 Affairs.

11 ~~(2) "Interagency management committee" means the~~  
12 ~~Coastal Resources Interagency Management Committee established~~  
13 ~~by s. 380.31.~~

14 (2)~~(3)~~ "Coastal zone" means that area of land and  
15 water from the territorial limits seaward to the most inland  
16 extent of marine influences. However, for planning and  
17 developing coordinated projects and initiatives for coastal  
18 resource protection and management, the department shall  
19 consider the coastal zone to be the geographical area  
20 encompassed by the 35 Florida coastal counties listed in the  
21 Final Environmental Impact Statement for the Florida Coastal  
22 Management Program and the adjoining territorial sea. It is  
23 not the intent of this definition to limit the authority  
24 currently exercised under the federal law and the federally  
25 approved Florida Coastal Management Program by which projects  
26 landward and seaward of the 35 coastal counties are reviewed  
27 for consistency with the Florida Coastal Management Program.

28  
29 Reviser's note.--Amended to conform to the  
30 repeal of ss. 380.31-380.33 by s. 12, ch.  
31 95-145, Laws of Florida.

1           Section 188. Subsection (4) of section 380.22, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3           380.22 Lead agency authority and duties.--

4           (4) The department shall establish a county-based  
5 process for identifying, and setting priorities for acquiring,  
6 coastal properties in coordination with the Land Acquisition  
7 Advisory Council ~~and the Coastal Resources Interagency~~  
8 ~~Management Committee~~ so these properties may be acquired as  
9 part of the state's land acquisition programs. This process  
10 shall include the establishment of criteria for prioritizing  
11 coastal acquisitions which, in addition to recognizing  
12 pristine coastal properties and coastal properties of  
13 significant or important environmental sensitivity, recognize  
14 hazard mitigation, beach access, beach management, urban  
15 recreation, and other policies necessary for effective coastal  
16 management.

17  
18           Reviser's note.--Amended to conform to the  
19 repeal of s. 380.31, which created the Coastal  
20 Resources Interagency Management Committee, by  
21 s. 12, ch. 95-145, Laws of Florida.

22  
23           Section 189. Section 381.0014, Florida Statutes, is  
24 amended to read:

25           381.0014 Regulations and ordinances superseded.--The  
26 rules adopted by the department under the provisions of this  
27 chapter shall, as to matters of public health, supersede all  
28 rules enacted by other state departments, boards or  
29 commissions, or ordinances and regulations enacted by  
30 municipalities, except that this chapter does not alter or  
31 supersede any of the provisions set forth in chapters 502 and



1 503 or any rule adopted under the authority of those chapters.  
2 ~~Any rules adopted by the department under the provisions of~~  
3 ~~this chapter relating to the sanitary practices for the~~  
4 ~~production, handling, and processing of milk, to dairies, and~~  
5 ~~to milk plants shall be only for the purpose of carrying out~~  
6 ~~the provisions of s. 502.211(3).~~

7  
8 Reviser's note.--Amended to conform to the  
9 repeal of s. 502.211 by s. 14, ch. 94-92, Laws  
10 of Florida.

11  
12 Section 190. Subsection (3) of section 381.0035,  
13 Florida Statutes, 1998 Supplement, is amended to read:

14 381.0035 Educational course on human immunodeficiency  
15 virus and acquired immune deficiency syndrome; employees and  
16 clients of certain health care facilities.--

17 (3) Facilities licensed under chapters 393, 394, 395,  
18 397, and parts II, III, IV, and VI ~~I, II, III, and V~~ of  
19 chapter 400 shall maintain a record of employees and dates of  
20 attendance at human immunodeficiency virus and acquired immune  
21 deficiency syndrome educational courses.

22  
23 Reviser's note.--Amended to conform to the  
24 redesignation of the parts of chapter 400  
25 incident to the compilation of ch. 93-177, Laws  
26 of Florida.

27  
28 Section 191. Paragraphs (a) and (b) of subsection (3)  
29 of section 381.004, Florida Statutes, 1998 Supplement, are  
30 amended to read:

31 381.004 Testing for human immunodeficiency virus.--

1           (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
2 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

3           (a) No person in this state shall order a test  
4 designed to identify the human immunodeficiency virus, or its  
5 antigen or antibody, without first obtaining the informed  
6 consent of the person upon whom the test is being performed,  
7 except as specified in paragraph(h)~~(i)~~. Informed consent  
8 shall be preceded by an explanation of the right to  
9 confidential treatment of information identifying the subject  
10 of the test and the results of the test to the extent provided  
11 by law. Information shall also be provided on the fact that a  
12 positive HIV test result will be reported to the county health  
13 department with sufficient information to identify the test  
14 subject and on the availability and location of sites at which  
15 anonymous testing is performed. As required in paragraph  
16 (4)(c), each county health department shall maintain a list of  
17 sites at which anonymous testing is performed, including the  
18 locations, phone numbers, and hours of operation of the sites.  
19 Consent need not be in writing provided there is documentation  
20 in the medical record that the test has been explained and the  
21 consent has been obtained.

22           (b) Except as provided in paragraph(h)~~(i)~~, informed  
23 consent must be obtained from a legal guardian or other person  
24 authorized by law when the person:

- 25           1. Is not competent, is incapacitated, or is otherwise  
26 unable to make an informed judgment; or  
27           2. Has not reached the age of majority, except as  
28 provided in s. 384.30.

29  
30           Reviser's note.--Amended to conform to the  
31           redesignation of paragraph (3)(i) of s. 381.004

1 as paragraph (3)(h) by s. 2, ch. 98-171, Laws  
2 of Florida.

3  
4 Section 192. Paragraph (s) of subsection (4) of  
5 section 381.0065, Florida Statutes, 1998 Supplement, is  
6 amended to read:

7 381.0065 Onsite sewage treatment and disposal systems;  
8 regulation.--

9 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
10 may not construct, repair, modify, abandon, or operate an  
11 onsite sewage treatment and disposal system without first  
12 obtaining a permit approved by the department. The department  
13 may issue permits to carry out this section. A construction  
14 permit is valid for 18 months from the issuance date and may  
15 be extended by the department for one 90-day period under  
16 rules adopted by the department. A repair permit is valid for  
17 90 days from the date of issuance. An operating permit must be  
18 obtained prior to the use of any aerobic treatment unit or if  
19 the establishment generates commercial waste. Buildings or  
20 establishments that use an aerobic treatment unit or generate  
21 commercial waste shall be inspected by the department at least  
22 annually to assure compliance with the terms of the operating  
23 permit. The operating permit is valid for 1 year from the date  
24 of issuance and must be renewed annually. If all information  
25 pertaining to the siting, location, and installation  
26 conditions or repair of an onsite sewage treatment and  
27 disposal system remains the same, a construction or repair  
28 permit for the onsite sewage treatment and disposal system may  
29 be transferred to another person, if the transferee files,  
30 within 60 days after the transfer of ownership, an amended  
31 application providing all corrected information and proof of

1 ownership of the property. There is no fee associated with  
2 the processing of this supplemental information. A person may  
3 not contract to construct, modify, alter, repair, service,  
4 abandon, or maintain any portion of an onsite sewage treatment  
5 and disposal system without being registered under part III of  
6 chapter 489. A property owner who personally performs  
7 construction, maintenance, or repairs to a system serving his  
8 or her own owner-occupied single-family residence is exempt  
9 from registration requirements for performing such  
10 construction, maintenance, or repairs on that residence, but  
11 is subject to all permitting requirements. A municipality or  
12 political subdivision of the state may not issue a building or  
13 plumbing permit for any building that requires the use of an  
14 onsite sewage treatment and disposal system unless the owner  
15 or builder has received a construction permit for such system  
16 from the department. A building or structure may not be  
17 occupied and a municipality, political subdivision, or any  
18 state or federal agency may not authorize occupancy until the  
19 department approves the final installation of the onsite  
20 sewage treatment and disposal system. A municipality or  
21 political subdivision of the state may not approve any change  
22 in occupancy or tenancy of a building that uses an onsite  
23 sewage treatment and disposal system until the department has  
24 reviewed the use of the system with the proposed change,  
25 approved the change, and amended the operating permit.

26 (s) Notwithstanding the provisions of subparagraph  
27 (f)1., onsite sewage treatment and disposal systems located in  
28 floodways of the Suwannee and Aucilla Rivers must adhere to  
29 the following requirements:

30 1. The absorption surface of the drainfield shall not  
31 be subject to flooding based on 10-year flood elevations.

1 Provided, however, for lots or parcels created by the  
2 subdivision of land in accordance with applicable local  
3 government regulations prior to January 17, 1990, if an  
4 applicant cannot construct a drainfield system with the  
5 absorption surface of the drainfield at an elevation equal to  
6 or above 10-year flood elevation, the department shall issue a  
7 permit for an onsite sewage treatment and disposal system  
8 within the 10-year floodplain of rivers, streams, and other  
9 bodies of flowing water if all of the following criteria are  
10 met:

- 11 a. The lot is at least one-half acre in size;
  - 12 b. The bottom of the drainfield is at least 36 inches  
13 above the 2-year flood elevation; and
  - 14 c. The applicant installs either: a waterless,  
15 incinerating, or organic waste composting toilet and a  
16 graywater system and drainfield in accordance with department  
17 rules; an aerobic treatment unit and drainfield in accordance  
18 with department rules; a system approved by the State Health  
19 Office that is capable of reducing effluent nitrate by at  
20 least 50 percent; or a system approved by the county health  
21 department pursuant to department rule other than a system  
22 using alternative drainfield materials. The United States  
23 Department of Agriculture Soil Conservation Service soil maps,  
24 State of Florida Water Management District data, and Federal  
25 Emergency Management Agency Flood Insurance maps are resources  
26 that shall be used to identify flood-prone ~~floor-prone~~ areas.
- 27 2. The use of fill or mounding to elevate a drainfield  
28 system out of the 10-year floodplain of rivers, streams, or  
29 other bodies of flowing water shall not be permitted if such a  
30 system lies within a regulatory floodway of the Suwannee and  
31 Aucilla Rivers. In cases where the 10-year flood elevation

1 does not coincide with the boundaries of the regulatory  
2 floodway, the regulatory floodway will be considered for the  
3 purposes of this subsection to extend at a minimum to the  
4 10-year flood elevation.

5  
6 Reviser's note.--Amended to improve clarity and  
7 facilitate correct interpretation.

8  
9 Section 193. Subsection (2) of section 381.0068,  
10 Florida Statutes, 1998 Supplement, is amended to read:

11 381.0068 Technical review and advisory panel.--

12 (2) The primary purpose of the panel is to assist the  
13 department in rulemaking and decisionmaking by drawing on the  
14 expertise of representatives from several groups that are  
15 affected by onsite sewage treatment and disposal systems. The  
16 panel may also review and comment on any legislation or any  
17 existing or proposed state policy or issue related to onsite  
18 sewage ~~sewer~~ treatment and disposal systems. If requested by  
19 the panel, the chair will advise any affected person or member  
20 of the Legislature of the panel's position on the legislation  
21 or any existing or proposed state policy or issue. The chair  
22 may also take such other action as is appropriate to allow the  
23 panel to function. At a minimum, the panel shall consist of a  
24 soil scientist; a professional engineer registered in this  
25 state who is recommended by the Florida Engineering Society  
26 and who has work experience in onsite sewage treatment and  
27 disposal systems; two representatives from the home-building  
28 industry recommended by the Florida Home Builders Association,  
29 including one who is a developer in this state who develops  
30 lots using onsite sewage treatment and disposal systems; a  
31 representative from the county health departments who has

1 experience permitting and inspecting the installation of  
2 onsite sewage treatment and disposal systems in this state; a  
3 representative from the real estate industry who is  
4 recommended by the Florida Association of Realtors; a consumer  
5 representative with a science background; two representatives  
6 of the septic tank industry recommended by the Florida Septic  
7 Tank Association, including one who is a manufacturer of  
8 onsite sewage treatment and disposal systems; and a  
9 representative from the environmental health profession who is  
10 recommended by the Florida Environmental Health Association  
11 and who is not employed by a county health department.  
12 Members are to be appointed for a term of 2 years. The panel  
13 may also, as needed, be expanded to include ad hoc, nonvoting  
14 representatives who have topic-specific expertise. All rules  
15 proposed by the department which relate to onsite sewage  
16 treatment and disposal systems must be presented to the panel  
17 for review and comment prior to adoption. The panel's  
18 position on proposed rules shall be made a part of the  
19 rulemaking record that is maintained by the agency. The panel  
20 shall select a chair, who shall serve for a period of 1 year  
21 and who shall direct, coordinate, and execute the duties of  
22 the panel. The panel shall also solicit input from the  
23 department's variance review and advisory committee before  
24 submitting any comments to the department concerning proposed  
25 rules. The panel's comments must include any dissenting  
26 points of view concerning proposed rules. The panel shall  
27 hold meetings as it determines necessary to conduct its  
28 business, except that the chair, a quorum of the voting  
29 members of the panel, or the department may call meetings.  
30 The department shall keep minutes of all meetings of the  
31 panel. Panel members shall serve without remuneration, but,

1 if requested, shall be reimbursed for per diem and travel  
2 expenses as provided in s. 112.061.

3  
4 Reviser's note.--Amended to improve clarity and  
5 facilitate correct interpretation.

6  
7 Section 194. Paragraph (d) of subsection (2) of  
8 section 381.0203, Florida Statutes, is amended to read:

9 381.0203 Pharmacy services.--

10 (2) The department may establish and maintain a  
11 pharmacy services program, including, but not limited to:

12 (d) Consultation to county health departments as  
13 required by s. 154.04(1)(c)~~154.04(1)(d)~~.

14  
15 Reviser's note.--Amended to conform to the  
16 redesignation of s. 154.04(1)(d) as s.  
17 154.04(1)(c) by s. 15, ch. 96-403, Laws of  
18 Florida.

19  
20 Section 195. Section 408.602, Florida Statutes  
21 (renumbered as section 381.732, 1998 Supplement), is amended  
22 to read:

23 381.732 Short title.--Sections 381.731-381.734  
24 ~~408.601-408.604~~ may be cited as the "Healthy Communities,  
25 Healthy People Act."

26  
27 Reviser's note.--Amended to conform to the  
28 transfer of ss. 408.601-408.604 to ss.  
29 381.731-381.734 by s. 2, ch. 98-224, Laws of  
30 Florida.



1           Section 196. Section 408.603, Florida Statutes  
2 (renumbered as section 381.733, 1998 Supplement), is amended  
3 to read:

4           381.733 Definitions.--As used in ss. 381.731-381.734  
5 ~~408.601-408.604~~, the term:

6           (1) "Department" means the Department of Health and  
7 Rehabilitative Services.

8           (2) "Primary prevention" means interventions directed  
9 toward healthy populations with a focus on avoiding disease  
10 prior to its occurrence.

11           (3) "Secondary prevention" means interventions  
12 designed to promote the early detection and treatment of  
13 diseases and to reduce the risks experienced by at-risk  
14 populations.

15           (4) "Tertiary prevention" means interventions directed  
16 at rehabilitating and minimizing the effects of disease in a  
17 chronically ill population.

18  
19           Reviser's note.--Amended to conform to the  
20 transfer of ss. 408.601-408.604 to ss.  
21 381.731-381.734 by s. 2, ch. 98-224, Laws of  
22 Florida.

23  
24           Section 197. Subsection (10) of section 382.003,  
25 Florida Statutes, is amended to read:

26           382.003 Powers and duties of the department.--The  
27 department may:

28           (10) Adopt, promulgate, and enforce rules necessary  
29 for the creation, issuance, recording, rescinding,  
30 maintenance, and processing of vital records and for carrying  
31

1 out the provisions of ss. 382.004-382.0135 ~~382.004-382.014~~ and  
2 ss. 382.016-382.019.

3  
4 Reviser's note.--Amended to conform to the  
5 repeal of s. 382.014 by s. 125, ch. 97-237,  
6 Laws of Florida.

7  
8 Section 198. Section 382.356, Florida Statutes, is  
9 amended to read:

10 382.356 Protocol for sharing certain birth certificate  
11 information.--In order to facilitate the prosecution of  
12 offenses under s. 794.011, s. 794.05, s. 800.04, or s.  
13 827.04(3)~~827.04(4)~~, the Department of Health, the Department  
14 of Revenue, and the Florida Prosecuting Attorneys Association  
15 shall develop a protocol for sharing birth certificate  
16 information for all children born to unmarried mothers who are  
17 less than 17 years of age at the time of the child's birth.

18  
19 Reviser's note.--Amended to revise the  
20 reference to s. 827.04(4) as created by s. 2,  
21 ch. 96-215, Laws of Florida, to conform to the  
22 redesignation of subunits of s. 827.04 by s.  
23 10, ch. 96-322, Laws of Florida.

24  
25 Section 199. Paragraph (c) of subsection (2) of  
26 section 388.4111, Florida Statutes, is amended to read:

27 388.4111 Public lands; arthropod control.--

28 (2)

29 (c) If the land management agency and the local  
30 arthropod control agency are unable to agree on a public lands  
31 control plan, the Florida Coordinating Council on Mosquito

1 Control may recommend a control plan to the department, which  
 2 shall propose a recommended public lands control plan. If the  
 3 land management agency and the local arthropod control agency  
 4 fail to agree to such recommended public lands control plan  
 5 within 30 days of the rendering of such plan, either agency  
 6 may petition the Land and Water Adjudicatory Commission to  
 7 determine whether the proposed control plan employs methods  
 8 which are the minimum necessary and economically feasible to  
 9 abate a public health or nuisance problem and which impose the  
 10 least hazard to fish, wildlife, and other natural resources  
 11 protected or managed in such areas. Unless both parties waive  
 12 their right to a hearing, the Land and Water Adjudicatory  
 13 Commission shall direct a hearing officer to hold a hearing  
 14 within the jurisdiction of the local arthropod control agency  
 15 pursuant to the provisions of ss. 120.569 and 120.57 and  
 16 submit a recommended order. The commission shall, within 60  
 17 days of receipt of the recommended order, issue a final order  
 18 adopting a public lands control plan. Consistent with s.  
 19 120.57(1)(1)~~120.57(1)(j)~~, the commission may adopt or modify  
 20 the proposed control plan. The commission shall adopt rules on  
 21 the conduct of appeals before the commission.

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Reviser's note.--Amended to conform to the  
 redesignation of s. 120.57(1)(j) as s.  
 120.57(1)(1) by s. 5, ch. 98-200, Laws of  
 Florida.

Section 200. Subsection (1) of section 388.46, Florida  
 Statutes, is amended to read:

1           388.46 Florida Coordinating Council on Mosquito  
2 Control; establishment; membership; organization;  
3 responsibilities.--

4           (1) ESTABLISHMENT OF COUNCIL; LEGISLATIVE INTENT.--It  
5 is declared to be in the best interest of the state that  
6 public agencies responsible for and involved in arthropod  
7 control activities work together to reduce duplication of  
8 effort, foster maximum efficient use of existing resources,  
9 advise and assist the agencies involved in arthropod control  
10 in implementing best management practices and best available  
11 technology in controlling arthropods, develop outside funding  
12 sources and establish priorities for research into the  
13 environmental effects of arthropod control, and enhance  
14 communication between all interests involved in arthropod  
15 control activities. It is therefore the intent of the  
16 Legislature to establish the Florida Coordinating Council on  
17 Mosquito Control within the department. The Florida  
18 Coordinating Council on Mosquito Control shall be an advisory  
19 body, ~~as defined in s. 11.611(3)(a).~~

20  
21           Reviser's note.--Amended to conform to the  
22 repeal of s. 11.611 by s. 5, ch. 91-429, Laws  
23 of Florida, ratified by s. 33, ch. 96-318, Laws  
24 of Florida.

25  
26           Section 201. Paragraph (b) of subsection (3) of  
27 section 390.0111, Florida Statutes, 1998 Supplement, is  
28 amended to read:

29           390.0111 Termination of pregnancies.--

30           (3) CONSENTS REQUIRED.--A termination of pregnancy may  
31 not be performed or induced except with the voluntary and

1 informed written consent of the pregnant woman or, in the case  
2 of a mental incompetent, the voluntary and informed written  
3 consent of her court-appointed guardian.

4 (b) In the event a medical emergency exists and a  
5 physician cannot comply with the requirements for informed  
6 consent, a physician may terminate a pregnancy if he or she  
7 has obtained at least one corroborative medical opinion  
8 attesting to the medical necessity for emergency medical  
9 procedures and to the fact that to a reasonable degree of  
10 medical certainty the continuation of the pregnancy would  
11 threaten the life of the pregnant woman. In the event no  
12 second physician is available for a corroborating opinion, the  
13 physician may proceed but shall ~~be~~ document reasons for the  
14 medical necessity in the patient's medical records.

15  
16 Reviser's note.--Amended to improve clarity and  
17 facilitate correct interpretation.

18  
19 Section 202. Subsection (3) of section 390.0112,  
20 Florida Statutes, is amended to read:

21 390.0112 Termination of pregnancies; reporting.--

22 (3) Reports submitted pursuant to this section shall  
23 be confidential and exempt from the provisions of s. 119.07(1)  
24 and shall not be revealed except upon the order of a court of  
25 competent jurisdiction in a civil or criminal proceeding. ~~This~~  
26 ~~exemption is subject to the Open Government Sunset Review Act~~  
27 ~~in accordance with s. 119.14.~~

28  
29 Reviser's note.--Amended to conform to the  
30 repeal of s. 119.14 by s. 1, ch. 95-217, Laws  
31 of Florida.

1           Section 203. Subsections (8) and (45) of section  
2 393.063, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           393.063 Definitions.--For the purposes of this  
5 chapter:

6           (8) "Comprehensive transitional education program"  
7 means a group of jointly operating centers or units, the  
8 collective purpose of which is to provide a sequential series  
9 of educational care, training, treatment, habilitation, and  
10 rehabilitation services to persons who have developmental  
11 disabilities, as defined in subsection(12)~~(11)~~, and who have  
12 severe or moderate maladaptive behaviors. However, nothing in  
13 this subsection shall require comprehensive transitional  
14 education programs to provide services only to persons with  
15 developmental disabilities, as defined in subsection(12)  
16 ~~(11)~~. All such services shall be temporary in nature and  
17 delivered in a structured residential setting with the primary  
18 goal of incorporating the normalization principle to establish  
19 permanent residence for persons with maladaptive behaviors in  
20 facilities not associated with the comprehensive transitional  
21 education program. The staff shall include psychologists and  
22 teachers, and such staff personnel shall be available to  
23 provide services in each component center or unit of the  
24 program. The psychologists shall be individuals who are  
25 licensed in this state and certified as behavior analysts in  
26 this state, or individuals who meet the professional  
27 requirements established by the department for district  
28 behavior analysts and are certified as behavior analysts in  
29 this state.

30           (a) Comprehensive transitional education programs  
31 shall include a minimum of two component centers or units, as

1 defined in this paragraph, one of which shall be either an  
2 intensive treatment and educational center or a transitional  
3 training and educational center, which provide services to  
4 persons with maladaptive behaviors in the following sequential  
5 order:

6           1. Intensive treatment and educational center. This  
7 component is a self-contained residential unit providing  
8 intensive psychological and educational programming for  
9 persons with severe maladaptive behaviors, whose behaviors  
10 preclude placement in a less restrictive environment due to  
11 the threat of danger or injury to themselves or others.

12           2. Transitional training and educational center. This  
13 component is a residential unit for persons with moderate  
14 maladaptive behaviors, providing concentrated psychological  
15 and educational programming emphasizing a transition toward a  
16 less restrictive environment.

17           3. Community transition residence. This component is  
18 a residential center providing educational programs and such  
19 support services, training, and care as are needed to assist  
20 persons with maladaptive behaviors to avoid regression to more  
21 restrictive environments while preparing them for more  
22 independent living. Continuous-shift staff shall be required  
23 for this component.

24           4. Alternative living center. This component is a  
25 residential unit providing an educational and family living  
26 environment for persons with maladaptive behaviors, in a  
27 moderately unrestricted setting. Residential staff shall be  
28 required for this component.

29           5. Independent living education center. This  
30 component is a facility providing a family living environment  
31 for persons with maladaptive behaviors, in a largely

1 unrestricted setting which includes education and monitoring  
2 appropriate to support the development of independent living  
3 skills by the students.

4 (b) Centers or units that are components of a  
5 comprehensive transitional education program are subject to  
6 the license issued to the comprehensive transitional education  
7 program and may be located on either single or multiple sites.

8 (c) Comprehensive transitional education programs  
9 shall develop individual education plans for each person with  
10 maladaptive behaviors who receives services therein. Such  
11 individual education plans shall be developed in accordance  
12 with the criteria included in Pub. L. No. 94-142, 20 U.S.C.  
13 ss. 401 et seq., and 34 C.F.R. part 300.

14 (d) In no instance shall the total number of persons  
15 with maladaptive behaviors being provided services in a  
16 comprehensive transitional education program exceed 120.

17 (e) This subsection shall authorize licensure for  
18 comprehensive transitional education programs which by July 1,  
19 1989:

20 1. Are in actual operation; or

21 2. Own a fee simple interest in real property for  
22 which a county or city government has approved zoning allowing  
23 for the placement of the facilities described in this  
24 subsection, and have registered an intent with the department  
25 to operate a comprehensive transitional education program.

26 (45) "Screening," for purposes of employment,  
27 contracting, or certification, means the act of assessing the  
28 background of direct service providers and independent support  
29 coordinators, who are not related to clients for whom they  
30 provide services, and includes, but is not limited to,  
31 employment history checks, local criminal records checks



1 through local law enforcement agencies, fingerprinting for all  
2 purposes and checks in this subsection, statewide criminal  
3 records checks through the Department of Law Enforcement, and  
4 federal criminal records checks through the Federal Bureau of  
5 Investigation; except that screening for volunteers included  
6 under the definition of personnel includes only local criminal  
7 records checks through local law enforcement agencies for  
8 current residence and residence immediately prior to  
9 employment as a volunteer, if different; and statewide  
10 criminal records correspondence checks through the Department  
11 of Law Enforcement.

12

13 Reviser's note.--Subsection (8) is amended to  
14 conform to the redesignation of s. 393.063(11)  
15 as s. 393.063(12) by s. 23, ch. 98-171, Laws of  
16 Florida. Subsection (45) is amended to improve  
17 clarity and facilitate correct interpretation.

18

19 Section 204. Subsection (12) of section 393.067,  
20 Florida Statutes, 1998 Supplement, is amended to read:

21 393.067 Licensure of residential facilities and  
22 comprehensive transitional education programs.--

23 (12) An alternative living center and an independent  
24 living education center, as defined in s. 393.063(8)  
25 ~~393.063(7)~~, shall be subject to the provisions of s. 419.001,  
26 except that such centers shall be exempt from the  
27 1,000-foot-radius requirement of s. 419.001(2) if:

28 (a) Such centers are located on a site zoned in a  
29 manner so that all the component centers of a comprehensive  
30 transition education center may be located thereon; or

31

1 (b) There are no more than three such centers within  
2 said radius of 1,000 feet.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of s. 393.063(7) as s. 393.063(8)  
6 by s. 23, ch. 98-171, Laws of Florida.

7  
8 Section 205. Subsection (7) of section 394.4787,  
9 Florida Statutes, 1998 Supplement, is amended to read:  
10 394.4787 Definitions.--As used in this section and ss.  
11 394.4786, 394.4788, and 394.4789:

12 (7) "Specialty psychiatric hospital" means a hospital  
13 licensed by the agency pursuant to s. 395.002(29)~~395.002(30)~~  
14 as a specialty psychiatric hospital.

15  
16 Reviser's note.--Amended to conform to the  
17 redesignation of s. 395.002(30) as s.  
18 395.002(29) incident to the compilation of the  
19 1998 Supplement to the Florida Statutes 1997.

20  
21 Section 206. Subsections (11) and (29) of section  
22 395.002, Florida Statutes, 1998 Supplement, are amended to  
23 read:

24 395.002 Definitions.--As used in this chapter:

25 (11) "General hospital" means any facility which meets  
26 the provisions of subsection (13)~~(14)~~ and which regularly  
27 makes its facilities and services available to the general  
28 population.

29 (29) "Specialty hospital" means any facility which  
30 meets the provisions of subsection (13)~~(14)~~, and which  
31 regularly makes available either:

1 (a) The range of medical services offered by general  
2 hospitals, but restricted to a defined age or gender group of  
3 the population;

4 (b) A restricted range of services appropriate to the  
5 diagnosis, care, and treatment of patients with specific  
6 categories of medical or psychiatric illnesses or disorders;  
7 or

8 (c) Intensive residential treatment programs for  
9 children and adolescents as defined in subsection (16).

10  
11 Reviser's note.--Amended to conform to the  
12 redesignation of subsection (14) of s. 395.002  
13 as subsection (13) necessitated by the repeal  
14 of former subsection (2) by s. 23, ch. 98-89,  
15 Laws of Florida.

16  
17 Section 207. Subsection (4) of section 395.605,  
18 Florida Statutes, is amended to read:

19 395.605 Emergency care hospitals.--

20 (4) For the purpose of coordinating primary care  
21 services described in s. 154.011(1)(c)10. ~~and aging services~~  
22 ~~described in s. 410.016(2)(n)~~, the department shall treat  
23 emergency care hospitals in the same manner as rural  
24 hospitals.

25  
26 Reviser's note.--Amended to conform to the  
27 repeal of s. 410.016 by s. 87, ch. 95-418, Laws  
28 of Florida.

29  
30 Section 208. Section 397.405, Florida Statutes, is  
31 reenacted and amended to read:

1           397.405 Exemptions from licensure.--The following are  
2 exempt from the licensing provisions of this chapter:

3           (1) A hospital or hospital-based component licensed  
4 under chapter 395.

5           (2) A nursing home facility as defined in s.  
6 400.021(11).

7           (3) A substance abuse education program established  
8 pursuant to s. 233.061.

9           (4) A facility or institution operated by the Federal  
10 Government.

11           (5) A physician licensed under chapter 458 or chapter  
12 459.

13           (6) A psychologist licensed under chapter 490.

14           (7) A social worker, marriage and family therapist, or  
15 mental health counselor licensed under chapter 491.

16           (8) An established and legally cognizable church or  
17 nonprofit religious organization, denomination, or sect  
18 providing substance abuse services, including prevention  
19 services, which are exclusively religious, spiritual, or  
20 ecclesiastical in nature. A church or nonprofit religious  
21 organization, denomination, or sect providing any of the  
22 licensable service components itemized under s. 397.311(19) is  
23 not exempt for purposes of its provision of such licensable  
24 service components but retains its exemption with respect to  
25 all services which are exclusively religious, spiritual, or  
26 ecclesiastical in nature.

27           (9) Facilities licensed under s. 393.063(8)~~393.063(7)~~  
28 that, in addition to providing services to persons who are  
29 developmentally disabled as defined therein, also provide  
30 services to persons developmentally at risk as a consequence  
31

1 of exposure to alcohol or other legal or illegal drugs while  
2 in utero.

3 (10) DUI education and screening services required to  
4 be attended pursuant to ss. 316.192, 316.193, 322.095,  
5 322.271, and 322.291 are exempt from licensure under this  
6 chapter. Treatment programs must continue to be licensed  
7 under this chapter.

8  
9 The exemptions from licensure in this section do not apply to  
10 any facility or entity which receives an appropriation, grant,  
11 or contract from the state to operate as a service provider as  
12 defined in this chapter or to any substance abuse program  
13 regulated pursuant to s. 397.406. No provision of this  
14 chapter shall be construed to limit the practice of a  
15 physician licensed under chapter 458 or chapter 459, a  
16 psychologist licensed under chapter 490, or a psychotherapist  
17 licensed under chapter 491, providing outpatient or inpatient  
18 substance abuse treatment to a voluntary patient, so long as  
19 the physician, psychologist, or psychotherapist does not  
20 represent to the public that he or she is a licensed service  
21 provider under this act. Failure to comply with any  
22 requirement necessary to maintain an exempt status under this  
23 section is a misdemeanor of the first degree, punishable as  
24 provided in s. 775.082 or s. 775.083.

25  
26 Reviser's note.--Section 65, ch. 97-190, Laws  
27 of Florida, purported to amend subsection (3)  
28 of s. 397.405, but did not set out in full the  
29 amended subsection to include the flush left  
30 language at the end of the section. In the  
31 absence of affirmative evidence that the

1 Legislature intended to repeal the omitted  
2 material, s. 397.405 is reenacted to confirm  
3 that the omission was not intended. Subsection  
4 (9) is amended to conform to the redesignation  
5 of s. 393.063(7) as s. 393.063(8) by s. 23, ch.  
6 98-171, Laws of Florida.

7  
8 Section 209. Subsection (4) of section 400.0067,  
9 Florida Statutes, is amended to read:

10 400.0067 Establishment of State Long-Term Care  
11 Ombudsman Council; duties; membership.--

12 ~~(4)(a) Within 30 days after May 5, 1993, each district~~  
13 ~~ombudsman council shall appoint one member to the council and~~  
14 ~~the secretary shall submit a list of not fewer than eight~~  
15 ~~council nominees to the Governor.~~

16 ~~(b) Within 60 days after May 5, 1993, the Governor~~  
17 ~~shall appoint three members to the council, or the provisions~~  
18 ~~of paragraph (3)(a) shall apply.~~

19 ~~(c) The initial appointments shall be for staggered~~  
20 ~~terms. The members from districts 1, 2, 3A, 3B, and 4 shall~~  
21 ~~serve for 1 year; the members from districts 5, 6, 7, 8, and 9~~  
22 ~~shall serve for 2 years; and the members from districts 10 and~~  
23 ~~11 and the Governor's three appointees shall serve for 3~~  
24 ~~years. Thereafter, Members shall be appointed and serve 3-year~~  
25 ~~terms as provided by this section.~~

26 ~~(d) Within 60 days after May 5, 1993, or as soon~~  
27 ~~thereafter as practicable, the State Long-Term Care Ombudsman~~  
28 ~~Council shall hold its first meeting and shall elect a~~  
29 ~~chairperson from among its members, without regard to the~~  
30 ~~minimum time served on the council. All other provisions of~~  
31 ~~paragraph (3)(c) shall apply.~~

1 Reviser's note.--Amended to delete provisions  
2 that have served their purpose.

3  
4 Section 210. Paragraph (b) of subsection (1) of  
5 section 400.051, Florida Statutes, 1998 Supplement, is amended  
6 to read:

7 400.051 Homes or institutions exempt from the  
8 provisions of this part.--

9 (1) The following shall be exempt from the provisions  
10 of this part:

11 (b) Any hospital, as defined in s. 395.002(11)  
12 ~~395.002(10)~~, that is licensed under chapter 395.

13  
14 Reviser's note.--Amended to conform to the  
15 redesignation of the referenced s. 395.002(10)  
16 as s. 395.002(11) incident to the compilation  
17 of the 1998 Supplement to the Florida Statutes  
18 1997.

19  
20 Section 211. Subsection (1) of section 400.063,  
21 Florida Statutes, is amended to read:

22 400.063 Resident Protection Trust Fund.--

23 (1) A Resident Protection Trust Fund shall be  
24 established for the purpose of collecting and disbursing funds  
25 generated from the license fees and administrative fines as  
26 provided for in ss. 393.0673(2), 400.062(3)(b), 400.111(1),  
27 400.121(2), and 400.23(9)~~400.23(8)~~. Such funds shall be for  
28 the sole purpose of paying for the appropriate alternate  
29 placement, care, and treatment of residents who are removed  
30 from a facility licensed under this part or a facility  
31 specified in s. 393.0678(1) in which the agency determines

1 that existing conditions or practices constitute an immediate  
2 danger to the health, safety, or security of the residents.  
3 If the agency determines that it is in the best interest of  
4 the health, safety, or security of the residents to provide  
5 for an orderly removal of the residents from the facility, the  
6 agency may utilize such funds to maintain and care for the  
7 residents in the facility pending removal and alternative  
8 placement. The maintenance and care of the residents shall be  
9 under the direction and control of a receiver appointed  
10 pursuant to s. 393.0678(1) or s. 400.126(1). However, funds  
11 may be expended in an emergency upon a filing of a petition  
12 for a receiver, upon the declaration of a state of local  
13 emergency pursuant to s. 252.38(3)(a)5.~~252.38(6)(e)~~, or upon  
14 a duly authorized local order of evacuation of a facility by  
15 emergency personnel to protect the health and safety of the  
16 residents.

17

18 Reviser's note.--Amended to conform to the  
19 correct location of material relating to  
20 license fees and administrative fines in s.  
21 400.23 and the redesignation of s. 252.38(6)(e)  
22 as s. 252.38(3)(a)5. by s. 14, ch. 93-211, Laws  
23 of Florida.

24

25 Section 212. Subsection (2) of section 400.417,  
26 Florida Statutes, 1998 Supplement, is amended to read:

27 400.417 Expiration of license; renewal; conditional  
28 license.--

29 (2) A license shall be renewed within 90 days upon the  
30 timely filing of an application on forms furnished by the  
31 agency and the provision of satisfactory proof of ability to



1 operate and conduct the facility in accordance with the  
2 requirements of this part and adopted rules, including proof  
3 that the facility has received a satisfactory firesafety  
4 inspection, conducted by the local authority having  
5 jurisdiction or the State Fire Marshal, within the preceding  
6 12 months and an affidavit of ~~or~~ compliance with the  
7 background screening requirements of s. 400.4174.

8  
9 Reviser's note.--Amended to improve clarity and  
10 facilitate correct interpretation.

11  
12 Section 213. Subsection (2) of section 400.4174,  
13 Florida Statutes, 1998 Supplement, is amended to read:

14 400.4174 Background screening; exemptions; reports of  
15 abuse in facilities.--

16 (2) The owner or administrator of an assisted living  
17 facility must conduct level 1 background screening, as set  
18 forth in chapter 435, on all employees hired on or after  
19 October 1, 1998, who perform personal services as defined in  
20 s. 400.402(17)~~400.402(16)~~. The agency may exempt an  
21 individual from employment disqualification as set forth in  
22 chapter 435. Such persons shall be considered as having met  
23 this requirement if:

24 (a) Proof of compliance with level 1 screening  
25 requirements obtained to meet any professional license  
26 requirements in this state is provided and accompanied, under  
27 penalty of perjury, by a copy of the person's current  
28 professional license and an affidavit of current compliance  
29 with the background screening requirements.

30 (b) The person required to be screened has been  
31 continuously employed in the same type of occupation for which

1 the person is seeking employment without a breach in service  
2 which exceeds 180 days, and proof of compliance with the level  
3 1 screening requirement which is no more than 2 years old is  
4 provided. Proof of compliance shall be provided directly from  
5 one employer or contractor to another, and not from the person  
6 screened. Upon request, a copy of screening results shall be  
7 provided by the employer retaining documentation of the  
8 screening to the person screened.

9 (c) The person required to be screened is employed by  
10 a corporation or business entity or related corporation or  
11 business entity that owns, operates, or manages more than one  
12 facility or agency licensed under this chapter, and for whom a  
13 level 1 screening was conducted by the corporation or business  
14 entity as a condition of initial or continued employment.

15  
16 Reviser's note.--Amended to conform to the  
17 redesignation of s. 400.402(16) as s.  
18 400.402(17) by s. 1, ch. 98-80, Laws of  
19 Florida.

20  
21 Section 214. Paragraph (a) of subsection (4) of  
22 section 400.4256, Florida Statutes, 1998 Supplement, is  
23 amended to read:

24 400.4256 Assistance with self-administration of  
25 medication.--

26 (4) Assistance with self-administration does not  
27 include:

28 (a) Mixing, compounding, converting, or calculating  
29 medication doses, except for measuring a prescribed amount of  
30 liquid medication or breaking a scored tablet ~~tableted~~ or  
31 crushing a tablet as prescribed.

1 Reviser's note.--Amended to improve clarity and  
2 facilitate correct interpretation.

3  
4 Section 215. Subsection (11) of section 400.426,  
5 Florida Statutes, is amended to read:

6 400.426 Appropriateness of placements; examinations of  
7 residents.--

8 (11) No resident who requires 24-hour nursing  
9 supervision, except for a resident who is an enrolled hospice  
10 patient pursuant to part VI ~~V~~ of this chapter, shall be  
11 retained in a facility licensed under this part.

12  
13 Reviser's note.--Amended to conform to the  
14 redesignation of part V of chapter 400 as part  
15 VI incident to the compilation of ch. 93-177,  
16 Laws of Florida.

17  
18 Section 216. Paragraph (a) of subsection (6) of  
19 section 400.427, Florida Statutes, 1998 Supplement, is amended  
20 to read:

21 400.427 Property and personal affairs of residents.--

22 (6)

23 (a) In addition to any damages or civil penalties to  
24 which a person is subject, any person who:

25 1. Intentionally withholds a resident's personal  
26 funds, personal property, or personal needs allowance, or who  
27 demands, beneficially receives, or contracts for payment of  
28 all or any part of a resident's personal property or personal  
29 needs allowance in satisfaction of the facility rate for  
30 supplies and services; or

31

1           2. Borrows from or pledges any personal funds of a  
2 resident, other than the amount agreed to by written contract  
3 under s. 400.424,

4  
5 commits a misdemeanor of the first degree, punishable as  
6 provided in s. 775.082 or s. 775.083.

7  
8           Reviser's note.--Amended to improve clarity and  
9 facilitate correct interpretation. Prior to the  
10 amendment by s. 22, ch. 93-216, Laws of  
11 Florida, the language "commits a misdemeanor of  
12 the first degree, punishable as provided in s.  
13 775.082 or s. 775.083" was placed flush left  
14 following s. 400.427(6)(a)2. The amendment by  
15 s. 22, ch. 93-216, placed the language at the  
16 end of subparagraph 2.

17  
18           Section 217. Subsection (2) of section 400.447,  
19 Florida Statutes, is amended to read:

20           400.447 Prohibited acts; penalties for violation.--

21           (2) It is unlawful for any holder of a license issued  
22 pursuant to the provisions of this act to withhold from the  
23 agency any evidence of financial instability, including, but  
24 not limited to, bad checks, delinquent accounts, nonpayment of  
25 withholding taxes, unpaid utility expenses, nonpayment for  
26 essential services, or adverse court action concerning the  
27 financial viability of the facility or any other facility  
28 licensed under part II † or part III †† of this chapter which  
29 is owned by the licensee.

1 Reviser's note.--Amended to conform to the  
2 redesignation of parts I and II of chapter 400  
3 as parts II and III incident to the compilation  
4 of ch. 93-177, Laws of Florida.

5  
6 Section 218. Subsection (1) of section 400.471,  
7 Florida Statutes, 1998 Supplement, is amended to read:

8 400.471 Application for license; fee; provisional  
9 license; temporary permit.--

10 (1) Application for an initial license or for renewal  
11 of an existing license must be made under oath to the Agency  
12 for Health Care Administration on forms furnished by it and  
13 must be accompanied by the appropriate license fee as provided  
14 in subsection (8)~~(4)~~. The agency must take final action on  
15 an initial licensure application within 60 days after receipt  
16 of all required documentation.

17  
18 Reviser's note.--Amended to conform to the  
19 correct location of material relating to  
20 license fees in s. 400.471(7) as amended by s.  
21 4, ch. 93-214, Laws of Florida, and the further  
22 redesignation of subsection (7) as subsection  
23 (8) by s. 48, ch. 98-171, Laws of Florida.

24  
25 Section 219. Paragraph (a) of subsection (2) of  
26 section 400.6085, Florida Statutes, is amended to read:

27 400.6085 Contractual services.--A hospice may contract  
28 out for some elements of its services. However, the core  
29 services, as set forth in s. 400.609(1), shall be provided  
30 directly by the hospice. Any contract entered into between a  
31 hospice and a health care facility or service provider must

1 specify that the hospice retains the responsibility for  
2 planning, coordinating, and prescribing hospice care and  
3 services for the hospice patient and family. A hospice that  
4 contracts for any hospice service is prohibited from charging  
5 fees for services provided directly by the hospice care team  
6 that duplicate contractual services provided to the patient  
7 and family.

8 (2) With respect to contractual arrangements for  
9 inpatient hospice care:

10 (a) Licensed beds designated for inpatient hospice  
11 care through contract between an existing health care facility  
12 and a hospice shall not be required to be delicensed from one  
13 type of health care in order to enter into a contract with a  
14 hospice, nor shall the physical plant of any facility licensed  
15 pursuant to chapter 395 or part II † of this chapter be  
16 required to be altered, except that a homelike atmosphere may  
17 be required.

18  
19 Reviser's note.--Amended to conform to the  
20 redesignation of part I of chapter 400 as part  
21 II incident to the compilation of ch. 93-177,  
22 Laws of Florida.

23  
24 Section 220. Subsection (12) of section 400.618,  
25 Florida Statutes, 1998 Supplement, is amended to read:

26 400.618 Definitions.--As used in this part, the term:

27 (12) "Relative" means an individual who is the father,  
28 mother, son, daughter, brother, sister, grandfather,  
29 grandmother, great-grandfather, ~~and~~ great-grandmother, uncle,  
30 aunt, first cousin, nephew, niece, husband, wife,  
31 father-in-law, mother-in-law, son-in-law, daughter-in-law,

1 brother-in-law, sister-in-law, stepfather, stepmother,  
2 stepson, stepdaughter, stepbrother, stepsister, half brother,  
3 or half sister of a provider.

4  
5 Reviser's note.--Amended to improve clarity and  
6 facilitate correct interpretation.

7  
8 Section 221. Paragraphs (a), (b), and (d) of  
9 subsection (1) of section 400.6196, Florida Statutes, 1998  
10 Supplement, are amended to read:

11 400.6196 Violations; penalties.--

12 (1) In addition to any other liability or penalty  
13 provided by law, the agency may impose a civil penalty on a  
14 provider according to the following classification:

15 (a) Class I violations are those conditions or  
16 practices related to the operation and maintenance of an adult  
17 family-care home or to the care of residents which the agency  
18 determines present an imminent danger to the residents or  
19 guests of the facility or a substantial probability that death  
20 or serious physical or emotional harm would result therefrom.  
21 The condition or practice that constitutes a class I violation  
22 must be abated or eliminated within 24 hours, unless a fixed  
23 period, as determined by the agency, is required for  
24 correction. A class I deficiency is subject to an  
25 administrative fine in an amount not less than ~~that~~ \$500 and  
26 not exceeding \$1,000 for each violation. A fine may be levied  
27 notwithstanding the correction of the deficiency.

28 (b) Class II violations are those conditions or  
29 practices related to the operation and maintenance of an adult  
30 family-care home or to the care of residents which the agency  
31 determines directly threaten the physical or emotional health,

1 safety, or security of the residents, other than class I  
2 violations. A class II violation is subject to an  
3 administrative fine in an amount not less than ~~that~~ \$250 and  
4 not exceeding \$500 for each violation. A citation for a class  
5 II violation must specify the time within which the violation  
6 is required to be corrected. If a class II violation is  
7 corrected within the time specified, no civil penalty shall be  
8 imposed, unless it is a repeated offense.

9 (d) Class IV violations are those conditions or  
10 occurrences related to the operation and maintenance of an  
11 adult family-care home, or related to the required reports,  
12 forms, or documents, which do not have the potential of  
13 negatively affecting the residents. A provider that does not  
14 correct a class IV violation within the time limit specified  
15 by the agency is subject to an administrative fine in an  
16 amount not less than ~~that~~ \$50 and not exceeding \$100 for each  
17 violation. Any class IV violation that is corrected during the  
18 time the agency survey is conducted will be identified as an  
19 agency finding and not as a violation.

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

23  
24 Section 222. Section 402.161, Florida Statutes, is  
25 amended to read:

26 402.161 Authorization for sale of property.--

27 (1) The Department of Children and Family Services  
28 ~~division~~ is authorized to sell any real or personal property  
29 that it acquired by way of donation, gift, contribution,  
30 bequest, or devise from any person, persons, or organizations  
31 when such real or personal property is determined by the



1 ~~department division~~ not to be necessary for use in connection  
2 with the work of the department ~~division~~. All proceeds derived  
3 from the sale of such property shall be transmitted to the  
4 State Treasury to be credited to the department.

5 (2) The Department of Children and Family Services  
6 ~~division~~ is authorized to use for its ~~division~~ purposes any  
7 moneys realized from the sale of any such real or personal  
8 property. It is expressly declared to be the intention of the  
9 Legislature that such moneys are appropriated to the  
10 department and may be used by it for its ~~division~~ purposes.  
11 However, such moneys shall be withdrawn in accordance with  
12 law. Such moneys are appropriated to the use of the  
13 department in addition to other funds which have been or may  
14 otherwise be appropriated for its ~~division~~ purposes.

15  
16 Reviser's note.--Amended to conform to the  
17 assignment of the functions of the former  
18 Division of Family Services to the former  
19 Department of Health and Rehabilitative  
20 Services by s. 3, ch. 75-48, Laws of Florida,  
21 and the subsequent assumption of those  
22 functions by the Department of Children and  
23 Family Services, created by s. 5, ch. 96-403,  
24 Laws of Florida.

25  
26 Section 223. Paragraphs (b), (d), and (g) of  
27 subsection (2) of section 402.3055, Florida Statutes, are  
28 amended to read:

29 402.3055 Child care personnel requirements.--  
30  
31

1           (2) EXCLUSION FROM OWNING, OPERATING, OR BEING  
2 EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM;  
3 HEARINGS PROVIDED.--

4           (b) When the department or the local licensing agency  
5 has reasonable cause to believe that grounds for denial or  
6 termination of employment exist, it shall notify, in writing,  
7 the applicant, licensee, or other child care program and the  
8 child care personnel affected, stating the specific record  
9 which indicates noncompliance with the standards in s.  
10 402.305(2)~~402.305(1)~~.

11           (d) When a local licensing agency is the agency  
12 initiating the statement regarding noncompliance of an  
13 employee with the standards contained in s. 402.305(2)  
14 ~~402.305(1)~~, the employee, applicant, licensee, or other child  
15 care program has 15 days from the time of written notification  
16 of the agency's finding to make a written request for a  
17 hearing. If a request for a hearing is not received in that  
18 time, the permanent employee, applicant, licensee, or other  
19 child care program is presumed to accept the finding.

20           (g) Refusal on the part of an applicant or licensee to  
21 dismiss child care personnel who have been found to be in  
22 noncompliance with personnel standards of s. 402.305(2)  
23 ~~402.305(1)~~ shall result in automatic denial or revocation of  
24 the license in addition to any other remedies pursued by the  
25 department or local licensing agency.

26  
27           Reviser's note.--Amended to conform to the  
28 redesignation of s. 402.305(1) as s. 402.305(2)  
29 by s. 2, ch. 91-300, Laws of Florida.  
30  
31

1 Section 224. Section 402.3057, Florida Statutes, is  
2 amended to read:

3 402.3057 Persons not required to be refingerprinted or  
4 rescreened.--Any provision of law to the contrary  
5 notwithstanding, human resource personnel who have been  
6 fingerprinted or screened pursuant to chapters 393, 394, 397,  
7 402, and 409, and teachers and noninstructional personnel who  
8 have been fingerprinted pursuant to chapter 231, who have not  
9 been unemployed for more than 90 days thereafter, and who  
10 under the penalty of perjury attest to the completion of such  
11 fingerprinting or screening and to compliance with the  
12 provisions of this section and the standards for good moral  
13 character as contained in such provisions as ss. 110.1127(3),  
14 393.0655(1), 394.457(6), 397.451, 402.305(2)~~402.305(1)~~, and  
15 409.175(4), shall not be required to be refingerprinted or  
16 rescreened in order to comply with any caretaker screening or  
17 fingerprinting requirements.

18  
19 Reviser's note.--Amended to conform to the  
20 redesignation of s. 402.305(1) as s. 402.305(2)  
21 by s. 2, ch. 91-300, Laws of Florida.  
22

23 Section 225. Paragraph (d) of subsection (3) and  
24 paragraph (d) of subsection (4) of section 402.308, Florida  
25 Statutes, are amended to read:

26 402.308 Issuance of license.--

27 (3) STATE ADMINISTRATION OF LICENSING.--In any county  
28 in which the department has the authority to issue licenses,  
29 the following procedures shall be applied:

30 (d) The department shall issue or renew a license upon  
31 receipt of the license fee and upon being satisfied that all

1 standards required by ss. 402.301-402.319 have been met. A  
2 license may be issued if all the screening materials have been  
3 timely submitted; however, a license may not be issued or  
4 renewed if any of the child care personnel at the applicant  
5 facility have failed the screening required by ss. 402.305(2)  
6 ~~402.305(1)~~and 402.3055.

7 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county  
8 in which there is a local licensing agency approved by the  
9 department, the following procedures shall apply:

10 (d) The local licensing agency shall issue a license  
11 or renew a license upon being satisfied that all standards  
12 required by ss. 402.301-402.319 have been met. A license may  
13 be issued or renewed if all the screening materials have been  
14 timely submitted; however, the local licensing agency shall  
15 not issue or renew a license if any of the child care  
16 personnel at the applicant facility have failed the screening  
17 required by ss. 402.305(2)~~402.305(1)~~and 402.3055.

18  
19 Reviser's note.--Amended to conform to the  
20 redesignation of s. 402.305(1) as s. 402.305(2)  
21 by s. 2, ch. 91-300, Laws of Florida.

22  
23 Section 226. Section 402.3115, Florida Statutes, 1998  
24 Supplement, is amended to read:

25 402.3115 Elimination of duplicative and unnecessary  
26 inspections; abbreviated inspections.--The Department of  
27 Health and Rehabilitative Services and local governmental  
28 agencies that license child care facilities shall develop and  
29 implement a plan to eliminate duplicative and unnecessary  
30 inspections of child care facilities. In addition, the  
31 department and the local governmental agencies shall develop

1 and implement an abbreviated inspection plan for child care  
2 facilities that have had no Class 1 or Class 2 deficiencies,  
3 as defined by rule, for at least 2 consecutive years. The  
4 abbreviated inspection must include those elements identified  
5 by the department and the local governmental agencies as being  
6 key indicators of whether the child care facility continues to  
7 provide quality care and programming. ~~The department and local~~  
8 ~~governmental agencies shall conduct the first meeting not~~  
9 ~~later than August 15, 1996, and shall jointly share~~  
10 ~~administrative responsibilities. The department and local~~  
11 ~~governmental agencies shall report to the Legislature not~~  
12 ~~later than January 15, 1997, regarding the status of~~  
13 ~~implementing this section and any recommendations for~~  
14 ~~statutory changes necessary to further reduce duplicative and~~  
15 ~~unnecessary inspections and fully implement the plan for~~  
16 ~~abbreviated inspections.~~

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