

By Senator McKay

rb99-1

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31          impliedly repealed or superseded; replacing

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

11

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

13

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

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

23

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

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

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

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

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

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

20           11.46 Accounting procedures.--

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 d. Performing other activities of a statewide nature.

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

23 a. The Office of Administration;

24 b. The Office of Policy Planning;

25 c. The Office of Design;

26 d. The Office of Construction;

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

28 f. The Office of Toll Operations; and

29 g. The Office of Information Systems.

30 3. Other offices may be established in accordance with  
31 s. 20.04(7)~~20.04(6)~~. The heads of such offices are exempt

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

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

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

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

16 (6) FLORIDA CORRECTIONS COMMISSION.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22  
23           Section 9. Paragraph (d) of subsection (6) of section  
24 20.316, Florida Statutes, 1998 Supplement, is amended to read:

25           20.316 Department of Juvenile Justice.--There is  
26 created a Department of Juvenile Justice.

27           (6) INFORMATION SYSTEMS.--

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

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

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

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

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

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

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

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

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

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

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

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

3           27.0055 Official court reporters.--

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

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

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

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

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

8  
9 Section 12. Paragraph (b) of subsection (3) of section  
10 27.702, Florida Statutes, 1998 Supplement, is amended to read:

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

13 (3)

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

26  
27 Reviser's note.--Amended to conform to the  
28 transfer of s. 27.56 to s. 938.29 by s. 22, ch.  
29 97-271, Laws of Florida.

30  
31

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

30  
31

1 Reviser's note.--Subsection (13) is amended to  
2 conform to the transfer of child protection  
3 teams to the Department of Health by s. 2, ch.  
4 98-137, Laws of Florida. Subsection (49) is  
5 amended to conform to the transfer of s.  
6 39.4051(1) to s. 39.503(1) by s. 64, ch.  
7 98-403, Laws of Florida. Subsection (53) is  
8 amended to conform to the redesignation of  
9 podiatrists as podiatric physicians by ch.  
10 98-166, Laws of Florida.  
11

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

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

17 (4)

18 (b) The department shall disclose to the school  
19 superintendent the presence of any child in the care and  
20 custody or under the jurisdiction or supervision of the  
21 department who has a known history of sexual behavior with  
22 other juveniles; is an alleged juvenile sex offender, as  
23 defined in s. 39.01 ~~415.50165~~; or has pled guilty or nolo  
24 contendere to, or has been found to have committed, a  
25 violation of chapter 794, chapter 796, chapter 800, s.  
26 827.071, or s. 847.0133, regardless of adjudication. Any  
27 employee of a district school board who knowingly and  
28 willfully discloses such information to an unauthorized person  
29 commits a misdemeanor of the second degree, punishable as  
30 provided in s. 775.082 or s. 775.083.  
31

1 Reviser's note.--Amended to conform to the  
2 repeal of s. 415.50165 by s. 173, ch. 98-403,  
3 Laws of Florida, and the addition of the  
4 definition of "alleged juvenile sexual  
5 offender" to s. 39.01 by s. 20, ch. 98-403.  
6

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

9 39.3031 Rules for implementation of ss. 39.303  
10 ~~415.5055~~ and 39.305 ~~415.5095~~.--The Department of Health, in  
11 consultation with the Department of Children and Family  
12 Services, shall adopt rules governing the child protection  
13 teams and the sexual abuse treatment program pursuant to ss.  
14 39.303 ~~415.5055~~ and 39.305 ~~415.5095~~, including definitions,  
15 organization, roles and responsibilities, eligibility,  
16 services and their availability, qualifications of staff, and  
17 a waiver-request process.  
18

19 Reviser's note.--Amended to conform to the  
20 transfer of s. 415.5055 to s. 39.303 by s. 40,  
21 ch. 98-403, Laws of Florida, and the transfer  
22 of s. 415.5095 to s. 39.305 by s. 43, ch.  
23 98-403.  
24

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

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

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

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

12

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

16

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

20 39.821 Qualifications of guardians ad litem.--

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

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

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

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

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

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

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

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

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

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

11

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

17

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

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

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

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

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

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

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

3

4

NAME OF NEWSPAPER

5

6

Published (Weekly or Daily)

7

8

(Town or City) (County) FLORIDA

9

10 STATE OF FLORIDA

11

12 COUNTY OF ....:

13

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

19

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

31

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

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

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

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

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

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

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

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

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

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

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

8 (c) Statements of prospective adoptive parents.

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

11

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

22

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

26

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

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

31

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

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

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

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

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

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

15

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

19

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

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

28

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

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

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

6           90.503 Psychotherapist-patient privilege.--

7           (1) For purposes of this section:

8           (a) A "psychotherapist" is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           101.62 Request for absentee ballots.--

4           (4)

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

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

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

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

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

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

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

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

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

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

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

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

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

29  
30 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

31

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

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

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

10  
11           Reviser's note.--Amended to improve clarity and  
12 facilitate correct interpretation.

13  
14           Section 34. Subsection (4) of section 104.047, Florida  
15 Statutes, 1998 Supplement, is amended to read:

16           104.047 Absentee voting.--

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

22  
23           Reviser's note.--Amended to conform to the  
24 redesignation of s. 101.66 by the reviser  
25 incident to the compilation of the 1998  
26 Supplement to the Florida Statutes 1997.

27  
28           Section 35. Subsection (3) of section 106.082, Florida  
29 Statutes, is amended to read:

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

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

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

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

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

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

1 Reviser's note.--Amended to conform to the  
2 redesignation of the Human Rights Act of 1997  
3 as the Florida Civil Rights Act of 1992 by s.  
4 1, ch. 92-177, Laws of Florida.  
5

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

9 110.123 State group insurance program.--

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

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

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

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

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

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

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

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

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

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

11           (2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 2. As used in this paragraph:

17 a. "Employee" means:

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

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

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

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

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

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

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

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

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

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

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

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

16         6. This paragraph is not applicable to:

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

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

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

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

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

31

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

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

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

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

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

3           112.3143 Voting conflicts.--

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

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

25  
26           Section 44. Paragraph (b) of subsection (2) of section  
27 112.352, Florida Statutes, is amended to read:

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

31

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

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

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

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

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

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

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

19           1. Who either:

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

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

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

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

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

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

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

8  
9 In addition, "retired member" includes any state official or  
10 state employee who retired prior to January 1, 1958, and is  
11 receiving benefits by authority of s. 112.05.

12  
13           Reviser's note.--Amended to conform to the  
14 repeal of the provisions of former ch. 123 by  
15 s. 20, ch. 97-180, Laws of Florida.

16  
17           Section 46. Subsection (5) of section 117.05, Florida  
18 Statutes, 1998 Supplement, is reenacted and amended to read:

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

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

31

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

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

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

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

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

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

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

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

31

1           2. Reasonable reliance on the presentation to the  
2 notary public of any one of the following forms of  
3 identification, if the document is current or has been issued  
4 within the past 5 years and bears a serial or other  
5 identifying number:

6           a. A Florida identification card or driver's license  
7 issued by the public agency authorized to issue driver's  
8 licenses;

9           b. A passport issued by the Department of State of the  
10 United States;

11           c. A passport issued by a foreign government if the  
12 document is stamped by the United States Immigration and  
13 Naturalization Service;

14           d. A driver's license or an identification card issued  
15 by a public agency authorized to issue driver's licenses in a  
16 state other than Florida, a territory of the United States, or  
17 Canada or Mexico;

18           e. An identification card issued by any branch of the  
19 armed forces of the United States;

20           f. An inmate identification card issued on or after  
21 January 1, 1991, by the Florida Department of Corrections for  
22 an inmate who is in the custody of the department;

23           g. An inmate identification card issued by the United  
24 States Department of Justice, Bureau of ~~Federal~~ Prisons, for  
25 an inmate who is in the custody of the department;

26           h. A sworn, written statement from a sworn law  
27 enforcement officer that the forms of identification for an  
28 inmate in an institution of confinement were confiscated upon  
29 confinement and that the person named in the document is the  
30 person whose signature is to be notarized; or

31

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

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

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

18 120.57 Additional procedures for particular cases.--

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

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

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

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

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

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

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

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

22 d. Is not arbitrary or capricious;

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

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

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

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

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

13

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

20

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

23 120.595 Attorney's fees.--

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

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

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

12

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

16

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

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

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

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

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

31

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

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

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

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

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

21           121.011 Florida Retirement System.--

22           (3) PRESERVATION OF RIGHTS.--

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

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

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

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

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

31

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

9           (39)

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

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

22           (a) In a state agency, the term means a position which  
23 is authorized and established pursuant to law and is  
24 compensated from a salaries appropriation pursuant to s.  
25 216.011(1)(z)1. and 2.216.011(1)(x)1. and 2., or an  
26 established position which is authorized pursuant to s.  
27 216.262(1)(a) and (b) and is compensated from a salaries  
28 account as provided by rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

26  
27           Reviser's note.--Amended to conform to the  
28 repeal of the provisions of former ch. 123 by  
29 s. 20, ch. 97-180, Laws of Florida.

30  
31

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

4           121.051 Participation in the system.--

5           (2) OPTIONAL PARTICIPATION.--

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

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

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

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

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

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

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

16 (I) Instructional; or

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 121.051, the Senior Management Service Optional Annuity  
2 Program under s. 121.055, or the optional retirement program  
3 for the State University System under s. 121.35.

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

30         3. The employer of a member electing to participate in  
31 the DROP, or employers if dually employed, shall acknowledge

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

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

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

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

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

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

31 (b) Participation in the DROP.--

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

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

31

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

9  
10 Reviser's note.--Amended to conform to the  
11 redesignation of subunits of s. 440.02 by s. 1,  
12 ch. 98-174, Laws of Florida.

13  
14 Section 58. Paragraph (d) of subsection (5) of section  
15 125.0104, Florida Statutes, 1998 Supplement, is amended to  
16 read:

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

19 (5) AUTHORIZED USES OF REVENUE.--

20 (d) Any use of the local option tourist development  
21 tax revenues collected pursuant to this section for a purpose  
22 not expressly authorized by paragraph (3)(1) or paragraph  
23 (3)(n)~~(3)(o)~~ or paragraph (a), paragraph (b), or paragraph (c)  
24 of this subsection is expressly prohibited.

25  
26 Reviser's note.--Amended to conform to the  
27 redesignation of subunits of s. 125.0104(3) by  
28 s. 46, ch. 96-397, Laws of Florida.

29  
30 Section 59. Paragraph (e) of subsection (2) of section  
31 154.503, Florida Statutes, is amended to read:

1           154.503 Primary Care for Children and Families  
2 Challenge Grant Program; creation; administration.--

3           (2) The department shall:

4           (e) Coordinate with the primary care program developed  
5 pursuant to s. 154.011, the Florida Healthy Kids Corporation  
6 program created in s. 624.91, the school health services  
7 program created in ss. 381.0056 ~~402.32~~ and 381.0057 ~~402.321~~,  
8 the Healthy Communities, Healthy People Program created in s.  
9 381.734 ~~408.604~~, and the volunteer health care provider  
10 program developed pursuant to s. 766.1115.

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

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

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

1 253. Such powers shall specifically include, but not be  
2 limited to, the following:

3 (1) To make contracts and enter into agreements;

4 (2) To sue and be sued;

5 (3) To acquire and hold lands and property by any  
6 lawful means;

7 (4) To exercise the power of eminent domain;

8 (5) To enter upon private property for purposes of  
9 making surveys, soundings, drillings and examinations, and  
10 such entry shall not be deemed a trespass;

11 (6) To construct, acquire, operate and maintain works  
12 and facilities;

13 (7) To make rules and regulations; and

14 (8) To do any and all other things specified or  
15 implied in this part.

16

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

20

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

23 163.01 Florida Interlocal Cooperation Act of 1969.--

24 (3) As used in this section:

25 (h) "Local government liability pool" means a  
26 reciprocal insurer as defined in s. 629.021 ~~or limited~~

27 ~~reciprocal insurer as defined in s. 629.50~~ or any

28 self-insurance program created pursuant to s. 768.28(15)

29 ~~768.28(14)~~, formed and controlled by counties or

30 municipalities of this state to provide liability insurance

31 coverage for counties, municipalities, or other public

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

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

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

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

16 (1) The Secretary of Community Affairs shall:

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

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

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

29 163.360 Community redevelopment plans.--

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

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

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

14  
15 Section 64. Paragraph (b) of subsection (8) of section  
16 166.231, Florida Statutes, 1998 Supplement, is amended to  
17 read:

18 166.231 Municipalities; public service tax.--  
19 (8)

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

25  
26 Reviser's note.--Amended to improve clarity and  
27 facilitate correct interpretation.

28  
29 Section 65. Section 175.021, Florida Statutes, is  
30 amended to read:

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30  
31

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

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

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

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

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

18

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

22

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

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

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

31

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

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

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

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

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

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

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

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

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

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

31

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

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

15 199.023 Definitions.--As used in this chapter:  
16 (9) "Banking organization" means:  
17 (h) A Florida export finance corporation organized and  
18 existing pursuant to the provisions of part V ~~VI~~ of chapter  
19 288.

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

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

28 206.59 Department to make rules; powers.--  
29 (4) The department may assess and collect any tax,  
30 penalty, or interest against any person who purchases,  
31

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

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

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

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

30  
31

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

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

7 206.9915 Legislative intent and general provisions.--  
8 (3) The provisions of ss. 206.01, 206.02, 206.026,  
9 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06,  
10 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11,  
11 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175,  
12 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215,  
13 206.22, 206.24, 206.27, 206.28, 206.416, 206.42, ~~206.425,~~  
14 206.44, 206.48, 206.49, 206.56, 206.59, 206.86, 206.87,  
15 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745,  
16 206.94, 206.945, and 206.9815 shall, as far as lawful or  
17 practicable, be applicable to the levy and collection of taxes  
18 imposed pursuant to this part as if fully set out in this part  
19 and made expressly applicable to the taxes imposed herein.

20  
21 Reviser's note.--Amended to conform to the  
22 repeal of s. 206.425 by s. 3, ch. 97-94, Laws  
23 of Florida.

24  
25 Section 77. Paragraph (e) of subsection (1) of section  
26 212.06, Florida Statutes, 1998 Supplement, is amended to read:

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

30 (1)

31

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

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

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

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

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

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

1 use, consumption, or storage for use in any political  
2 subdivision or municipality in this state of machines and  
3 equipment and parts and accessories therefor used in the  
4 generation, transmission, or distribution of electrical energy  
5 by systems owned and operated by a political subdivision in  
6 this state for transmission or distribution expansion.  
7 Likewise exempt are charges for services rendered by radio and  
8 television stations, including line charges, talent fees, or  
9 license fees and charges for films, videotapes, and  
10 transcriptions used in producing radio or television  
11 broadcasts. The exemption provided in this subsection does not  
12 include sales, rental, use, consumption, or storage for use in  
13 any political subdivision or municipality in this state of  
14 machines and equipment and parts and accessories therefor used  
15 in providing two-way telecommunications services to the public  
16 for hire by the use of a telecommunications facility, as  
17 defined in s. 364.02(13), and for which a certificate is  
18 required under chapter 364, which facility is owned and  
19 operated by any county, municipality, or other political  
20 subdivision of the state. Any immunity of any political  
21 subdivision of the state or other entity of local government  
22 from taxation of the property used to provide  
23 telecommunication services that is taxed as a result of this  
24 section is hereby waived. However, the exemption provided in  
25 this subsection includes transactions taxable under this  
26 chapter part which are for use by the operator of a public-use  
27 airport, as defined in s. 332.004 ~~322.004~~, in providing such  
28 telecommunications services for the airport or its tenants,  
29 concessionaires, or licensees, or which are for use by a  
30 public hospital for the provision of such telecommunications  
31 services.

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

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

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

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

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

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

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

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

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

15

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

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

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

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

10           (2)

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

20  
21           Reviser's note.--Amended to conform to the  
22 redesignation of subunits of s. 212.11(1) by s.  
23 11, ch. 94-353, Laws of Florida.

24  
25           Section 80. Paragraph (e) of subsection (6) of section  
26 212.20, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

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

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

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

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

15

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

20

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

24 213.053 Confidentiality and information sharing.--

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

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

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

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

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

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

25 215.32 State funds; segregation.--

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

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

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

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

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

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

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

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

17

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

21

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

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

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

28

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (9) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

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

10  
11 Reviser's note.--Amended to conform to the  
12 redesignation of the Juvenile Justice Advisory  
13 Board as the Juvenile Justice Accountability  
14 Board by s. 12, ch. 98-136, Laws of Florida.

15  
16 Section 88. Paragraph (d) of subsection (2) of section  
17 216.181, Florida Statutes, 1998 Supplement, is amended to  
18 read:

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

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

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

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

3

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

7

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

31

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

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

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

9 218.65 Emergency distribution.--

10 (5) At the beginning of each fiscal year, the  
11 Department of Revenue shall calculate a base allocation for  
12 each eligible county equal to the difference between the  
13 current per capita limitation times the county's population,  
14 minus prior year ordinary distributions to the county pursuant  
15 to ss. 212.20(6)(f)3.~~212.20(6)(g)3.~~, 218.61, and 218.62. If  
16 moneys deposited into the Local Government Half-cent Sales Tax  
17 Clearing Trust Fund pursuant to s. 212.20(6)(f)4.  
18 ~~212.20(6)(g)4.~~, excluding moneys appropriated for supplemental  
19 distributions pursuant to subsection (7), for the current year  
20 are less than or equal to the sum of the base allocations,  
21 each eligible county shall receive a share of the appropriated  
22 amount proportional to its base allocation. If the deposited  
23 amount exceeds the sum of the base allocations, each county  
24 shall receive its base allocation, and the excess appropriated  
25 amount shall be distributed equally on a per capita basis  
26 among the eligible counties.

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

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

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

7 220.02 Legislative intent.--

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

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

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

23 228.053 Developmental research schools.--

24 (9) FUNDING.--

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

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

14  
15 Reviser's note.--Amended to conform to the  
16 repeal of s. 236.0835 by s. 49, ch. 94-232,  
17 Laws of Florida.

18  
19 Section 96. Paragraph (d) of subsection (1) of section  
20 228.055, Florida Statutes, 1998 Supplement, is amended to  
21 read:

22 228.055 Regional autism centers.--

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

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

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

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

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

21 228.0565 Deregulated public schools.--

22 (7) EXEMPTION FROM STATUTES.--

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

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

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

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

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

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

31

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

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

8 230.2305 Prekindergarten early intervention program.--

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

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

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

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

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

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

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

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

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

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

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

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

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

26  
27 Section 101. Paragraphs (b) and (c) of subsection (7)  
28 of section 232.246, Florida Statutes, 1998 Supplement, are  
29 amended to read:

30 232.246 General requirements for high school  
31 graduation.--

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

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

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

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

15  
16           Section 102. Subsection (1) of section 233.17, Florida  
17 Statutes, is amended to read:

18           233.17 Term of adoption for instructional materials.--

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

29  
30  
31

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

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

7 235.05 Right of eminent domain.--  
8 (2) The board of trustees may exercise the right of  
9 eminent domain as provided in s. 240.319(4)(d)~~240.319(3)(d)~~.

10  
11 Reviser's note.--Amended to conform to the  
12 redesignation of subunits of s. 240.319 by s.  
13 12, ch. 97-246, Laws of Florida.

14  
15 Section 104. Paragraphs (a) and (c) of subsection (2)  
16 of section 235.2197, Florida Statutes, 1998 Supplement, are  
17 amended to read:

18 235.2197 Florida Frugal Schools Program.--  
19 (2) The "Florida Frugal Schools Program" is created to  
20 recognize publicly each district school board that agrees to  
21 build frugal yet functional educational facilities and that  
22 implements "best financial management practices" when  
23 planning, constructing, and operating educational facilities.  
24 The State Board of Education shall recognize a district school  
25 board as having a Florida Frugal Schools Program if the  
26 district requests recognition and satisfies two or more of the  
27 following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 236.1228 Accountability program grants.--

12 (4) STATEWIDE INDICATORS.--

13 (b) The statewide indicators are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

7 236.685 Educational funding accountability.--

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

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

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

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

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

- 1           d. Career education programs; and  
2           e. Adult programs.  
3           2. Substitute teachers.  
4           3. Other instructional personnel, including  
5 school-based instructional specialists and their assistants.  
6           4. Contracted instructional services, including  
7 training for instructional staff and other contracted  
8 instructional services.  
9           5. School administration, including school-based  
10 administrative personnel and school-based education support  
11 personnel.  
12           6. The following materials, supplies, and operating  
13 capital outlay:  
14           a. Textbooks;  
15           b. Computer hardware and software;  
16           c. Other instructional materials;  
17           d. Other materials and supplies; and  
18           e. Library media materials.  
19           7. Food services.  
20           8. Other support services.  
21           9. Operation and maintenance of the school plant.  
22           (c) The school financial report must also identify the  
23 types of district-level expenditures that support the school's  
24 operations. The total amount of these district-level  
25 expenditures must be reported and expressed as total  
26 expenditures per full-time equivalent student.  
27  
28 As used in this subsection, the term "school" means a "school  
29 center" as defined by s. 228.041.  
30  
31

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