

By Senator McKay

rb99-2

1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes;  
3           amending ss. 238.06, 240.1161, 240.1201,  
4           240.147, 240.156, 240.20941, 240.2605, 240.275,  
5           240.283, 240.285, 240.311, 240.319, 240.3195,  
6           240.324, 240.331, 240.3315, 240.383, 240.4063,  
7           240.408, 240.414, 240.4145, 240.498, 240.514,  
8           240.551, 240.6054, 240.632, 242.3305, 246.041,  
9           250.46, 252.939, 253.025, 255.05, 259.032,  
10           259.101, 260.016, 270.10, 280.09, 280.11,  
11           281.05, 281.06, 281.07, 281.08, 282.003,  
12           282.005, 282.101, 282.20, 282.22, 282.3031,  
13           282.3041, 282.310, 283.33, 284.31, 287.059,  
14           287.0595, 287.064, 287.09431, 287.133, 287.151,  
15           287.16, 288.039, 288.041, 288.052, 288.1066,  
16           288.108, 288.1169, 288.1185, 288.770, 288.776,  
17           288.853, 288.905, 288.9512, 288.9605, 288.9607,  
18           288.9620, 290.0058, 290.0065, 290.009, 295.07,  
19           295.085, 295.09, 295.14, 296.33, 298.225,  
20           316.003, 316.072, 316.0747, 316.1955, 316.2126,  
21           316.2399, 316.302, 316.515, 316.611, 318.13,  
22           318.14, 318.21, 319.33, 320.03, 320.055,  
23           320.08056, 320.08058, 320.0848, 320.1325,  
24           322.12, 322.121, 322.292, 322.34, 322.57,  
25           323.001, 325.202, 325.212, 327.25, 327.28,  
26           331.303, 331.305, 331.308, 334.03, 336.01,  
27           337.02, 337.023, 337.407, 338.22, 338.221,  
28           338.222, 338.223, 338.225, 338.227, 338.228,  
29           338.229, 338.231, 338.232, 338.239, 339.0805,  
30           339.135, 341.321, 348.0005, 348.242, 349.21,  
31           350.031, 350.0605, 354.01, 364.509, 366.072,

1 368.061, 370.06, 370.0605, 370.063, 370.0821,  
2 370.12, 370.14, 370.142, 370.1535, 370.154,  
3 372.023, 372.561, 372.57, 372.573, 372.661,  
4 373.036, 373.0691, 373.213, 373.246, 373.414,  
5 373.4149, 373.421, 373.4592, 373.59, 373.591,  
6 374.976, 374.983, 375.041, 376.3071, 376.3072,  
7 376.3078, 376.30781, 376.82, 378.901, 380.0555,  
8 380.20, 380.205, 380.22, 381.0014, 381.0035,  
9 381.004, 381.0065, 381.0068, 381.0203, 381.732,  
10 381.733, 382.003, 382.356, 388.4111, 388.46,  
11 390.0111, 390.0112, 393.063, 393.067, 394.4787,  
12 395.002, 395.605, 400.0067, 400.051, 400.063,  
13 400.417, 400.4174, 400.4256, 400.426, 400.427,  
14 400.447, 400.471, 400.6085, 400.618, 400.6196,  
15 402.161, 402.3055, 402.3057, 402.308, and  
16 402.3115, Florida Statutes; reenacting and  
17 amending ss. 341.051(5) and 397.405, Florida  
18 Statutes; and reenacting ss. 240.2011,  
19 266.0016, 295.11(2), 320.0848(9) and (10),  
20 320.20(2), 328.17(1), 351.03, 351.034, 351.35,  
21 351.36, 351.37, 354.01, 354.02, 354.03, 354.04,  
22 354.05, 354.07, 361.025, 373.197(2), (3),  
23 376.30711(2)(b), (c), and 377.703(3)(b), (c),  
24 (d), (e), (h), (i), (j), (k), (l), and (m),  
25 Florida Statutes, pursuant to s. 11.242,  
26 Florida Statutes; deleting provisions which  
27 have expired, have become obsolete, have had  
28 their effect, have served their purpose, or  
29 have been impliedly repealed or superseded;  
30 replacing incorrect cross-references and  
31 citations; correcting grammatical,

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

9

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

11

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

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

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

1 injury or illness shall make the required employee and  
2 employer retirement contributions based on the member's rate  
3 of monthly compensation immediately prior to his or her  
4 receiving workers' compensation payments.

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

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

12 240.1161 District interinstitutional articulation  
13 agreements.--

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

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

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

1           240.1201 Determination of resident status for tuition  
2 purposes.--Students shall be classified as residents or  
3 nonresidents for the purpose of assessing tuition fees in  
4 public community colleges and universities.

5           (1) As defined under this section:

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

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

15  
16           Section 4. Subsections (15) and (16) of section  
17 240.147, Florida Statutes, 1998 Supplement, are amended to  
18 read:

19           240.147 Powers and duties of the commission.--The  
20 commission shall:

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

1 degree. The commission shall provide oversight of this  
2 accountability process.

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

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

24  
25 Section 5. Section 240.156, Florida Statutes, is  
26 amended to read:

27 240.156 State University System Concurrency Trust  
28 Fund.--Notwithstanding any other provision of law, the general  
29 revenue service charge deducted pursuant to s. 215.20 on  
30 revenues raised by any local option motor fuel tax levied  
31 pursuant to s. 336.025(1)(b), as created by chapter 93-206,

1 Laws of Florida, CS/CS/HB 2315 (1993) or similar legislation,  
2 shall be deposited in the State University System Concurrency  
3 Trust Fund, which is hereby created. Moneys in such trust fund  
4 shall be for the purpose of funding State University System  
5 offsite improvements required to meet concurrency standards  
6 adopted under part II of chapter 163.

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

11  
12 Section 6. Section 240.2011, Florida Statutes, is  
13 reenacted to read:

14 240.2011 State University System defined.--The State  
15 University System shall consist of the following:

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

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

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

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

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

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

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

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

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

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

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

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

18  
19 Section 7. Section 240.20941, Florida Statutes, is  
20 amended to read:

21 240.20941 Vacant faculty positions.--Notwithstanding  
22 the provisions of s. 216.181(7), (8), and (9)~~216.181(3), (4),~~  
23 ~~and (5)~~, and pursuant to the provisions of s. 216.351, actions  
24 to reduce positions, rate, or salaries and benefits, excluding  
25 salary lapse calculations, taken by the Legislature, by the  
26 Executive Office of the Governor, or by the Administration  
27 Commission which relate specifically to vacant positions, and  
28 which are applied on a uniform basis to all state employee  
29 positions, may affect the positions within the faculty pay  
30 plan approved and administered by the Board of Regents only to  
31



1 the extent that they do so by express reference to this  
2 section.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of subunits of s. 216.181 by s.  
6 60, ch. 92-142, Laws of Florida, and s. 6, ch.  
7 97-286, Laws of Florida.

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

11 240.2605 Trust Fund for Major Gifts.--

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

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1 encumber the state matching portion of a challenge grant from  
2 funds available under s. 240.272.

3

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

5

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

8 240.275 Law libraries of certain institutions of  
9 higher learning designated as state legal depositories.--

10 (4) The libraries of all community colleges in the  
11 Florida state Community College System as defined in s.  
12 240.301 are designated as state depositories for the Florida  
13 Statutes and supplements published by or under the authority  
14 of the state; these depositories each may receive upon request  
15 one copy of each volume without charge, except for payment of  
16 shipping costs.

17

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

22

23 Section 10. Section 240.283, Florida Statutes, is  
24 amended to read:

25 240.283 Extra compensation for State University System  
26 employees.--Notwithstanding the provisions of s. 216.262(1)(e)  
27 ~~216.262(1)(d)~~, the presidents of the several universities and  
28 the Chancellor are authorized to approve additional  
29 compensation for university employees and employees of the  
30 Board of Regents, respectively, as provided by rules adopted  
31 by the Board of Regents.

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

4  
5           Section 11. Section 240.285, Florida Statutes, is  
6 amended to read:

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

13  
14           Reviser's note.--Amended to conform to the  
15 redesignation of subunits of s. 216.292 by s.  
16 14, ch. 94-249, Laws of Florida.

17  
18           Section 12. Subsections (4) and (7) of section  
19 240.311, Florida Statutes, 1998 Supplement, are amended to  
20 read:

21           240.311 State Board of Community Colleges; powers and  
22 duties.--

23           (4) The State Board of Community Colleges shall  
24 appoint, and may suspend or dismiss, an executive director of  
25 the community college system. The board shall fix the  
26 compensation for the executive director and for all other  
27 professional, administrative, and clerical employees necessary  
28 to assist the board and the executive director in the  
29 performance of their duties. The executive director shall  
30 serve as executive officer and as secretary to the board;  
31 shall attend, but not vote at, all meetings of the board

1 except when on authorized leave; shall be in charge of the  
2 offices of the board, including appointment and termination of  
3 staff; and shall be responsible for the preparation of reports  
4 and the collection and dissemination of data and other public  
5 information relating to the Florida State Community College  
6 System. The executive director shall conduct systemwide  
7 program reviews for board approval; prepare the legislative  
8 budget request for the system; and, upon the request of the  
9 board, represent the system before the Legislature and the  
10 State Board of Education, including representation in the  
11 presentation of proposed rules to the State Board of  
12 Education. The board may, by rule, delegate to the executive  
13 director any of the powers and duties vested in or imposed  
14 upon it by this part. Under the supervision of the board, the  
15 executive director shall administer the provisions of this  
16 part and the rules established hereunder and all other  
17 applicable laws of the state.

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

1 Upon selection of a president by a board of trustees, the  
2 board of trustees shall submit a report to the State Board of  
3 Community Colleges documenting compliance with this  
4 subsection.

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

13  
14 Section 13. Subsection (2) and paragraph (t) of  
15 subsection (4) of section 240.319, Florida Statutes, 1998  
16 Supplement, are amended to read:

17 240.319 Community college district boards of trustees;  
18 duties and powers.--

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

28 (4) Such rules, procedures, and policies for the  
29 boards of trustees include, but are not limited to, the  
30 following:

31

1           (t) Each board of trustees is authorized to borrow  
2 funds and incur debt, including the issuance of revenue bonds  
3 as specifically authorized in ss. 239.117(17) and 240.35(14)  
4 ~~240.35(13)~~, only for the new construction and equipment,  
5 renovation, or remodeling of educational facilities. At the  
6 option of the board of trustees, bonds may be issued which are  
7 secured by a combination of revenues authorized to be pledged  
8 to bonds pursuant to ss. 239.117(17) and 240.35(14)  
9 ~~240.35(13)~~.

10  
11           Reviser's note.--Subsection (2) is amended to  
12 conform to the redesignation of the State  
13 Community College System as the Florida  
14 Community College System by s. 15, ch. 98-58,  
15 Laws of Florida. Paragraph (4)(t) is amended to  
16 conform to the redesignation of subunits of s.  
17 240.35 by s. 10, ch. 98-421, Laws of Florida.

18  
19           Section 14. Section 240.3195, Florida Statutes, is  
20 amended to read:

21           240.3195 State Community College System Optional  
22 Retirement Program.--Each community college may implement an  
23 optional retirement program, if such program is established  
24 therefor pursuant to s. 240.319(4)(r)~~240.319(3)(r)~~, under  
25 which annuity contracts providing retirement and death  
26 benefits may be purchased by, and on behalf of, eligible  
27 employees who participate in the program. Except as otherwise  
28 provided herein, this retirement program, which shall be known  
29 as the State Community College System Optional Retirement  
30 Program, may be implemented and administered only by an  
31

1 individual community college or by a consortium of community  
2 colleges.

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

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

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

9 (c) "Division" means the Division of Retirement of the  
10 Department of Management Services.

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

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

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

20 (3)(a) With respect to any employee who is eligible to  
21 participate in the optional retirement program by reason of  
22 qualifying employment commencing before the program's  
23 activation:

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

1           2. An employee's participation in the optional  
2 retirement program commences on the first day of the next full  
3 calendar month following the filing of the election and  
4 completed application with the program administrator and  
5 receipt of such election by the division. An employee's  
6 membership in the Florida Retirement System terminates on this  
7 same date.

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

12           (b) With respect to any employee who becomes eligible  
13 to participate in an optional retirement program by reason of  
14 qualifying employment commencing on or after the program's  
15 activation:

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

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

31



1           3. If the employee makes an election to participate in  
2 the optional retirement program before the community college  
3 submits its initial payroll for the employee, participation in  
4 the optional retirement program commences on the first date of  
5 employment.

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

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

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

28           (e) The election by an eligible employee to  
29 participate in the optional retirement program is irrevocable  
30 for so long as the employee continues to meet the eligibility  
31

1 requirements set forth in this section and in s.  
2 121.051(2)(c), except as provided in paragraph (i).

3 (f) If a program participant becomes ineligible to  
4 continue participating in the optional retirement program  
5 pursuant to the criteria referenced in subsection (2), the  
6 employee becomes a member of the Florida Retirement System if  
7 eligible. The college must notify the Division of Retirement  
8 of an employee's change in eligibility status within 30 days  
9 after the event that makes the employee ineligible to continue  
10 participation in the optional retirement program.

11 (g) An eligible employee who is a member of the  
12 Florida Retirement System at the time of election to  
13 participate in the optional retirement program retains all  
14 retirement service credit earned under the Florida Retirement  
15 System at the rate earned. Additional service credit in the  
16 Florida Retirement System may not be earned while the employee  
17 participates in the optional retirement program, nor is the  
18 employee eligible for disability retirement under the Florida  
19 Retirement System.

20 (h) A program participant may not simultaneously  
21 participate in any other state-administered retirement system,  
22 plan, or class.

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

29 (4)(a) Each college must contribute on behalf of each  
30 program participant an amount equal to the normal cost portion  
31 of the employer retirement contribution which would be

1 required if the program participant were a member of the  
2 Regular Class of the Florida Retirement System as provided in  
3 s. 121.071, plus the portion of the contribution rate required  
4 in s. 112.363(8) that would otherwise be assigned to the  
5 Retiree Health Insurance Subsidy Trust Fund, and less an  
6 amount approved by the community college to provide for the  
7 administration of the optional retirement program. Payment of  
8 this contribution must be made either directly by the  
9 community college or through the program administrator to the  
10 designated company contracting for payment of benefits to the  
11 program participant.

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

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

30 (d) Contributions to an optional retirement program by  
31 a college or a program participant are in addition to, and

1 have no effect upon, contributions required now or in future  
2 by the federal Social Security Act.

3 (5)(a) The benefits to be provided to program  
4 participants must be provided through individual contracts or  
5 group annuity contracts, which may be fixed, variable, or  
6 both. Each individual contract or certificate must state the  
7 type of annuity contract on its face page, and must include at  
8 least a statement of ownership, the contract benefits, annuity  
9 income options, limitations, expense charges, and surrender  
10 charges, if any.

11 (b) Benefits are payable under the optional retirement  
12 program to program participants or their beneficiaries, and  
13 the benefits must be paid only by the designated company in  
14 accordance with the terms of the annuity contracts applicable  
15 to the program participant, provided that benefits funded by  
16 employer contributions are payable only as a lifetime annuity  
17 to the program participant, except for:

18 1. A lump-sum payment to the program participant's  
19 beneficiary or estate upon the death of the program  
20 participant; or

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

30 (c) The benefits payable to any person under the  
31 optional retirement program, and any contribution accumulated

1 under the program, are not subject to assignment, execution,  
2 attachment, or to any legal process whatsoever.

3 (6)(a) The optional retirement program authorized by  
4 this section must be implemented and administered by the  
5 program administrator under s. 403(b) of the Internal Revenue  
6 Code. The program administrator has the express authority to  
7 contract with a third party to fulfill any of the program  
8 administrator's duties.

9 (b) The program administrator shall solicit  
10 competitive bids or issue a request for proposal and select no  
11 more than four companies from which annuity contracts may be  
12 purchased under the optional retirement program. In making  
13 these selections, the program administrator shall consider the  
14 following factors:

- 15 1. The financial soundness of the company.
- 16 2. The extent of the company's experience in providing  
17 annuity contracts to fund retirement programs.
- 18 3. The nature and extent of the rights and benefits  
19 provided to program participants in relation to the premiums  
20 paid.
- 21 4. The suitability of the rights and benefits provided  
22 to the needs of eligible employees and the interests of the  
23 college in the recruitment and retention of employees.

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

1           (c) Optional retirement program annuity contracts must  
2 be approved in form and content by the program administrator  
3 in order to qualify. The program administrator may use the  
4 same annuity contracts currently used within the State  
5 University System Optional Retirement Program, as set forth in  
6 s. 121.35.

7           (d) The provision of each annuity contract applicable  
8 to a program participant must be contained in a written  
9 program description that includes a report of pertinent  
10 financial and actuarial information on the solvency and  
11 actuarial soundness of the program and the benefits applicable  
12 to the program participant. The company must furnish the  
13 description annually to the program administrator, and to each  
14 program participant upon commencement of participation in the  
15 program and annually thereafter.

16           (e) The program administrator must ensure that each  
17 program participant is provided annually with an accounting of  
18 the total contributions and the annual contributions made by  
19 and on the behalf of the program participant.

20  
21           Reviser's note.--Section 240.3195 is amended to  
22 conform to the redesignation of subunits of s.  
23 240.319 by s. 12, ch. 97-246, Laws of Florida.  
24 Paragraph (1)(b) was amended to conform to the  
25 redesignation of the State Community College  
26 System as the Florida Community College System  
27 by s. 15, ch. 98-58, Laws of Florida.

28  
29           Section 15. Subsection (1) of section 240.324, Florida  
30 Statutes, 1998 Supplement, is amended to read:

31           240.324 Community college accountability process.--

1           (1) It is the intent of the Legislature that a  
2 management and accountability process be implemented which  
3 provides for the systematic, ongoing improvement and  
4 assessment of the improvement of the quality and efficiency of  
5 the Florida State Community College System. Accordingly, the  
6 State Board of Community Colleges and the community college  
7 boards of trustees shall develop and implement an  
8 accountability plan to improve and evaluate the instructional  
9 and administrative efficiency and effectiveness of the Florida  
10 ~~State~~ Community College System. This plan shall be designed  
11 in consultation with staff of the Governor and the Legislature  
12 and must address the following issues:

13           (a) Graduation rates of A.A. and A.S. degree-seeking  
14 students compared to first-time-enrolled students seeking the  
15 associate degree.

16           (b) Minority student enrollment and retention rates.

17           (c) Student performance, including student performance  
18 in college-level academic skills, mean grade point averages  
19 for community college A.A. transfer students, and community  
20 college student performance on state licensure examinations.

21           (d) Job placement rates of community college  
22 vocational students.

23           (e) Student progression by admission status and  
24 program.

25           (f) Vocational accountability standards identified in  
26 s. 239.229.

27           (g) Institutional assessment efforts related to the  
28 requirements of s. III in the Criteria for Accreditation of  
29 the Commission on Colleges of the Southern Association of  
30 Colleges and Schools.

31

1 (h) Other measures as identified by the Postsecondary  
2 Education Planning Commission and approved by the State Board  
3 of Community Colleges.

4  
5 Reviser's note.--Amended to conform to the  
6 redesignation of the State Community College  
7 System as the Florida Community College System  
8 by s. 15, ch. 98-58, Laws of Florida.

9  
10 Section 16. Subsection (2) of section 240.331, Florida  
11 Statutes, 1998 Supplement, is amended to read:

12 240.331 Community college direct-support  
13 organizations.--

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

24  
25 Reviser's note.--Amended to conform to the  
26 title of the position as provided in s.  
27 240.313(5).

28  
29 Section 17. Subsection (2) of section 240.3315,  
30 Florida Statutes, 1998 Supplement, is amended to read:



1           240.3315 Statewide community college direct-support  
2 organizations.--

3           (2) BOARD OF DIRECTORS.--The chair ~~chairperson~~ of the  
4 State Board of Community Colleges may appoint a representative  
5 to the board of directors and the executive committee of any  
6 statewide, direct-support organization established under this  
7 section or s. 240.331. The chair ~~chairperson~~ of the State  
8 Board of Community Colleges, or the chair's ~~chairperson's~~  
9 designee, shall also serve on the board of directors and the  
10 executive committee of any direct-support organization  
11 established to benefit the Florida State Community College  
12 System.

13  
14           Reviser's note.--Amended to conform to the  
15 title of the chair of the State Board of  
16 Community Colleges as provided in s. 240.309(1)  
17 and to conform to the redesignation of the  
18 State Community College System as the Florida  
19 Community College System by s. 15, ch. 98-58,  
20 Laws of Florida.

21  
22           Section 18. Subsections (1), (2), (3), (4), and (11)  
23 of section 240.383, Florida Statutes, are amended to read:

24           240.383 State Community College System Facility  
25 Enhancement Challenge Grant Program.--

26           (1) The Legislature recognizes that the State  
27 Community College System does not have sufficient physical  
28 facilities to meet the current demands of its instructional  
29 and community programs. It further recognizes that, to  
30 strengthen and enhance the Florida State Community College  
31 System, it is necessary to provide facilities in addition to

1 those currently available from existing revenue sources. It  
2 further recognizes that there are sources of private support  
3 that, if matched with state support, can assist in  
4 constructing much needed facilities and strengthen the  
5 commitment of citizens and organizations in promoting  
6 excellence throughout the state community colleges.  
7 Therefore, it is the intent of the Legislature to establish a  
8 program to provide the opportunity for each community college  
9 through its direct-support organization to receive and match  
10 challenge grants for instructional and community-related  
11 capital facilities within the community college.

12 (2) There is established the State Community College  
13 System Facility Enhancement Challenge Grant Program for the  
14 purpose of assisting the Florida State Community College  
15 System in building high priority instructional and  
16 community-related capital facilities consistent with s.  
17 240.301, including common areas connecting such facilities.  
18 The direct-support organizations that serve the community  
19 colleges shall solicit gifts from private sources to provide  
20 matching funds for capital facilities. For the purposes of  
21 this section, private sources of funds shall not include any  
22 federal or state government funds that a community college may  
23 receive.

24 (3) The Community College Capital Facilities Matching  
25 Trust Fund, ~~if created by law, otherwise the General Revenue~~  
26 ~~Fund,~~ shall provide funds to match private contributions for  
27 the development of high priority instructional and  
28 community-related capital facilities, including common areas  
29 connecting such facilities, within the Florida State Community  
30 College System. All appropriated funds deposited in the trust  
31 fund, ~~if created by law, otherwise the General Revenue Fund,~~

1 shall be invested pursuant to the provisions of s. 18.125.  
2 Interest income accruing to that portion of the trust fund, ~~if~~  
3 ~~created by law, otherwise the General Revenue Fund,~~ shall  
4 increase the total funds available for the challenge grant  
5 program. Interest income accruing from the private donations  
6 shall be returned to the participating direct-support  
7 organization upon completion of the project.

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

24 (11) Any project funds that are unexpended after a  
25 project is completed shall revert to the community college's  
26 direct-support organization capital facilities matching  
27 account. Fifty percent of such unexpended funds shall be  
28 reserved for the community college which originally received  
29 the private contribution for the purpose of providing private  
30 matching funds for future facility construction projects as  
31 provided in this section. The balance of such unexpended

1 funds shall be returned to the Community College Capital  
2 Facilities Matching Trust Fund, ~~if created by law, otherwise~~  
3 ~~the General Revenue Fund~~, and be available to any community  
4 college for future facility construction projects conducted  
5 pursuant to this section.

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

15  
16 Section 19. Paragraph (c) of subsection (3) of section  
17 240.4063, Florida Statutes, is amended to read:

18 240.4063 Florida Teacher Scholarship and Forgivable  
19 Loan Program.--

20 (3)

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

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

28 2. Not already hold a teaching certificate resulting  
29 from an undergraduate degree in education in an area of  
30 critical teacher shortage as designated by the State Board of  
31 Education.

1           3. Not have received an undergraduate forgivable loan  
2 as provided for in paragraph (b).

3  
4           Reviser's note.--Amended to conform to the  
5 citation of the rule as it appears in the  
6 Florida Administrative Code.

7  
8           Section 20. Subsections (1) and (2) of section  
9 240.408, Florida Statutes, are amended to read:

10           240.408 Challenger Astronauts Memorial Undergraduate  
11 Scholarship Trust Fund.--

12           (1) There is created the Challenger Astronauts  
13 Memorial Undergraduate Scholarship Trust Fund which shall  
14 receive distributions as provided by s. 320.08058. The  
15 Comptroller shall authorize expenditures from this fund for  
16 Challenger Astronauts Memorial awards ~~pursuant to s. 240.402,~~  
17 and any remaining balances may be expended for  
18 education/business partnership programs which involve teacher  
19 development strategies pursuant to s. 229.602, upon receipt of  
20 vouchers approved by the Department of Education. The  
21 Comptroller shall also authorize expenditures from this fund  
22 for Challenger Astronauts Memorial Undergraduate Scholarships  
23 for students who participated in this program prior to July 1,  
24 1993, provided that such students continue to meet the renewal  
25 eligibility requirements that were in effect at the time that  
26 their original awards were made. Any balance therein at the  
27 end of any fiscal year shall remain therein and shall be  
28 available for carrying out the purposes of these programs.

29           (2) Matching scholarships may be awarded to math,  
30 science, and computer education teachers chosen to participate  
31 in the Teacher/Quest Scholarship Program ~~as provided for in~~

1 ~~the K through 12 Mathematics, Science, and Computer Education~~  
2 ~~Quality Improvement Act.~~

3  
4 Reviser's note.--Subsection (1) is amended to  
5 conform to the repeal of s. 240.402 by s. 11,  
6 ch. 97-77, Laws of Florida. Subsection (2) is  
7 amended to conform to the repeal of the K  
8 through 12 Mathematics, Science, and Computer  
9 Education Quality Improvement Act by s. 49, ch.  
10 94-232, Laws of Florida.

11  
12 Section 21. Subsection (2) of section 240.414, Florida  
13 Statutes, is amended to read:

14 240.414 Latin American and Caribbean Basin Scholarship  
15 Program.--

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

26  
27 Reviser's note.--Amended to conform to the  
28 redesignation of the Florida Resident Access  
29 Grant Program as the William L. Boyd, IV,  
30 Florida Resident Access Grant Program by s. 9,  
31

1 ch. 98-71, Laws of Florida, and s. 14, ch.  
2 98-398, Laws of Florida.

3  
4 Section 22. Paragraph (a) of subsection (5) of section  
5 240.4145, Florida Statutes, is amended to read:

6 240.4145 African and Afro-Caribbean Scholarship  
7 Program.--

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

13  
14 Reviser's note.--Amended to conform to the  
15 redesignation of the Florida Resident Access  
16 Grant Program as the William L. Boyd, IV,  
17 Florida Resident Access Grant Program by s. 9,  
18 ch. 98-71, Laws of Florida, and s. 14, ch.  
19 98-398, Laws of Florida.

20  
21 Section 23. Paragraph (a) of subsection (4) of section  
22 240.498, Florida Statutes, is amended to read:

23 240.498 Florida Education Fund.--

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

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

- 28 1. Two laypersons appointed by the Governor;  
29 2. Two laypersons appointed by the President of the  
30 Senate;

31

1           3. Two laypersons appointed by the Speaker of the  
2 House of Representatives;

3           4. Two representatives of the State University System  
4 appointed by the Board of Regents;

5           5. Two representatives of the Florida ~~State~~ Community  
6 College System appointed by the State Board of Community  
7 Colleges; and

8           6. Two representatives of independent colleges or  
9 universities appointed by the State Board of Independent  
10 Colleges and Universities.

11  
12 The board of directors may appoint to the board an additional  
13 five members from the private sector for the purpose of  
14 assisting in the procurement of private contributions. Such  
15 members shall serve as voting members of the board.

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

21  
22           Section 24. Section 240.514, Florida Statutes, is  
23 amended to read:

24           240.514 Louis de la Parte Florida Mental Health  
25 Institute.--There is established the Louis de la Parte Florida  
26 Mental Health Institute within the University of South  
27 Florida.

28           (1) The purpose of the institute is to strengthen  
29 mental health services throughout the state by providing  
30 technical assistance and support services to mental health  
31



1 agencies and mental health professionals. Such assistance and  
2 services shall include:

3 (a) Technical training and specialized education.

4 (b) Development, implementation, and evaluation of  
5 mental health service programs.

6 (c) Evaluation of availability and effectiveness of  
7 existing mental health services.

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

10 (e) Dissemination of information about innovations in  
11 mental health services.

12 (f) Consultation on all aspects of program development  
13 and implementation.

14 (g) Provisions for direct client services, provided  
15 for a limited period of time either in the institute facility  
16 or in other facilities within the state, and limited to  
17 purposes of research or training.

18 (2) The Department of Health and Rehabilitative  
19 Services is authorized to designate the Louis de la Parte  
20 Florida Mental Health Institute a treatment facility for the  
21 purpose of accepting voluntary and involuntary clients in  
22 accordance with institute programs. Clients to be admitted  
23 are exempted from prior screening by a community mental health  
24 center.

25 (3) The institute may provide direct services in  
26 coordination with other agencies. The institute may also  
27 provide support services to state agencies through joint  
28 programs, collaborative agreements, contracts, and grants.

29 (4) The institute shall operate under the authority of  
30 the President of the University of South Florida and shall  
31 employ a mental health professional as director. The director

1 shall hold a faculty appointment in a college or department  
2 related to mental health within the university. The director  
3 has primary responsibility for establishing active liaisons  
4 with the community of mental health professionals and other  
5 related constituencies in the state and may, with approval of  
6 the university president, establish appropriate statewide  
7 advisory groups to assist in developing these communication  
8 links.

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

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

18  
19 Section 25. Paragraph (a) of subsection (9) of section  
20 240.551, Florida Statutes, 1998 Supplement, is amended to  
21 read:

22 240.551 Florida Prepaid College Program.--

23 (9) PREPAID COLLEGE PLANS.--At a minimum, the board  
24 shall make advance payment contracts available for two  
25 independent plans to be known as the community college plan  
26 and the university plan. The board may also make advance  
27 payment contracts available for a dormitory residence plan.

28 (a)1. Through the community college plan, the advance  
29 payment contract shall provide prepaid registration fees for a  
30 specified number of undergraduate semester credit hours not to  
31 exceed the average number of hours required for the conference

1 of an associate degree. The cost of participation in the  
2 community college plan shall be based primarily on the average  
3 current and projected registration fees within the Florida  
4 ~~State~~ Community College System and the number of years  
5 expected to elapse between the purchase of the plan on behalf  
6 of a qualified beneficiary and the exercise of the benefits  
7 provided in the plan by such beneficiary. Qualified  
8 beneficiaries shall bear the cost of any laboratory fees  
9 associated with enrollment in specific courses. Each qualified  
10 beneficiary shall be classified as a resident for tuition  
11 purposes, pursuant to s. 240.1201, regardless of his or her  
12 actual legal residence.

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

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

31

1           Section 26. Section 240.6054, Florida Statutes, 1998  
2 Supplement, is amended to read:  
3           240.6054 Ethics in Business scholarships.--When the  
4 Department of Insurance receives a \$6 million settlement as  
5 specified in the Consent Order of the Treasurer and Insurance  
6 Commissioner, case number 18900-96-c, that portion of the \$6  
7 million not used to satisfy the requirements of section 18 of  
8 the Consent Order must be transferred from the Insurance  
9 Commissioner's Regulatory Trust Fund to the State Student  
10 Financial Assistance Trust Fund is appropriated from the State  
11 Student Financial Assistance Trust Fund to provide Ethics in  
12 Business scholarships to students enrolled in public community  
13 colleges and independent postsecondary education institutions  
14 eligible to participate in the William L. Boyd, IV, Florida  
15 Resident Access Grant Program under section 240.605. The funds  
16 shall be allocated to institutions for scholarships in the  
17 following ratio: Two-thirds for community colleges and  
18 one-third for eligible independent institutions. The  
19 Department of Education shall administer the scholarship  
20 program for students attending community colleges and  
21 independent institutions. These funds must be allocated to  
22 institutions that provide an equal amount of matching funds  
23 generated by private donors for the purpose of providing  
24 Ethics in Business scholarships. Public funds may not be used  
25 to provide the match, nor may funds collected for other  
26 purposes. Notwithstanding any other provision of law, the  
27 State Board of Administration shall have the authority to  
28 invest the funds appropriated under this section. The  
29 Department of Education may adopt rules for administration of  
30 the program.  
31

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

7  
8 Section 27. Subsection (1) of section 240.632, Florida  
9 Statutes, is amended to read:

10 240.632 Creation of institute.--

11 (1) There is hereby created the Florida Martin Luther  
12 King, Jr., Institute for Nonviolence to be established at  
13 Miami-Dade Community College by the Florida State Community  
14 College System in conjunction with the State University  
15 System. The institute shall have an advisory board consisting  
16 of 13 members as follows: the Attorney General, the Chancellor  
17 of the State University System, the Commissioner of Education,  
18 and 10 members to be appointed by the Governor, such members  
19 to represent the population of the state based on its ethnic,  
20 gender, and socioeconomic diversity. Of the members appointed  
21 by the Governor, one shall be a member of the Senate appointed  
22 by the Governor on the recommendation of the President of the  
23 Senate; one shall be a member of the Senate appointed by the  
24 Governor on the recommendation of the minority leader; one  
25 shall be a member of the House of Representatives appointed by  
26 the Governor on the recommendation of the Speaker of the House  
27 of Representatives; one shall be a member of the House of  
28 Representatives appointed by the Governor on the  
29 recommendation of the minority leader; and six shall be  
30 members appointed by the Governor, no more than three of whom  
31 shall be members of the same political party. The following

1 groups shall be represented by the six members: the Florida  
2 Sheriffs Association; the Florida Association of Counties; the  
3 Florida League of Cities; human services agencies; community  
4 relations or human relations councils; and youth. A  
5 chairperson shall be elected by the members and shall serve  
6 for a term of 3 years. Members of the board shall serve the  
7 following terms of office which shall be staggered:

8 (a) A member of the Legislature appointed to the board  
9 shall serve for a single term not to exceed 5 years and shall  
10 serve as a member only while he or she is a member of the  
11 Legislature.

12 (b) Of the six members who are not members of the  
13 Legislature, three shall serve for terms of 4 years, two shall  
14 serve for terms of 3 years, and one shall serve for a term of  
15 1 year. Thereafter, each member, except for a member  
16 appointed to fill an unexpired term, shall serve for a 5-year  
17 term. No member shall serve on the board for more than 10  
18 years.

19  
20 In the event of a vacancy occurring in the office of a member  
21 of the board by death, resignation, or otherwise, the Governor  
22 shall appoint a successor to serve for the balance of the  
23 unexpired term.

24  
25 Reviser's note.--Amended to conform to the  
26 redesignation of the State Community College  
27 System as the Florida Community College System  
28 by s. 15, ch. 98-58, Laws of Florida.

29  
30 Section 28. Subsection (1) of section 242.3305,  
31 Florida Statutes, is amended to read:

1           242.3305 Florida School for the Deaf and the Blind;  
2 responsibilities and mission.--

3           (1) The Florida School for the Deaf and the Blind is a  
4 state-supported residential school for hearing-impaired and  
5 visually impaired students in preschool through 12th grade.  
6 The school is a part of the state system of public education  
7 and shall be funded through the Division of Public Schools and  
8 Community Education of the Department of Education. The school  
9 shall provide educational programs and support services  
10 appropriate to meet the education and related evaluation and  
11 counseling needs of hearing-impaired and visually impaired  
12 students in the state who meet enrollment criteria. Education  
13 services may be provided on an outreach basis for  
14 sensory-impaired children ages 0 through 5 years and their  
15 parents. Graduates of the Florida School for the Deaf and the  
16 Blind shall be eligible for the William L. Boyd, IV, Florida  
17 Resident Access Grant Program as provided in s. 240.605.

18  
19           Reviser's note.--Amended to conform to the  
20 redesignation of the Florida Resident Access  
21 Grant Program as the William L. Boyd, IV,  
22 Florida Resident Access Grant Program by s. 9,  
23 ch. 98-71, Laws of Florida, and s. 14, ch.  
24 98-398, Laws of Florida.

25  
26           Section 29. Paragraph (r) of subsection (1) of section  
27 246.041, Florida Statutes, 1998 Supplement, is amended to  
28 read:

29           246.041 Powers and duties of board.--

30           (1) The board shall:

1 (r) Provide information and documentation on an annual  
2 basis to the Office of Student Financial Assistance of the  
3 Department of Education regarding the requirements set forth  
4 for nonpublic colleges in s. 240.605, relating to William L.  
5 Boyd, IV, Florida resident access grants, s. 240.6055,  
6 relating to access grants for community college graduates, and  
7 s. 240.609, relating to Florida postsecondary endowment  
8 grants.

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

16  
17 Section 30. Section 250.46, Florida Statutes, is  
18 amended to read:

19 250.46 Salaried employees not entitled to additional  
20 pay.--Officers and enlisted personnel of the militia employed  
21 by the ~~military~~ Department of Military Affairs ~~of the state~~,  
22 who receive monthly salaries from the state for military  
23 duties, shall not be entitled to any other pay from the state  
24 for military service of any character; provided, that the  
25 provisions of this section shall not prohibit any officer or  
26 enlisted person from receiving pay from the United States for  
27 participation in maneuvers, camps, field service, or other  
28 service or duty.

29  
30 Reviser's note.--Amended to conform to the  
31 redesignation of the military department as the



1 Department of Military Affairs by s. 2, ch.  
2 73-93, Laws of Florida.

3  
4 Section 31. Subsection (4) of section 252.939, Florida  
5 Statutes, 1998 Supplement, is amended to read:

6 252.939 Fees.--

7 (4) If the Legislature directs the department to seek  
8 authority to implement and enforce s. 112(r)(7) of the Clean  
9 Air Act for additional stationary sources, the department  
10 shall, with the advice ~~advise~~ of the commission, review and  
11 suggest revisions, if necessary and appropriate, to the fees  
12 specified in this section.

13

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

15

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

18 253.025 Acquisition of state lands for purposes other  
19 than preservation, conservation, and recreation.--

20 (15) Pursuant to s. 944.10, the Department of  
21 Corrections is responsible for obtaining appraisals and  
22 entering into option agreements and agreements for the  
23 purchase of state correctional facility sites. An option  
24 agreement or agreement for purchase is not binding upon the  
25 state until it is approved by the Board of Trustees of the  
26 Internal Improvement Trust Fund. The provisions of paragraphs  
27 ~~(6)(b)(7)(b)~~, (c), and (d) and ~~(7)(b)(8)(b)~~, (c), and (d)  
28 apply to all appraisals, offers, and counteroffers of the  
29 Department of Corrections for state correctional facility  
30 sites.

31

1 Reviser's note.--Amended to conform to the  
2 redesignation of subunits of s. 253.025 by s.  
3 2, ch. 94-240, Laws of Florida.

4  
5 Section 33. Paragraph (a) of subsection (1) of section  
6 255.05, Florida Statutes, 1998 Supplement, is amended to read:  
7 255.05 Bond of contractor constructing public  
8 buildings; form; action by materialmen.--

9 (1)(a) Any person entering into a formal contract with  
10 the state or any county, city, or political subdivision  
11 thereof, or other public authority, for the construction of a  
12 public building, for the prosecution and completion of a  
13 public work, or for repairs upon a public building or public  
14 work shall be required, before commencing the work or before  
15 recommencing the work after a default or abandonment, to  
16 execute, deliver to the public owner, and record in the public  
17 records of the county where the improvement is located, a  
18 payment and performance bond with a surety insurer authorized  
19 to do business in this state as surety. The bond must state on  
20 its front page: the name, principal business address, and  
21 phone number of the contractor, the surety, the owner of the  
22 property being improved, and, if different from the owner, the  
23 contracting public entity; the contract number assigned by the  
24 contracting public entity; and a description of the project  
25 sufficient to identify it, including, if applicable, a legal  
26 description and the street address of the property being  
27 improved, and a general description of the improvement. Such  
28 bond shall be conditioned that the contractor perform the  
29 contract in the time and manner prescribed in the contract and  
30 promptly make payments to all persons defined in s. 713.01  
31 whose claims derive directly or indirectly from the

1 prosecution of the work provided for in the contract. Any  
2 claimant may apply to the governmental entity having charge of  
3 the work for copies of the contract and bond and shall  
4 thereupon be furnished with a certified copy of the contract  
5 and bond. The claimant shall have a right of action against  
6 the contractor and surety for the amount due him or her,  
7 including unpaid finance charges due under the claimant's  
8 contract. Such action shall not involve the public authority  
9 in any expense. When such work is done for the state and the  
10 contract is for \$100,000 or less, no payment and performance  
11 bond shall be required. At the discretion of the official or  
12 board awarding such contract when such work is done for any  
13 county, city, political subdivision, or public authority, any  
14 person entering into such a contract which is for \$200,000 or  
15 less may be exempted from executing the payment and  
16 performance bond. When such work is done for the state, the  
17 Secretary ~~director~~ of the Department of Management Services  
18 may delegate to state agencies the authority to exempt any  
19 person entering into such a contract amounting to more than  
20 \$100,000 but less than \$200,000 from executing the payment and  
21 performance bond. In the event such exemption is granted, the  
22 officer or officials shall not be personally liable to persons  
23 suffering loss because of granting such exemption. The  
24 Department of Management Services shall maintain information  
25 on the number of requests by state agencies for delegation of  
26 authority to waive the bond requirements by agency and project  
27 number and whether any request for delegation was denied and  
28 the justification for the denial.

29  
30  
31

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

4

5 Reviser's note.--Amended to conform to the  
6 title of the head of the Department of  
7 Management Services as provided in s. 20.22.

8

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

11 259.032 Conservation and Recreation Lands Trust Fund;  
12 purpose.--

13 (10) State, regional, or local governmental agencies  
14 or private entities designated to manage lands under this  
15 section shall develop and adopt, with the approval of the  
16 board of trustees, an individual management plan for each  
17 project designed to conserve and protect such lands and their  
18 associated natural resources. Private sector involvement in  
19 management plan development may be used to expedite the  
20 planning process. Beginning fiscal year 1998-1999, individual  
21 management plans required by s. 253.034(5)~~253.034(4)~~ shall be  
22 developed with input from an advisory group. Members of this  
23 advisory group shall include, at a minimum, representatives of  
24 the lead land managing agency, comanaging entities, local  
25 private property owners, the appropriate soil and water  
26 conservation district, a local conservation organization, and  
27 a local elected official. The advisory group shall conduct at  
28 least one public hearing within the county in which the parcel  
29 or project is located. Notice of such public hearing shall be  
30 posted on the parcel or project designated for management,  
31 advertised in a paper of general circulation, and announced at

1 a scheduled meeting of the local governing body before the  
2 actual public hearing. The management prospectus required  
3 pursuant to paragraph (9)(b) shall be available to the public  
4 for a period of 30 days prior to the public hearing. Once a  
5 plan is adopted, the managing agency or entity shall update  
6 the plan at least every 5 years in a form and manner  
7 prescribed by rule of the board of trustees. Such plans may  
8 include transfers of leasehold interests to appropriate  
9 conservation organizations designated by the Land Management  
10 Advisory Council for uses consistent with the purposes of the  
11 organizations and the protection, preservation, and proper  
12 management of the lands and their resources. Volunteer  
13 management assistance is encouraged, including, but not  
14 limited to, assistance by youths participating in programs  
15 sponsored by state or local agencies, by volunteers sponsored  
16 by environmental or civic organizations, and by individuals  
17 participating in programs for committed delinquents and  
18 adults. For each project for which lands are acquired after  
19 July 1, 1995, an individual management plan shall be adopted  
20 and in place no later than 1 year after the essential parcel  
21 or parcels identified in the annual Conservation and  
22 Recreation Lands report prepared pursuant to s. 259.035(2)(a)  
23 have been acquired. Beginning in fiscal year 1998-1999, the  
24 Department of Environmental Protection shall distribute only  
25 75 percent of the acquisition funds to which a budget entity  
26 or water management district would otherwise be entitled from  
27 the Preservation 2000 Trust Fund to any budget entity or any  
28 water management district that has more than one-third of its  
29 management plans overdue.

30  
31

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

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

7           2. Key management activities necessary to preserve and  
8 protect natural resources and restore habitat, and for  
9 controlling the spread of nonnative plants and animals, and  
10 for prescribed fire and other appropriate resource management  
11 activities.

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

15           4. A priority schedule for conducting management  
16 activities, based on the purposes for which the lands were  
17 acquired.

18           5. A cost estimate for conducting priority management  
19 activities, to include recommendations for cost-effective  
20 methods of accomplishing those activities.

21           6. A cost estimate for conducting other management  
22 activities which would enhance the natural resource value or  
23 public recreation value for which the lands were acquired. The  
24 cost estimate shall include recommendations for cost-effective  
25 methods of accomplishing those activities.

26           7. A determination of the public uses that would be  
27 consistent with the purposes for which the lands were  
28 acquired.

29           (b) The Division of State Lands shall submit a copy of  
30 each individual management plan for parcels which exceed 160  
31 acres in size to each member of the Land Management Advisory

1 Council. The council shall, within 60 days after receiving a  
2 plan from the division, review each plan for compliance with  
3 the requirements of this subsection and with the requirements  
4 of the rules established by the board pursuant to this  
5 subsection. The council shall also consider the propriety of  
6 the recommendations of the managing agency with regard to the  
7 future use or protection of the property. After its review,  
8 the council shall submit the plan, along with its  
9 recommendations and comments, to the board of trustees. The  
10 council shall specifically recommend to the board of trustees  
11 whether to approve the plan as submitted, approve the plan  
12 with modifications, or reject the plan.

13 (c) The board of trustees shall consider the  
14 individual management plan submitted by each state agency and  
15 the recommendations of the Land Management Advisory Council  
16 and the Division of State Lands and shall approve the plan  
17 with or without modification or reject such plan. The use or  
18 possession of any lands owned by the board of trustees which  
19 is not in accordance with an approved individual management  
20 plan is subject to termination by the board of trustees.

21  
22 By July 1 of each year, each governmental agency, including  
23 the water management districts, and each private entity  
24 designated to manage lands shall report to the Secretary of  
25 Environmental Protection on the progress of funding, staffing,  
26 and resource management of every project for which the agency  
27 or entity is responsible.

28  
29 Reviser's note.--Amended to conform to the  
30 location of provisions requiring submittal of  
31 land management plans in s. 253.034(5).

1           Section 253.034(4) provides for limitation to  
2           reasonable use for management agreements,  
3           leases, and other instruments authorizing the  
4           use of board lands.

5  
6           Section 35. Paragraphs (a) and (b) of subsection (6)  
7           and paragraph (f) of subsection (9) of section 259.101,  
8           Florida Statutes, 1998 Supplement, are amended to read:

9           259.101 Florida Preservation 2000 Act.--

10          (6) DISPOSITION OF LANDS.--

11          (a) Any lands acquired pursuant to paragraph (3)(a),  
12          paragraph (3)(c), paragraph (3)(d), paragraph (3)(e),  
13          paragraph (3)(f), or paragraph (3)(g), if title to such lands  
14          is vested in the Board of Trustees of the Internal Improvement  
15          Trust Fund, may be disposed of by the Board of Trustees of the  
16          Internal Improvement Trust Fund in accordance with the  
17          provisions and procedures set forth in s. 253.034(6)  
18          ~~253.034(5)~~, and lands acquired pursuant to paragraph (3)(b)  
19          may be disposed of by the owning water management district in  
20          accordance with the procedures and provisions set forth in ss.  
21          373.056 and 373.089 provided such disposition also shall  
22          satisfy the requirements of paragraphs (b) and (c).

23          (b) Before land can be determined to be of no further  
24          benefit to the public as required by s. 253.034(6)~~253.034(5)~~,  
25          or to be no longer required for its purposes under s.  
26          373.056(4), whichever may be applicable, there shall first be  
27          a determination by the Board of Trustees of the Internal  
28          Improvement Trust Fund, or, in the case of water management  
29          district lands, by the owning water management district, that  
30          such land no longer needs to be preserved in furtherance of  
31          the intent of the Florida Preservation 2000 Act. Any lands



1 eligible to be disposed of under this procedure also may be  
2 used to acquire other lands through an exchange of lands,  
3 provided such lands obtained in an exchange are described in  
4 the same paragraph of subsection (3) as the lands disposed.

5 (9)

6 (f)1. Pursuant to subsection (3) and beginning in  
7 fiscal year 1999-2000, that portion of the unencumbered  
8 balances of each program described in paragraphs (3)(c), (d),  
9 (e), (f), and (g) which has been on deposit in such program's  
10 Preservation 2000 account for more than two fiscal years shall  
11 be redistributed equally to the Department of Environmental  
12 Protection, Division of State Lands P2000 sub account for the  
13 purchase of State Lands as described in s. 259.032 and Water  
14 Management District P2000 sub account for the purchase of  
15 Water Management Lands pursuant to ss. 373.456, 373.4592 and  
16 373.59. For the purposes of this subsection, the term  
17 "unencumbered balances" means the portion of Preservation 2000  
18 bond proceeds which is not obligated through the signing of a  
19 purchase contract between a public agency and a private  
20 landowner, except that the program described in paragraph  
21 (3)(c) may not lose any portion of its unencumbered funds  
22 which remain unobligated because of extraordinary  
23 circumstances that hampered the affected local governments'  
24 abilities to close on land acquisition projects approved  
25 through the Florida Communities Trust program. Extraordinary  
26 circumstances shall be determined by the Florida Communities  
27 Trust governing body and may include such things as death or  
28 bankruptcy of the owner of property; a change in the land use  
29 designation of the property; natural disasters that affected a  
30 local government's ability to consummate the sales contract on  
31 such property; or any other condition that the Florida

1 Communities Trust governing board determined to be  
2 extraordinary. The portion of the funds deposited in the Water  
3 Management Lands Trust Fund shall be distributed to the water  
4 management districts as provided in s. 373.59(8)~~373.59(7)~~.

5 2. The department and the water management districts  
6 may enter into joint acquisition agreements to jointly fund  
7 the purchase of lands using alternatives to fee simple  
8 techniques.

9  
10 Reviser's note.--Paragraphs (6)(a) and (b) are  
11 amended to conform to the redesignation of s.  
12 253.034(5) as s. 253.034(6) by s. 3, ch.  
13 97-164, Laws of Florida. Paragraph (9)(f) is  
14 amended to conform to the location of  
15 provisions allocating moneys from the Water  
16 Management Lands Trust Fund to the districts in  
17 s. 373.59(8). Section 373.59(7) provides for  
18 accumulation of a district's unused funds.

19  
20 Section 36. Paragraph (d) of subsection (3) of section  
21 260.016, Florida Statutes, 1998 Supplement, is amended to  
22 read:

23 260.016 General powers of the department.--  
24 (3) The department or its designee is authorized to  
25 negotiate with potentially affected private landowners as to  
26 the terms under which such landowners would consent to the  
27 public use of their lands as part of the greenways and trails  
28 system. The department shall be authorized to agree to  
29 incentives for a private landowner who consents to this public  
30 use of his or her lands for conservation or recreational  
31 purposes, including, but not limited to, the following:

1           (d) At the option of the landowner, acceleration of  
2 the acquisition process or higher consideration in the ranking  
3 process when any lands owned ~~owed~~ by the landowner are under  
4 consideration for acquisition by the state or other unit of  
5 government.

6  
7           Reviser's note.--Amended to improve clarity and  
8           facilitate correct interpretation.

9  
10           Section 37. Section 266.0016, Florida Statutes, is  
11 reenacted to read:

12           266.0016 Powers of the board.--The department shall  
13 monitor the effectiveness of all programs of the board and  
14 oversee the board to ensure that it complies with state laws  
15 and rules. The board is the governing body and shall exercise  
16 those powers delegated to it by the department. These  
17 delegated powers shall include, but not be limited to, the  
18 power to:

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

22           (2) Recommend to the department the salary of the  
23 manager within the range permissible under Department of  
24 Management Services guidelines.

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

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

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

31

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

3           (7) Plan buildings and improvements; demolish existing  
4 structures; and construct, reconstruct, alter, repair, and  
5 improve its facilities wherever located.

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

8           (9) Contract with consulting engineers, architects,  
9 accountants, inspectors, attorneys, and such other consultants  
10 as may be necessary. However, consultants must be retained in  
11 the manner provided by ss. 287.055, 287.057, and 287.058.

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

24           (11) Contract with any agency of the state, the  
25 Federal Government, the City of Pensacola, the County of  
26 Escambia, or any firm or corporation with respect to the  
27 establishment, construction, and operation of the facilities  
28 of the board in or near the City of Pensacola.

29           (12) Make and enter into all contracts or agreements  
30 with private individuals, corporations, organizations,  
31 historical societies, and others with reference to facilities

1 and enter into contracts and agreements which are necessary to  
2 the performance of its duties or the execution of its powers  
3 under ss. 266.0011-266.0018.

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

7 (a) The renting or leasing for revenue of any land,  
8 improved or restored real estate, or personal property  
9 directly related to carrying out the purposes for which the  
10 board is created, under terms and conditions deemed by the  
11 board to be in the best interest of the state.

12 (b) The selling of craft products created through the  
13 operation and demonstration of historical museums, craft  
14 shops, and other facilities.

15 (c) The limited selling of merchandise relating to the  
16 historical and antiquarian period of Pensacola and its  
17 surrounding territory.

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

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

25 (16) Cooperate and coordinate its activities with any  
26 national project of historical development and with any other  
27 agency, state, local, or national, undertaking historical  
28 objectives if they are not in conflict with the objectives of  
29 the board.

30 (17) Research, prepare, publish, and procure books,  
31 reports, articles, pamphlets, brochures, documents, maps,

1 photographs, films, sound recordings, and other products of a  
2 similar nature in fulfillment of its purpose and function for  
3 use by the board or for use by or distribution to any person  
4 or entity, public or private, with or without charge or  
5 profit.

6 (18) Perform all lawful acts necessary and convenient  
7 and incident to the effectuating of its function and purpose.

8  
9 Any power delegated by the department pursuant to this section  
10 may be revoked by the department at any time if, in the  
11 department's determination, the board is not exercising a  
12 delegated power in accordance with department rules and  
13 policies or in the best interest of the state.

14  
15 Reviser's note.--Section 105, ch. 92-279, Laws  
16 of Florida, purported to amend subsection (2)  
17 of s. 266.0016, but did not set out in full the  
18 amended subsection to include the flush left  
19 language at the end of the section. In the  
20 absence of affirmative evidence that the  
21 Legislature intended to repeal the omitted  
22 material, s. 266.0016 is reenacted to confirm  
23 that the omission was not intended.

24  
25 Section 38. Section 270.10, Florida Statutes, is  
26 amended to read:

27 270.10 Sections not to impair law relative to  
28 homesteads, preemptions, or grants of lands for certain  
29 purposes.--Sections 270.07 and 270.08 ~~270.07-270.09~~ shall in  
30 nowise impair the law of the state relative to homesteads or  
31

1 preemptions, or the law relative to the granting of lands for  
2 the construction of highways, public roads and canals.

3  
4 Reviser's note.--Amended to conform to the  
5 repeal of s. 270.09 by s. 513, ch. 94-356, Laws  
6 of Florida.

7  
8 Section 39. Subsection (2) of section 280.09, Florida  
9 Statutes, is amended to read:

10 280.09 Public Deposits Trust Fund.--

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

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 280.05(3) as s. 280.05(20)  
3 by s. 14, ch. 98-409, Laws of Florida.  
4

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

7 280.11 Withdrawal from public deposits program; return  
8 of pledged collateral.--

9 (3) A qualified public depository which is required to  
10 withdraw from the public deposits program pursuant to s.  
11 280.05(1)(b)~~280.05(6)(b)~~ shall not receive or retain public  
12 deposits after the effective date of withdrawal. The  
13 contingent liability, required collateral, and reporting  
14 requirements of the withdrawing depository shall continue  
15 until the effective date of withdrawal. Notice of withdrawal  
16 (order of discontinuance) from the Treasurer shall be mailed  
17 to the qualified public depository by registered or certified  
18 mail. Penalties incurred because of withdrawal from the public  
19 deposits program shall be the responsibility of the  
20 withdrawing depository.  
21

22 Reviser's note.--Amended to conform to the  
23 redesignation of s. 280.05(6)(b) as s.  
24 280.05(1)(b) by s. 14, ch. 98-409, Laws of  
25 Florida.  
26

27 Section 41. Section 281.05, Florida Statutes, 1998  
28 Supplement, is amended to read:

29 281.05 Ex officio agents.--The Department of Highway  
30 Safety and Motor Vehicles, the Department of Law Enforcement,  
31 and law enforcement officers of counties and municipalities



1 are ex officio agents of the Department of Management Services  
2 and may, when authorized by the department, enforce rules and  
3 laws applicable to the powers and duties of the department to  
4 provide and maintain the security required by ss.

5 281.02-281.08 ~~281.02-281.09~~.

6  
7 Reviser's note.--Amended to conform to the  
8 repeal of s. 281.09 by s. 45, ch. 98-34, Laws  
9 of Florida.

10  
11 Section 42. Section 281.06, Florida Statutes, 1998  
12 Supplement, is amended to read:

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

21  
22 Reviser's note.--Amended to conform to the  
23 repeal of s. 281.09 by s. 45, ch. 98-34, Laws  
24 of Florida.

25  
26 Section 43. Section 281.07, Florida Statutes, is  
27 amended to read:

28 281.07 Rules; ~~Division of Capitol Police~~ traffic  
29 regulation.--

30 (1) The Department of Management Services shall adopt  
31 and promulgate rules to govern the administration, operation,

1 ~~and management of the Division of Capitol Police and to~~  
2 regulate traffic and parking on state-owned or state-leased  
3 property, which rules are not in conflict with any state law  
4 or county or municipal ordinance, and to carry out the  
5 provisions of ss. 281.02-281.08 ~~281.02-281.09~~.

6  
7 Reviser's note.--Amended to conform to the  
8 deletion of the Division of Capitol Police in  
9 the reorganization of the Department of  
10 Management Services by s. 3, ch. 97-296, Laws  
11 of Florida, and to conform to the repeal of s.  
12 281.09 by s. 45, ch. 98-34, Laws of Florida.

13  
14 Section 44. Subsection (1) of section 281.08, Florida  
15 Statutes, 1998 Supplement, is amended to read:

16 281.08 Equipment.--

17 (1) The Department of Management Services is  
18 specifically authorized to purchase, sell, trade, rent, lease,  
19 and maintain all necessary equipment, uniforms, motor  
20 vehicles, communication systems, housing facilities, and  
21 office space, and perform any other acts necessary for the  
22 proper administration and enforcement of ss. 281.02-281.08  
23 ~~281.02-281.09~~, pursuant to part I of chapter 287. The  
24 department may prescribe a distinctive uniform to be worn by  
25 personnel in the performance of their duties pursuant to s.  
26 281.02(7)~~281.02(3)~~. The department may prescribe a  
27 distinctive emblem to be worn by all agents or guards.

28  
29 Reviser's note.--Amended to conform to the  
30 repeal of s. 281.09 by s. 45, ch. 98-34, Laws  
31 of Florida, and the redesignation of s.

1           281.02(3) as s. 281.02(7) by s. 6, ch. 84-143,  
2           Laws of Florida.

3  
4           Section 45. Section 282.003, Florida Statutes, is  
5 amended to read:

6           282.003 Short title.--This part ~~chapter~~ may be cited  
7 as the "Information Resources Management Act of 1997."

8  
9           Reviser's note.--Amended to conform to the  
10          division of the chapter into parts incident to  
11          the compilation of the Florida Statutes 1997.

12  
13          Section 46. Subsection (8) of section 282.005, Florida  
14 Statutes, is amended to read:

15          282.005 Legislative findings and intent.--The  
16 Legislature finds that:

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

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

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

3  
4 Section 47. Section 282.101, Florida Statutes, is  
5 amended to read:

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

15  
16 Reviser's note.--Amended to conform to the  
17 division of the chapter into parts incident to  
18 the compilation of the Florida Statutes 1997.

19  
20 Section 48. Paragraph (b) of subsection (1) of section  
21 282.20, Florida Statutes, is amended to read:

22 282.20 Technology Resource Center.--

23 (1)

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

25 1. "Department" means the Department of Management  
26 Services.

27 2. "Division" means the Division of Information  
28 Services of the Department of Management Services.

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

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

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

8  
9           Section 49. Subsection (2) of section 282.22, Florida  
10 Statutes, is amended to read:

11           282.22 Department of Management Services production  
12 and dissemination of materials and products.--

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

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

25  
26           Section 50. Section 282.3031, Florida Statutes, is  
27 amended to read:

28           282.3031 Assignment of information resources  
29 management responsibilities.--For purposes of ss.  
30 282.303-282.322, to ensure the best management of state  
31 information technology resources, and notwithstanding other

1 provisions of law to the contrary, the functions of  
2 information resources management are hereby assigned to the  
3 Board of Regents as the agency responsible for the development  
4 and implementation of policy, planning, management,  
5 rulemaking, standards, and guidelines for the State University  
6 System; to the State Board of Community Colleges as the agency  
7 responsible for establishing and developing rules and policies  
8 for the Florida State Community College System; to the Supreme  
9 Court for the judicial branch; and to each state attorney and  
10 public defender.

11

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

16

17 Section 51. Section 282.3041, Florida Statutes, is  
18 amended to read:

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

24

25 Reviser's note.--Amended to conform to the  
26 division of the chapter into parts incident to  
27 the compilation of the Florida Statutes 1997.

28

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

31

1           282.310 State Annual Report on Information Resources  
2 Management.--

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

5           (a) The state vision for information resources  
6 management.

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

9           (c) A summary of major statewide policies recommended  
10 by the State Technology Council for information resources  
11 management.

12           (d) A summary of memoranda issued by the Executive  
13 Office of the Governor.

14           (e) An assessment of the overall progress on state  
15 information resources management initiatives and priorities  
16 for the past fiscal year.

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

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

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

23           (i) A summary of the opportunities for government  
24 agencies or entities to share information resources management  
25 projects or initiatives with other governmental or private  
26 sector entities.

27           (j) A list of the information resources management  
28 issues that have been identified as statewide or critical  
29 issues for which the State Technology Council could provide  
30 leadership or assistance.

31

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

12

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

17

18 Section 53. Subsections (1) and (3) of section 283.33,  
19 Florida Statutes, are amended to read:

20 283.33 Printing of publications; lowest bidder  
21 awards.--

22 (1) Publications may be printed and prepared in-house,  
23 by another agency or the Legislature, or purchased on bid,  
24 whichever is more economical and practicable as determined by  
25 the agency. An agency may contract for binding separately  
26 when more economical or practicable, whether or not the  
27 remainder of the printing is done in-house. A bidder may  
28 subcontract for binding and still be considered a qualified  
29 bidder or offeror, notwithstanding s. 287.012(13)~~287.012(10)~~.

30 (3) Except as otherwise provided for in this part, a  
31 contract for printing of a publication shall be subject to ~~the~~



1 ~~provisions of s. 287.062 and, when applicable,~~ the definitions  
2 in s. 287.012, when applicable, and shall be considered a  
3 commodity for that purpose.

4  
5 Reviser's note.--Subsection (1) is amended to  
6 conform to the redesignation of subunits of s.  
7 287.012 by s. 11, ch. 90-268, Laws of Florida;  
8 s. 15, ch. 92-98, Laws of Florida; s. 107, ch.  
9 92-142, Laws of Florida; and s. 8, ch. 96-236,  
10 Laws of Florida. Subsection (3) is amended to  
11 conform to the repeal of s. 287.062 by s. 33,  
12 ch. 90-268.

13  
14 Section 54. Section 284.31, Florida Statutes, is  
15 amended to read:

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

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

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

15  
16 Section 55. Subsections (3) and (5) of section  
17 287.059, Florida Statutes, are amended to read:

18 287.059 Private attorney services.--

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

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

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

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

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

26 (d) Competitive fees for similar attorney services.

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

31

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

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

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

11

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

16

17           Section 56. Paragraph (a) of subsection (1) of section  
18 287.0595, Florida Statutes, 1998 Supplement, is amended to  
19 read:

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

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

25           (a) Procedures for determining the qualifications of  
26 responsible potential bidders prior to advertisement for and  
27 receipt of bids for pollution response action contracts,  
28 including procedures for the rejection of unqualified bidders.  
29 Response actions are those activities described in s.  
30 376.301(37)~~376.301(35)~~.

31

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

6  
7 Section 57. Subsection (1) of section 287.064, Florida  
8 Statutes, 1998 Supplement, is amended to read:

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

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

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

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

31

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

13

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

17

18           Section 58. Section 287.09431, Florida Statutes, is  
19 amended to read:

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

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

7  
8 ARTICLE I  
9

10 PURPOSE, FINDINGS, AND POLICY.--

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

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

31





1           (3) "Minority" means a person who is a lawful,  
2 permanent resident of the state, having origins in one of the  
3 minority groups as described and adopted by the Department of  
4 Labor and Employment Security, hereby incorporated by  
5 reference.

6           (4) "Minority business enterprise" means any small  
7 business concern as defined in subsection (6) ~~(5)~~ that meets  
8 all of the criteria described and adopted by the Department of  
9 Labor and Employment Security, hereby incorporated by  
10 reference.

11           (5) "Participating state or local organization" means  
12 any political subdivision of the state or organization  
13 designated by such that elects to participate in the  
14 certification process pursuant to this agreement, which has  
15 been approved according to s. 287.0943(2) and has legally  
16 entered into this agreement.

17           (6) "Small business concern" means an independently  
18 owned and operated business concern which is of a size and  
19 type as described and adopted by vote related to this  
20 agreement of the commission, hereby incorporated by reference.

21  
22                                   ARTICLE III  
23

24                   STATEWIDE AND INTERLOCAL CERTIFICATIONS.--

25           (1) All awarding organizations shall accept a  
26 certification granted by any participating organization which  
27 has been approved according to s. 287.0943(2) and has entered  
28 into this agreement, as valid status of minority business  
29 enterprise.

30           (2) A participating organization shall certify a  
31 business concern that meets the definition of minority

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

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

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

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

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

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

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

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

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

7  
8 ARTICLE IV

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

16  
17 ARTICLE V

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

21  
22 ARTICLE VI

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

28  
29 ARTICLE VII

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

4  
5                                   ARTICLE VIII

6  
7           EFFECT AND WITHDRAWAL.--

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

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

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

23  
24                                   ARTICLE IX

25  
26           FINANCIAL RESPONSIBILITY.--

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

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

1 law nor a waiver of any defenses of the parties under Florida  
2 law. The provisions of this agreement are solely for the  
3 benefit of its executors and not intended to create or grant  
4 any rights, contractual or otherwise, to any person or entity.  
5

6 ARTICLE X  
7

8 VENUE AND GOVERNING LAW.--The obligations of the  
9 parties to this agreement are performable only within the  
10 county where the participating organization is located, and  
11 statewide for the Minority Business Advocacy and Assistance  
12 Office, and venue for any legal action in connection with this  
13 agreement shall lie, for any participating organization except  
14 the Minority Business Advocacy and Assistance Office,  
15 exclusively in the county where the participating organization  
16 is located. This agreement shall be governed by and construed  
17 in accordance with the laws and court decisions of the state.  
18

19 ARTICLE XI  
20

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

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

3

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

7

8 Section 59. Paragraph (c) of subsection (1), paragraph  
9 (b) of subsection (2), paragraphs (a), (e), and (f) of  
10 subsection (3), and subsection (4) of section 287.133, Florida  
11 Statutes, are amended to read:

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

14 (1) As used in this section:

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

17 (2)

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

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

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

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

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

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

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

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

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

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

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

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



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

3 a. Whether the person or affiliate committed a public  
4 entity crime.

5 b. The nature and details of the public entity crime.

6 c. The degree of culpability of the person or  
7 affiliate proposed to be placed on the convicted vendor list.

8 d. Prompt or voluntary payment of any damages or  
9 penalty as a result of the conviction.

10 e. Cooperation with state or federal investigation or  
11 prosecution of any public entity crime, provided that a good  
12 faith exercise of any constitutional, statutory, or other  
13 right during any portion of the investigation or prosecution  
14 of any public entity crime shall not be considered a lack of  
15 cooperation.

16 f. Disassociation from any other persons or affiliates  
17 convicted of the public entity crime.

18 g. Prior or future self-policing by the person or  
19 affiliate to prevent public entity crimes.

20 h. Reinstatement or clemency in any jurisdiction in  
21 relation to the public entity crime at issue in the  
22 proceeding.

23 i. Compliance by the person or affiliate with the  
24 notification provisions of paragraph (b) ~~(a)~~.

25 j. The needs of public entities for additional  
26 competition in the procurement of goods and services in their  
27 respective markets.

28 k. Mitigation based upon any demonstration of good  
29 citizenship by the person or affiliate.

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

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

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

31

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

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

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

31

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

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

24  
25           Section 60. Subsection (2) of section 287.151, Florida  
26 Statutes, is amended to read:

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

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

31

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

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

8  
9 Section 61. Subsection (8) of section 287.16, Florida  
10 Statutes, 1998 Supplement, is amended to read:

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

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

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

29  
30 Section 62. Paragraph (b) of subsection (2) of section  
31 288.039, Florida Statutes, is amended to read:

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

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

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

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

9           2. Corporate income taxes under chapter 220.

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

12          4. Emergency excise taxes under chapter 221.

13          5. Excise taxes on documents under chapter 201.

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

15          7. Insurance premium taxes under s. 624.509.

16          8. Occupational license fees under chapter 205.

17

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

30

31

1 Reviser's note.--Amended to conform to the  
2 removal of part designations from chapter 212  
3 following the repeal of the provisions of  
4 former part II of that chapter by s. 4, ch.  
5 97-94, Laws of Florida.  
6

7 Section 63. Subsection (5) of section 288.041, Florida  
8 Statutes, is amended to read:

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

11 (5) By January 15 of each year, the Department of  
12 Community Affairs shall report to the Governor, the President  
13 of the Senate, and the Speaker of the House of Representatives  
14 on the impact of the solar energy industry on the economy of  
15 this state and shall make any recommendations on initiatives  
16 to further promote the solar energy industry as the department  
17 deems appropriate. ~~For purposes of the 1997 legislative~~  
18 ~~session, the department's report shall specifically address~~  
19 ~~the job creation and export potential of an expanded solar~~  
20 ~~energy industry in Florida.~~  
21

22 Reviser's note.--Amended to delete a provision  
23 that has served its purpose.  
24

25 Section 64. Section 288.052, Florida Statutes, is  
26 amended to read:

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

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

17

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

21

22 Section 65. Subsection (1) of section 288.1066,  
23 Florida Statutes, is amended to read:

24 288.1066 Confidentiality of records.--

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



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

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

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

9 (c) The amount of:

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

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

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

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

18 5. Ad valorem taxes paid  
19

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

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

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

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

4  
5 Section 66. Paragraphs (c) and (e) of subsection (6)  
6 of section 288.108, Florida Statutes, are amended to read:

7 288.108 High-impact business.--

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

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

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

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

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

22  
23 Section 67. Subsection (6) of section 288.1169,  
24 Florida Statutes, is amended to read:

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

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

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

15  
16 Reviser's note.--Amended to conform to the  
17 redesignation of s. 212.20(6)(g)5.c., as  
18 enacted by s. 1, ch. 96-415, Laws of Florida,  
19 necessitated by the repeal of former s.  
20 212.20(6)(c) by s. 23, ch. 96-397, Laws of  
21 Florida.

22  
23 Section 68. Paragraph (b) of subsection (3) of section  
24 288.1185, Florida Statutes, is amended to read:

25 288.1185 Recycling Markets Advisory Committee.--  
26 (3)

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

31

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

3  
4 Section 69. Section 288.770, Florida Statutes, is  
5 amended to read:

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

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

13  
14 Section 70. Paragraph (a) of subsection (1) of section  
15 288.776, Florida Statutes, is amended to read:

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

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

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

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

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

4  
5           Section 71. Subsection (5) of section 288.853, Florida  
6 Statutes, is amended to read:

7           288.853 International sanctions against Castro  
8 government.--

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

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

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

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

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

30  
31

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

6 Section 72. Subsection (6) of section 288.905, Florida  
7 Statutes, is amended to read:

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

10 (6) Any employee leased by Enterprise Florida, Inc.,  
11 from the state, or any employee who derives his or her ~~their~~  
12 salary from funds appropriated by the Legislature, may not  
13 receive a pay raise or bonus in excess of a pay raise or bonus  
14 that is received by similarly situated state employees.  
15 However, this subsection does not prohibit the payment of a  
16 pay raise or bonus from funds received from sources other than  
17 the Florida Legislature.  
18

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

22 Section 73. Paragraph (b) of subsection (2) of section  
23 288.9512, Florida Statutes, is amended to read:

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

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

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

1 Reviser's note.--Amended to conform to the  
2 redesignation of the State Community College  
3 System as the Florida Community College System  
4 by s. 15, ch. 98-58, Laws of Florida.  
5

6 Section 74. Paragraph (f) of subsection (2) of section  
7 288.9605, Florida Statutes, 1998 Supplement, is amended to  
8 read:

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

18  
19 Reviser's note.--Amended to facilitate correct  
20 interpretation. The reference to section 6  
21 appears to have been erroneously retained from  
22 C.S. for H.B. 2263, 1993, when that material  
23 was incorporated into C.S. for S.B. 2382, 1993,  
24 which became ch. 93-187, Laws of Florida. The  
25 referenced material is codified as s. 288.9606.  
26

27 Section 75. Paragraph (a) of subsection (7) of section  
28 288.9607, Florida Statutes, is amended to read:

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



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

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

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

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

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

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

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

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

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

13

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

21

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

27

28 Section 76. Paragraph (f) of subsection (3) of section  
29 288.9620, Florida Statutes, as amended by section 112 of  
30 chapter 96-320, Laws of Florida, is amended to read:

31 288.9620 Workforce development board.--

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

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

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

11  
12           Section 77. Subsection (2) of section 290.0058,  
13 Florida Statutes, is amended to read:

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

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

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

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

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

30  
31

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

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

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

24  
25           Section 78. Subsection (10) of section 290.0065,  
26 Florida Statutes, 1998 Supplement, is amended to read:  
27           290.0065 State designation of enterprise zones.--  
28           (10) The Office of Tourism, Trade, and Economic  
29 Development may amend the boundaries of any enterprise zone  
30 designated by the state pursuant to this section, consistent  
31 with the categories, criteria, and limitations imposed in this

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

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

8  
9 Section 79. Subsection (1) of section 290.009, Florida  
10 Statutes, is amended to read:

11 290.009 Enterprise Zone Interagency Coordinating  
12 Council.--

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

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

31

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

3  
4 Section 80. Paragraph (a) of subsection (4) of section  
5 295.07, Florida Statutes, 1998 Supplement, is amended to read:

6 295.07 Preference in appointment and retention.--

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

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

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

20  
21 Section 81. Section 295.085, Florida Statutes, 1998  
22 Supplement, is amended to read:

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

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

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

7  
8 Section 82. Paragraph (a) of subsection (1) of section  
9 295.09, Florida Statutes, is amended to read:

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

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



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

3

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

7

8 Section 83. Subsection (2) of section 295.11, Florida  
9 Statutes, 1998 Supplement, is reenacted to read:

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

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

15

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

26

27 Section 84. Subsection (1) of section 295.14, Florida  
28 Statutes, 1998 Supplement, is amended to read:

29 295.14 Penalties.--

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

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

18

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

23

24 Section 85. Subsection (6) of section 296.33, Florida  
25 Statutes, is amended to read:

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

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

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

5  
6 Section 86. Subsection (8) of section 298.225, Florida  
7 Statutes, 1998 Supplement, is amended to read:

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

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

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

24  
25 Section 87. Subsection (69) of section 316.003,  
26 Florida Statutes, 1998 Supplement, is amended to read:

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

31

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

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

13  
14           Section 88. Subsection (3) of section 316.072, Florida  
15 Statutes, is amended to read:

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

17           (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT  
18 OFFICIALS.--It is unlawful and a misdemeanor of the second  
19 degree, punishable as provided in s. 775.082 or s. 775.083,  
20 for any person willfully to fail or refuse to comply with any  
21 lawful order or direction of any law enforcement officer,  
22 traffic accident investigation officer as described in s.  
23 316.640, traffic infraction enforcement officer as described  
24 in s. 316.640 ~~318.141~~, or member of the fire department at the  
25 scene of a fire, rescue operation, or other emergency.

26 Notwithstanding the provisions of this subsection, certified  
27 emergency medical technicians or paramedics may respond to the  
28 scene of emergencies and may provide emergency medical  
29 treatment on the scene and provide transport of patients in  
30 the performance of their duties for an emergency medical

31

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

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

9  
10 Section 89. Subsection (3) of section 316.0747,  
11 Florida Statutes, is amended to read:

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

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

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

28  
29 Section 90. Paragraph (a) of subsection (10) of  
30 section 316.1955, Florida Statutes, 1998 Supplement, is  
31 amended to read:

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

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

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

13  
14           Section 91.   Subsection (2) of section 316.2126,  
15 Florida Statutes, is amended to read:

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

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

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

30  
31

1 Section 92. Section 316.2399, Florida Statutes, is  
2 amended to read:

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

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

20  
21 Section 93. Paragraph (f) of subsection (2) of section  
22 316.302, Florida Statutes, 1998 Supplement, is amended to  
23 read:

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

27 (2)

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

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

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

9  
10 Section 94. Subsection (12) of section 316.515,  
11 Florida Statutes, is amended to read:

12 316.515 Maximum width, height, length.--

13 (12) TURNPIKE LIMITATIONS.--The adopted vehicle width,  
14 height, and length rules of the Ronald Reagan Florida Turnpike  
15 are in addition to the requirements of this section. Vehicles  
16 seeking to operate on the turnpike shall meet the requirements  
17 of the rules adopted by the Department of Transportation for  
18 the turnpike.

19  
20 Reviser's note.--Amended to conform to the  
21 designation of the Florida Turnpike as the  
22 Ronald Reagan Turnpike by s. 8, ch. 98-423,  
23 Laws of Florida.

24  
25 Section 95. Section 316.611, Florida Statutes, is  
26 amended to read:

27 316.611 Tandem trailer equipment and use.--The  
28 Department of Transportation shall adopt rules to regulate  
29 tandem trailer truck equipment and use in the interest of  
30 safety, public convenience, and preservation of public road  
31 facilities. The rules shall apply according to their terms to



1 all jurisdictions of the state except the Ronald Reagan  
2 ~~Florida~~ Turnpike. Such rules shall be enforced by the  
3 Department of Transportation, the Department of Highway Safety  
4 and Motor Vehicles, and local authorities.

5  
6 Reviser's note.--Amended to conform to the  
7 designation of the Florida Turnpike as the  
8 Ronald Reagan Turnpike by s. 8, ch. 98-423,  
9 Laws of Florida.

10  
11 Section 96. Subsection (5) of section 318.13, Florida  
12 Statutes, is amended to read:

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

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

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

1           Section 97. Subsections (1), (4), and (9) of section  
2 318.14, Florida Statutes, are amended to read:

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

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

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

31

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

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

1           Section 98. Subsections (4) and (5) of section 318.21,  
2 Florida Statutes, 1998 Supplement, are amended to read:

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

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

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

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

25  
26           Section 99. Paragraph (d) of subsection (1) of section  
27 319.33, Florida Statutes, is amended to read:

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

30           (1) It is unlawful:  
31

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

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

12  
13 Section 100. Subsections (7) and (8) of section  
14 320.03, Florida Statutes, 1998 Supplement, are amended to  
15 read:

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

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

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

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

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

25  
26 Section 101. Subsection (1) of section 320.055,  
27 Florida Statutes, is amended to read:

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

31

1           (1) For a motor vehicle subject to registration under  
2 s. 320.08(1), (2), (3)~~(a), (b), (c), (d), or (e)~~, (5)(b), (c),  
3 (d), or (f)~~(e)~~, (6)(a), (7), (8), (9), or (10) and owned by a  
4 natural person, the registration period begins the first day  
5 of the birth month of the owner and ends the last day of the  
6 month immediately preceding the owner's birth month in the  
7 succeeding year. If such vehicle is registered in the name of  
8 more than one person, the birth month of the person whose name  
9 first appears on the registration shall be used to determine  
10 the registration period. For a vehicle subject to this  
11 registration period, the renewal period is the 30-day period  
12 ending at midnight on the vehicle owner's date of birth.

13

14           Reviser's note.--Amended to conform to the fact  
15 that s. 320.08(3) only contains paragraphs  
16 (a)-(e) and the redesignation of s.  
17 320.08(5)(e) as s. 320.08(5)(f) by s. 5, ch.  
18 97-58, Laws of Florida.

19

20           Section 102. Subsection (7) of section 320.08056,  
21 Florida Statutes, 1998 Supplement, is amended to read:

22           320.08056 Specialty license plates.--

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

1 | plate, including a reasonable vendor profit, shall be verified  
2 | by the Department of Management Services. The balance of the  
3 | proceeds from the annual use fees collected for that specialty  
4 | license plate shall be distributed as provided by law.

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

9 |  
10 |       Section 103. Paragraph (b) of subsection (1) of  
11 | section 320.08058, Florida Statutes, 1998 Supplement, is  
12 | amended to read:

13 |       320.08058 Specialty license plates.--

14 |       (1) MANATEE LICENSE PLATES.--

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

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

27 |  
28 |       Reviser's note.--Amended to conform to the  
29 |       redesignation s. 370.12(5)(b) as s.  
30 |       370.12(4)(b) necessitated by the repeal of  
31 |       former s. 370.12(4) by s. 17, ch. 98-227, Laws



1 of Florida, and to delete obsolete language  
2 pertaining to the manatee license plate annual  
3 use fee for fiscal year 1996-1997.

4  
5 Section 104. Effective July 1, 1999, paragraph (b) of  
6 subsection (1) of section 320.08058, Florida Statutes, 1998  
7 Supplement, is amended to read:

8 320.08058 Specialty license plates.--

9 (1) MANATEE LICENSE PLATES.--

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

17

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

23

24 Section 105. Paragraph (c) of subsection (2) of  
25 section 320.0848, Florida Statutes, 1998 Supplement, is  
26 amended and subsections (9) and (10) of that section are  
27 reenacted to read:

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

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

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

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

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

12

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

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

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

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

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

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

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

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

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

1           Section 106. Section 320.1325, Florida Statutes, is  
2 amended to read:

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

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

26  
27           Section 107. Subsection (2) of section 320.20, Florida  
28 Statutes, is reenacted to read:

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

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

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

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

24  
25           Section 108. Subsection (2) of section 322.12, Florida  
26 Statutes, is amended to read:

27           322.12 Examination of applicants.--

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

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

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

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

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

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

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

12  
13 Section 109. Paragraph (a) of subsection (3) of  
14 section 322.121, Florida Statutes, is amended to read:

15 322.121 Periodic reexamination of all drivers.--

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

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

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

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

1           Section 110. Subsection (1) and paragraph (f) of  
2 subsection (2) of section 322.292, Florida Statutes, are  
3 amended to read:

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

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

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

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



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

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

11  
12 Section 111. Paragraph (b) of subsection (6) of  
13 section 322.34, Florida Statutes, 1998 Supplement, is amended  
14 to read:

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

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

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

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

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

1           Section 112. Paragraph (b) of subsection (1) of  
2 section 322.57, Florida Statutes, is amended to read:

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

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

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

13

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

18

19           Section 113. Paragraph (a) of subsection (4) of  
20 section 323.001, Florida Statutes, 1998 Supplement, is amended  
21 to read:

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

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

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

29 ~~932.701-932.704;~~

30

31

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

4  
5 Section 114. Subsections (3) and (12) of section  
6 325.202, Florida Statutes, are amended to read:

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

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

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

20  
21 Reviser's note.--Subsection (3) is amended to  
22 conform to the correct citation to the  
23 referenced definition. Subsection (12) is  
24 amended to conform to the redesignation of s.  
25 559.903(2) as s. 559.903(7) by s. 3, ch.  
26 93-219, Laws of Florida.

27  
28 Section 115. Subsection (2) of section 325.212,  
29 Florida Statutes, is amended to read:

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

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

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

10  
11           Section 116. Subsection (11) and paragraph (c) of  
12 subsection (12) of section 327.25, Florida Statutes, are  
13 amended to read:

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

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

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

17 (12) REGISTRATION.--

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

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

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

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

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

16  
17 Section 117. Paragraphs (a) and (b) of subsection (1)  
18 of section 327.28, Florida Statutes, are amended to read:

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

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

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

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

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

19  
20           Section 118. Subsection (1) of section 328.17, Florida  
21 Statutes, is reenacted to read:

22           328.17 Nonjudicial sale of vessels.--

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

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

11  
12 Section 119. Subsection (16) of section 331.303,  
13 Florida Statutes, is amended to read:

14 331.303 Definitions.--

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



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

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

18  
19 Section 120. Subsection (4) of section 331.305,  
20 Florida Statutes, is amended to read:

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

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

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

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

3  
4 Section 121. Subsection (2) of section 331.308,  
5 Florida Statutes, is amended to read:

6 331.308 Board of supervisors.--

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

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

27  
28 Section 122. Paragraph (d) of subsection (25) of  
29 section 334.03, Florida Statutes, is amended to read:

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

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

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

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

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

22  
23 Section 123. Section 336.01, Florida Statutes, is  
24 amended to read:

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

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

1           Section 124. Subsection (1) of section 337.02, Florida  
2 Statutes, is amended to read:

3           337.02 Purchases by department subject to competitive  
4 bids; advertisement; emergency purchases; bid  
5 specifications.--

6           (1) Except as provided herein, purchase by the  
7 Department of Transportation of commodities, including the  
8 advertising and awarding of competitive bids, shall be  
9 governed by chapters 283 and 287 and rules adopted by the  
10 Department of Management Services pursuant thereto. However,  
11 the provisions of s. 287.057 notwithstanding, the department  
12 may purchase parts and repairs valued at up to the threshold  
13 amount provided in s. 287.017 for CATEGORY TWO for the repair  
14 of mobile road maintenance equipment, marine vessels,  
15 permanent vehicle scales, and mechanical and electrical  
16 equipment for movable bridges, toll facilities including the  
17 Ronald Reagan Florida Turnpike, and up to the threshold amount  
18 provided in s. 287.017 for CATEGORY THREE for treatment plants  
19 and lift stations for water and sewage, and major heating and  
20 cooling systems without receiving competitive bids.

21  
22           Reviser's note.--Amended to conform to the  
23 designation of the Florida Turnpike as the  
24 Ronald Reagan Turnpike by s. 8, ch. 98-423,  
25 Laws of Florida.

26  
27           Section 125. Section 337.023, Florida Statutes, is  
28 amended to read:

29           337.023 Sale of building; acceptance of replacement  
30 building.--Notwithstanding the provisions of s. 216.292(5)(b)  
31 ~~216.292(4)(b)~~, if the department sells a building, the

1 department may accept the construction of a replacement  
2 building, in response to a request for proposals, totally or  
3 partially in lieu of cash, and may do so without a specific  
4 legislative appropriation. Such action is subject to the  
5 approval of the Executive Office of the Governor, and is  
6 subject to the notice, review, and objection procedures under  
7 s. 216.177. The replacement building shall be consistent with  
8 the current and projected needs of the department as agreed  
9 upon by the department and the Department of Management  
10 Services.

11

12 Reviser's note.--Amended to conform to the  
13 redesignation of s. 216.292(4)(b) as s.  
14 216.292(5)(b) by s. 9, ch. 98-73, Laws of  
15 Florida.

16

17 Section 126. Subsection (2) of section 337.407,  
18 Florida Statutes, is amended to read:

19 337.407 Regulation of signs and lights within  
20 rights-of-way.--

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

24

25 Reviser's note.--Amended to conform to the  
26 redesignation of subunits of s. 337.407  
27 necessitated by the repeal of former subsection  
28 (2) by s. 62, ch. 94-237, Laws of Florida.

29

30 Section 127. Section 338.22, Florida Statutes, is  
31 amended to read:

1           338.22 Florida Turnpike Law; short title.--Sections  
2 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida  
3 Turnpike Law."

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

8  
9           Section 128. Section 338.221, Florida Statutes, is  
10 amended to read:

11           338.221 Definitions of terms used in ss.  
12 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241  
13 ~~338.22-338.244~~, the following words and terms have the  
14 following meanings, unless the context indicates another or  
15 different meaning or intent:

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

22           (2) "Cost," as applied to a turnpike project, includes  
23 the cost of acquisition of all land, rights-of-way, property,  
24 easements, and interests acquired by the department for  
25 turnpike project construction; the cost of such construction;  
26 the cost of all machinery and equipment, financing charges,  
27 fees, and expenses related to the financing; establishment of  
28 reserves to secure bonds; interest prior to and during  
29 construction and for such period after completion of  
30 construction as shall be determined by the department; the  
31 cost of traffic estimates and of engineering and legal

1 expenses, plans, specifications, surveys, estimates of cost  
2 and revenues; other expenses necessary or incident to  
3 determining the feasibility or practicability of acquiring or  
4 constructing any such turnpike project; administrative  
5 expenses; and such other expenses as may be necessary or  
6 incident to the acquisition or construction of a turnpike  
7 project, the financing of such acquisition or construction,  
8 and the placing of the turnpike project in operation.

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

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

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

22 (6) "Turnpike system" means those limited access toll  
23 highways and associated feeder roads and other structures,  
24 appurtenances, or rights previously designated, acquired, or  
25 constructed pursuant to the Florida Turnpike Law and such  
26 other additional turnpike projects as may be acquired or  
27 constructed as approved by the Legislature.

28 (7) "Turnpike improvement" means any betterment  
29 necessary or desirable for the operation of the turnpike  
30 system, including, but not limited to, widenings, the addition  
31



1 of interchanges to the existing turnpike system, resurfacings,  
2 toll plazas, machinery, and equipment.

3 (8) "Economically feasible" means:

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

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

21  
22 This subsection does not prohibit the pledging of revenues  
23 from the entire turnpike system to bonds issued to finance or  
24 refinance a turnpike project or group of turnpike projects.

25 (9) "Turnpike project" means any extension to or  
26 expansion of the existing turnpike system and new limited  
27 access toll highways and associated feeder roads and other  
28 structures, interchanges, appurtenances, or rights as may be  
29 approved in accordance with the Florida Turnpike Law.

30  
31

1           (10) "Statement of environmental feasibility" means a  
2 statement by the Department of Environmental Protection of the  
3 project's significant environmental impacts.

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

11  
12           Section 129. Subsection (2) of section 338.222,  
13 Florida Statutes, is amended to read:

14           338.222 Department of Transportation sole governmental  
15 entity to acquire, construct, or operate turnpike projects;  
16 exception.--

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

26  
27           Reviser's note.--Amended to conform to the  
28 redesignation of s. 334.03(13) as s. 334.03(14)  
29 by s. 2, ch. 93-164, Laws of Florida.

1           Section 130. Paragraph (b) of subsection (1) and  
2 subsection (3) of section 338.223, Florida Statutes, are  
3 amended to read:

4           338.223 Proposed turnpike projects.--

5           (1)

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

17  
18 After a review of the department's report and any public  
19 comments, the Department of Environmental Protection shall  
20 submit a statement of environmental feasibility to the  
21 department within 30 days after the date on which public  
22 comments are due. The notice and the statement of  
23 environmental feasibility shall not give rise to any rights to  
24 a hearing or other rights or remedies provided pursuant to  
25 chapter 120 or chapter 403, and shall not bind the Department  
26 of Environmental Protection in any subsequent environmental  
27 permit review.

28           (3) All obligations and expenses incurred by the  
29 department under this section shall be paid by the department  
30 and charged to the appropriate turnpike project. The  
31 department shall keep proper records and accounts showing each

1 amount that is so charged. All obligations and expenses so  
2 incurred shall be treated as part of the cost of such project  
3 and shall be reimbursed to the department out of turnpike  
4 revenues or out of the bonds authorized under ss.  
5 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement  
6 is prohibited by state or federal law.

7  
8 Reviser's note.--Paragraph (1)(b) is amended to  
9 conform to the redesignation of s.  
10 339.155(7)(c) as s. 339.155(6)(c) by s. 3, ch.  
11 93-164, Laws of Florida. Subsection (3) is  
12 amended to conform to the repeal of s. 338.244  
13 by s. 8, ch. 94-237, Laws of Florida.

14  
15 Section 131. Section 338.225, Florida Statutes, is  
16 amended to read:

17 338.225 Taking of public road for feeder road.--Before  
18 taking over any existing public road for maintenance and  
19 operation as a feeder road, the department shall obtain the  
20 consent of the governmental entity then exercising  
21 jurisdiction over the road, which governmental entity is  
22 authorized to give such consent by resolution. Each feeder  
23 road or portion of a feeder road acquired, constructed, or  
24 taken over under this section for maintenance and operation  
25 shall, for all purposes of ss. 338.22-338.241 ~~338.22-338.244~~,  
26 be deemed to constitute a part of the turnpike system, except  
27 that no toll shall be charged for transit between points on  
28 such feeder road.

29  
30  
31

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

4  
5 Section 132. Subsection (2) of section 338.227,  
6 Florida Statutes, is amended to read:

7 338.227 Turnpike revenue bonds.--

8 (2) The proceeds of the bonds of each issue shall be  
9 used solely for the payment of the cost of the turnpike  
10 projects for which such bonds shall have been issued, except  
11 as provided in the State Bond Act. Such proceeds shall be  
12 disbursed and used as provided by ss. 338.22-338.241  
13 ~~338.22-338.244~~ and in such manner and under such restrictions,  
14 if any, as the Division of Bond Finance may provide in the  
15 resolution authorizing the issuance of such bonds or in the  
16 trust agreement hereinafter mentioned securing the same. All  
17 revenues and bond proceeds from the turnpike system received  
18 by the department pursuant to ss. 338.22-338.241  
19 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only  
20 for the cost of turnpike projects and turnpike improvements  
21 and for the administration, operation, maintenance, and  
22 financing of the turnpike system. No revenues or bond proceeds  
23 from the turnpike system shall be spent for the operation,  
24 maintenance, construction, or financing of any project which  
25 is not part of the turnpike system.

26  
27 Reviser's note.--Amended to conform to the  
28 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
29 of Florida.

30  
31

1           Section 133. Section 338.228, Florida Statutes, is  
2 amended to read:

3           338.228 Bonds not debts or pledges of credit of  
4 state.--Turnpike revenue bonds issued under the provisions of  
5 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state  
6 or pledges of the faith and credit of the state. Such bonds  
7 are payable exclusively from revenues pledged for their  
8 payment. All such bonds shall contain a statement on their  
9 face that the state is not obligated to pay the same or the  
10 interest thereon, except from the revenues pledged for their  
11 payment, and that the faith and credit of the state is not  
12 pledged to the payment of the principal or interest of such  
13 bonds. The issuance of turnpike revenue bonds under the  
14 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ does not  
15 directly, indirectly, or contingently obligate the state to  
16 levy or to pledge any form of taxation whatsoever, or to make  
17 any appropriation for their payment. Except as provided in  
18 ss. 338.001, 338.223, and 338.2275, no state funds shall be  
19 used on any turnpike project or to pay the principal or  
20 interest of any bonds issued to finance or refinance any  
21 portion of the turnpike system, and all such bonds shall  
22 contain a statement on their face to this effect.

23  
24           Reviser's note.--Amended to conform to the  
25           repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
26           of Florida.

27  
28           Section 134. Section 338.229, Florida Statutes, is  
29 amended to read:

30           338.229 Pledge to bondholders not to restrict certain  
31 rights of department.--The state does pledge to, and agree

1 with, the holders of the bonds issued pursuant to ss.  
2 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or  
3 restrict the rights vested in the department to construct,  
4 reconstruct, maintain, and operate any turnpike project as  
5 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish  
6 and collect such tolls or other charges as may be convenient  
7 or necessary to produce sufficient revenues to meet the  
8 expenses of maintenance and operation of the turnpike system  
9 and to fulfill the terms of any agreements made with the  
10 holders of bonds authorized by this act and that the state  
11 will not in any way impair the rights or remedies of the  
12 holders of such bonds until the bonds, together with interest  
13 on the bonds, are fully paid and discharged.

14  
15 Reviser's note.--Amended to conform to the  
16 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
17 of Florida.

18  
19 Section 135. Subsections (6) and (7) of section  
20 338.231, Florida Statutes, are amended to read:

21 338.231 Turnpike tolls, fixing; pledge of tolls and  
22 other revenues.--The department shall at all times fix,  
23 adjust, charge, and collect such tolls for the use of the  
24 turnpike system as are required in order to provide a fund  
25 sufficient with other revenues of the turnpike system to pay  
26 the cost of maintaining, improving, repairing, and operating  
27 such turnpike system; to pay the principal of and interest on  
28 all bonds issued to finance or refinance any portion of the  
29 turnpike system as the same become due and payable; and to  
30 create reserves for all such purposes.

31

1           (6) In each fiscal year while any of the bonds of the  
2 Broward County Expressway Authority series 1984 and series  
3 1986-A remain outstanding, the department is authorized to  
4 pledge revenues from the turnpike system to the payment of  
5 principal and interest of such series of bonds, the repayment  
6 of Broward County gasoline tax funds as provided in s.  
7 338.2275(3)~~338.2275(4)~~, and the operation and maintenance  
8 expenses of the Sawgrass Expressway, to the extent gross toll  
9 revenues of the Sawgrass Expressway are insufficient to make  
10 such payments. The terms of an agreement relative to the  
11 pledge of turnpike system revenue will be negotiated with the  
12 parties of the 1984 and 1986 Broward County Expressway  
13 Authority lease-purchase agreements, and subject to the  
14 covenants of those agreements. The agreement shall establish  
15 that the Sawgrass Expressway shall be subject to the planning,  
16 management, and operating control of the department limited  
17 only by the terms of the lease-purchase agreements. The  
18 department shall provide for the payment of operation and  
19 maintenance expenses of the Sawgrass Expressway until such  
20 agreement is in effect. This pledge of turnpike system  
21 revenues shall be subordinate to the debt service requirements  
22 of any future issue of turnpike bonds, the payment of turnpike  
23 system operation and maintenance expenses, and subject to  
24 provisions of any subsequent resolution or trust indenture  
25 relating to the issuance of such turnpike bonds.

26           (7) The use and disposition of revenues pledged to  
27 bonds are subject to the provisions of ss. 338.22-338.241  
28 ~~338.22-338.244~~ and such regulations as the resolution  
29 authorizing the issuance of such bonds or such trust agreement  
30 may provide.

31



1 Reviser's note.--Subsection (6) is amended to  
2 conform to the redesignation of s. 338.2275(4)  
3 as s. 338.2275(3) by s. 20, ch. 97-280, Laws of  
4 Florida. Subsection (7) is amended to conform  
5 to the repeal of s. 338.244 by s. 8, ch.  
6 94-237, Laws of Florida.

7  
8 Section 136. Section 338.232, Florida Statutes, is  
9 amended to read:  
10 338.232 Continuation of tolls upon provision for  
11 payment of bondholders and assumption of maintenance by  
12 department.--When all revenue bonds issued under the  
13 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ in connection  
14 with the turnpike system and the interest on the bonds have  
15 been paid, or an amount sufficient to provide for the payment  
16 of all such bonds and the interest on the bonds to the  
17 maturity of the bonds, or such earlier date on which the bonds  
18 may be called, has been set aside in trust for the benefit of  
19 the bondholders, the department may assume the maintenance of  
20 the turnpike system as part of the State Highway System,  
21 except that the turnpike system shall remain subject to  
22 sufficient tolls to pay the cost of the maintenance, repair,  
23 improvement, and operation of the system and the construction  
24 of turnpike projects.

25  
26 Reviser's note.--Amended to conform to the  
27 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
28 of Florida.

29  
30 Section 137. Section 338.239, Florida Statutes, is  
31 amended to read:

1           338.239 Traffic control on the turnpike system.--  
2           (1) The department is authorized to adopt rules with  
3 respect to the use of the turnpike system, which rules must  
4 relate to vehicular speeds, loads and dimensions, safety  
5 devices, rules of the road, and other matters necessary to  
6 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.  
7 Insofar as these rules may be inconsistent with the provisions  
8 of chapter 316, the rules control. A violation of these rules  
9 must be punished pursuant to chapters 316 and 318.

10           (2) Members of the Florida Highway Patrol are vested  
11 with the power, and charged with the duty, to enforce the  
12 rules of the department. Expenses incurred by the Florida  
13 Highway Patrol in carrying out its powers and duties under ss.  
14 338.22-338.241 ~~338.22-338.244~~ may be treated as a part of the  
15 cost of the operation of the turnpike system, and the  
16 Department of Highway Safety and Motor Vehicles shall be  
17 reimbursed by the Department of Transportation for such  
18 expenses incurred on the turnpike mainline, which is that part  
19 of the turnpike system extending from the southern terminus in  
20 Florida City to the northern terminus in Wildwood including  
21 all contiguous sections.

22  
23           Reviser's note.--Amended to conform to the  
24 repeal of s. 338.244 by s. 8, ch. 94-237, Laws  
25 of Florida.

26  
27           Section 138. Paragraph (b) of subsection (2) of  
28 section 339.0805, Florida Statutes, 1998 Supplement, is  
29 amended to read:

30           339.0805 Funds to be expended with certified  
31 disadvantaged business enterprises; specified percentage to be

1 expended; construction management development program; bond  
2 guarantee program.--It is the policy of the state to  
3 meaningfully assist socially and economically disadvantaged  
4 business enterprises through a program that will provide for  
5 the development of skills through construction and business  
6 management training, as well as by providing contracting  
7 opportunities and financial assistance in the form of bond  
8 guarantees, to primarily remedy the effects of past economic  
9 disparity.

10 (2) The department shall revoke the certification of a  
11 disadvantaged business enterprise upon receipt of notification  
12 of any change in ownership which results in the disadvantaged  
13 individual or individuals used to qualify the business as a  
14 disadvantaged business enterprise, no longer owning at least  
15 51 percent of the business enterprise. Such notification shall  
16 be made to the department by certified mail within 10 days  
17 after the change in ownership, and such business shall be  
18 removed from the certified disadvantaged business list until a  
19 new application is submitted and approved by the department.  
20 Failure to notify the department of the change in the  
21 ownership which qualifies the business as a disadvantaged  
22 business enterprise will result in revocation of certification  
23 and subject the business to the provisions of s. 337.135. In  
24 addition, the department may, for good cause, deny or suspend  
25 the certification of a disadvantaged business enterprise. As  
26 used in this subsection, the term "good cause" includes, but  
27 is not limited to, the disadvantaged business enterprise:

28 (b) Making a false, deceptive, or fraudulent statement  
29 in it its application for certification or in any other  
30 information submitted to the department;

31

1 Reviser's note.--Amended to improve clarity and  
2 facilitate correct interpretation.

3  
4 Section 139. Paragraph (e) of subsection (7) of  
5 section 339.135, Florida Statutes, is amended to read:

6 339.135 Work program; legislative budget request;  
7 definitions; preparation, adoption, execution, and  
8 amendment.--

9 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

10 (e) Notwithstanding the requirements in paragraph (d)  
11 and ss. 216.177(2) and 216.351, the secretary may request the  
12 Executive Office of the Governor to amend the adopted work  
13 program when an emergency exists, as defined in s. 252.34(3)  
14 ~~252.34(2)~~, and the emergency relates to the repair or  
15 rehabilitation of any state transportation facility. The  
16 Executive Office of the Governor may approve the amendment to  
17 the adopted work program and amend that portion of the  
18 department's approved budget in the event that the delay  
19 incident to the notification requirements in paragraph (d)  
20 would be detrimental to the interests of the state. However,  
21 the department shall immediately notify the parties specified  
22 in paragraph (d) and shall provide such parties written  
23 justification for the emergency action within 7 days of the  
24 approval by the Executive Office of the Governor of the  
25 amendment to the adopted work program and the department's  
26 budget. In no event may the adopted work program be amended  
27 under the provisions of this subsection without the  
28 certification by the comptroller of the department that there  
29 are sufficient funds available pursuant to the 36-month cash  
30 forecast and applicable statutes.

31

1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 252.34(2) as s. 252.34(3)  
3 by s. 10, ch. 93-211, Laws of Florida.  
4

5 Section 140. Subsection (5) of section 341.051,  
6 Florida Statutes, is reenacted and amended to read:

7 341.051 Administration and financing of public transit  
8 programs and projects.--

9 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

10 (a) The department may fund up to 50 percent of the  
11 nonfederal share of the costs, not to exceed the local share,  
12 of any eligible public transit capital project or commuter  
13 assistance project that is local in scope; except, however,  
14 that departmental participation in the final design,  
15 right-of-way acquisition, and construction phases of an  
16 individual fixed-guideway project which is not approved for  
17 federal funding shall not exceed an amount equal to 12.5  
18 percent of the total cost of each phase.

19 (b) The Department of Transportation shall develop a  
20 major capital investment policy which shall include policy  
21 criteria and guidelines for the expenditure or commitment of  
22 state funds for public transit capital projects. The policy  
23 shall include the following:

24 1. Methods to be used to determine consistency of a  
25 transit project with the approved local government  
26 comprehensive plans of the units of local government in which  
27 the project is located.

28 2. Methods for evaluating the level of local  
29 commitment to a transit project, which is to be demonstrated  
30 through system planning and the development of a feasible plan  
31 to fund operating cost through fares, value capture techniques

1 such as joint development and special districts, or other  
2 local funding mechanisms.

3 3. Methods for evaluating alternative transit systems  
4 including an analysis of technology and alternative methods  
5 for providing transit services in the corridor.

6  
7 ~~The department shall present such investment policy to both~~  
8 ~~the Senate Transportation Committee and the House Public~~  
9 ~~Transportation Committee along with recommended legislation by~~  
10 ~~March 1, 1991.~~

11 (c) The department is authorized to fund up to 100  
12 percent of the cost of any eligible transit capital project or  
13 commuter assistance project that is statewide in scope or  
14 involves more than one county where no other governmental  
15 entity or appropriate jurisdiction exists.

16 (d) The department is authorized to advance up to 80  
17 percent of the capital cost of any eligible project that will  
18 assist Florida's transit systems in becoming fiscally  
19 self-sufficient. Such advances shall be reimbursed to the  
20 department on an appropriate schedule not to exceed 5 years  
21 after the date of provision of the advances.

22 (e) The department is authorized to fund up to 100  
23 percent of the capital and net operating costs of statewide  
24 transit service development projects or transit corridor  
25 projects. All transit service development projects shall be  
26 specifically identified by way of a departmental appropriation  
27 request, and transit corridor projects shall be identified as  
28 part of the planned improvements on each transportation  
29 corridor designated by the department. The project  
30 objectives, the assigned operational and financial  
31 responsibilities, the timeframe required to develop the

1 required service, and the criteria by which the success of the  
2 project will be judged shall be documented by the department  
3 for each such transit service development project or transit  
4 corridor project.

5 (f) The department is authorized to fund up to 50  
6 percent of the capital and net operating costs of transit  
7 service development projects that are local in scope and that  
8 will improve system efficiencies, ridership, or revenues. All  
9 such projects shall be identified in the appropriation request  
10 of the department through a specific program of projects, as  
11 provided for in s. 341.041, that is selectively applied in the  
12 following functional areas and is subject to the specified  
13 times of duration:

14 1. Improving system operations, including, but not  
15 limited to, realigning route structures, increasing system  
16 average speed, decreasing deadhead mileage, expanding area  
17 coverage, and improving schedule adherence, for a period of up  
18 to 3 years;

19 2. Improving system maintenance procedures, including,  
20 but not limited to, effective preventive maintenance programs,  
21 improved mechanics training programs, decreasing service  
22 repair calls, decreasing parts inventory requirements, and  
23 decreasing equipment downtime, for a period of up to 3 years;

24 3. Improving marketing and consumer information  
25 programs, including, but not limited to, automated information  
26 services, organized advertising and promotion programs, and  
27 signing of designated stops, for a period of up to 2 years;  
28 and

29 4. Improving technology involved in overall  
30 operations, including, but not limited to, transit equipment,  
31

1 fare collection techniques, electronic data processing  
2 applications, and bus locators, for a period of up to 2 years.

3  
4 The term "net operating costs" means all operating costs of a  
5 project less any federal funds, fares, or other sources of  
6 income to the project.

7  
8 Reviser's note.--Section 57, ch. 95-257, Laws  
9 of Florida, purported to amend paragraphs  
10 (5)(a) and (c) of s. 341.051, but did not set  
11 out in full the amended material to include the  
12 flush left language at the end of the  
13 subsection. In the absence of affirmative  
14 evidence that the Legislature intended to  
15 repeal the omitted material, subsection (5) is  
16 reenacted to confirm that the omission was not  
17 intended. Subsection (5) is also amended to  
18 delete a provision that has served its purpose.

19  
20 Section 141. Subsection (1) of section 341.321,  
21 Florida Statutes, is amended to read:

22 341.321 Development of high-speed rail transportation  
23 system; legislative findings, policy, purpose, and intent.--

24 (1) The intent of ss. 341.3201-341.386 is to further  
25 and advance the goals and purposes of the 1984 High Speed Rail  
26 Transportation Commission Act; to ensure a harmonious  
27 relationship between that act and the various growth  
28 management laws enacted by the Legislature including the Local  
29 Government Comprehensive Planning and Land Development  
30 Regulation Act, ss. 163.3161-163.3215 ~~163.3616-363.3215~~, the  
31 Florida State Comprehensive Planning Act of 1972, as amended,



1 ss. 186.001-186.031 ~~186.011-186.031~~, the Florida Regional  
2 Planning Council Act, ss. 186.501-186.513 ~~186.501-186.512~~, and  
3 the State Comprehensive Plan, chapter 187; to promote the  
4 implementation of these acts in an effective manner; and to  
5 encourage and enhance the establishment of a high-speed rail  
6 transportation system connecting the major urban areas of the  
7 state as expeditiously as is economically feasible.  
8 Furthermore, it is the intent of the Legislature that any  
9 high-speed rail line and transit station be consistent to the  
10 maximum extent feasible with local comprehensive plans, and  
11 that any other development associated with the rail line and  
12 transit station shall ultimately be consistent with  
13 comprehensive plans. The Legislature therefore reaffirms these  
14 enactments and further finds:

15 (a) That the implementation of a high-speed rail  
16 transportation system in the state will result in overall  
17 social and environmental benefits, improvements in ambient air  
18 quality, better protection of water quality, greater  
19 preservation of wildlife habitat, less use of open space, and  
20 enhanced conservation of natural resources and energy.

21 (b) That a high-speed rail transportation system, when  
22 used in conjunction with sound land use planning, becomes a  
23 vigorous force in achieving growth management goals and in  
24 encouraging the use of public transportation to augment and  
25 implement land use and growth management goals and objectives.

26 (c) That urban and social benefits include  
27 revitalization of blighted or economically depressed areas,  
28 the redirection of growth in a carefully and comprehensively  
29 planned manner, and the creation of numerous employment  
30 opportunities within inner-city areas.

31

1           (d) That transportation benefits include improved  
2 travel times and more reliable travel, hence increased  
3 productivity. High-speed rail is far safer than other modes of  
4 transportation and, therefore, travel-related deaths and  
5 injuries can be reduced, and millions of dollars can be saved  
6 from avoided accidents.

7  
8           Reviser's note.--Amended to conform to the  
9 correct citations to the referenced acts.

10  
11           Section 142. Paragraph (c) of subsection (2) of  
12 section 348.0005, Florida Statutes, is amended to read:

13           348.0005 Bonds.--

14           (2)

15           (c) Said bonds shall be sold by the authority at  
16 public sale by competitive bid. However, if the authority,  
17 after receipt of a written recommendation from a financial  
18 adviser, shall determine by official action after public  
19 hearing by a two-thirds vote of all voting members of the  
20 authority that a negotiated sale of the bonds is in the best  
21 interest of the authority, the authority may negotiate for  
22 sale of the bonds with the underwriter or underwriters  
23 designated by the authority and the county in which the  
24 authority exists. The authority shall provide specific  
25 findings in a resolution as to the reasons requiring the  
26 negotiated sale, which resolution shall incorporate and have  
27 attached thereto the written recommendation of the financial  
28 adviser required by this subsection~~(4)~~.

29  
30           Reviser's note.--Amended to facilitate correct  
31 interpretation. There is no subsection (4).

1           Section 143. Paragraph (a) of subsection (2) of  
2 section 348.242, Florida Statutes, is amended to read:

3           348.242 Broward County Expressway Authority.--

4           (2) The governing body of the authority shall consist  
5 of five members. Each member of the governing body shall be a  
6 permanent resident of Broward County at all times during his  
7 or her term of office.

8           (a) Two members shall be appointed by the Governor,  
9 subject to confirmation by the Senate, and three members shall  
10 be appointed by the Board of County Commissioners of Broward  
11 County. Not more than one of the members appointed by the  
12 board of county commissioners may be a member of that board.  
13 One of the two members appointed by the Governor must be an  
14 elected municipal official, and the other member may not be an  
15 officeholder. The members appointed by the Governor shall  
16 serve terms of 4 years. If the member appointed by the  
17 Governor does not remain in elected municipal office, that  
18 member's seat shall become vacant. ~~Initially, two members of~~  
19 ~~the authority appointed by the Board of County Commissioners~~  
20 ~~of Broward County shall serve terms of 2 years, and one member~~  
21 ~~so appointed shall serve a term of 4 years; thereafter, The~~  
22 term of each appointed member shall be for 4 years. A vacancy  
23 occurring during a term shall be filled by the original  
24 appointing authority only for the balance of the unexpired  
25 term. Any member of the authority is eligible for  
26 reappointment. Members appointed by the Board of County  
27 Commissioners of Broward County shall be reviewed annually by  
28 the board.

29  
30           Reviser's note.--Amended to delete provisions  
31 that have served their purpose.

1           Section 144. Section 349.21, Florida Statutes, is  
2 amended to read:

3           349.21 Powers conferred by ~~part VI, chapter 163, and~~  
4 ~~by~~ s. 212.055(1).--Notwithstanding any other provision of law,  
5 any transportation authority created by this chapter shall  
6 have all the powers conferred by ~~part VI of chapter 163 and by~~  
7 s. 212.055(1). The revenues provided by this section shall be  
8 used to pay principal and interest on bonds for which tolls  
9 have been pledged. The powers provided by this section shall  
10 expire when all such bonds in existence on the effective date  
11 of this act have been retired.

12  
13           Reviser's note.--Amended to conform to the  
14 repeal by s. 105, ch. 90-136, Laws of Florida,  
15 of the provisions formerly contained in part VI  
16 of chapter 163, redesignated as part VII when a  
17 new part IV was added by ch. 87-243, Laws of  
18 Florida.

19  
20           Section 145. Subsection (3) of section 350.031,  
21 Florida Statutes, 1998 Supplement, is amended to read:

22           350.031 Florida Public Service Commission Nominating  
23 Council.--

24           (3) A majority of the membership of the council may  
25 conduct any business before the council. All meetings and  
26 proceedings of the council shall be staffed by the Office of  
27 Legislative Services and shall be subject to the provisions of  
28 ss. 119.07 and 286.011. Members of the council are entitled  
29 to receive per diem and travel expenses as provided in s.  
30 112.061, which shall be funded by the Florida Public Service  
31 Regulatory Trust Fund. Applicants invited for interviews

1 before the council may, in the discretion of the council,  
2 receive per diem and travel expenses as provided in s. 112.061  
3 ~~112.06~~, which shall be funded by the Florida Public Service  
4 Regulatory Trust Fund. The council shall establish policies  
5 and procedures to govern the process by which applicants are  
6 nominated.

7  
8 Reviser's note.--Amended to facilitate correct  
9 interpretation. Provisions relating to per diem  
10 and travel expenses are in s. 112.061.

11  
12 Section 146. Subsection (3) of section 350.0605,  
13 Florida Statutes, is amended to read:

14 350.0605 Former commissioners and employees;  
15 representation of clients before commission.--

16 (3) For a period of 2 years following termination of  
17 service on the commission, a former member may not accept  
18 employment by or compensation from a business entity which,  
19 directly or indirectly, owns or controls a public utility  
20 regulated by the commission, from a public utility regulated  
21 by the commission, from a business entity which, directly or  
22 indirectly, is an affiliate or subsidiary of a public utility  
23 regulated by the commission or is an actual business  
24 competitor of a local exchange company or public utility  
25 regulated by the commission and is otherwise exempt from  
26 regulation by the commission under ss. 364.02(12)~~364.02(7)~~  
27 and 366.02(1), or from a business entity or trade association  
28 that has been a party to a commission proceeding within the 2  
29 years preceding the member's termination of service on the  
30 commission. This subsection applies only to members of the  
31

1 Florida Public Service Commission who are appointed or  
2 reappointed after May 10, 1993.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of s. 364.02(7) as s. 364.02(12)  
6 by s. 6, ch. 95-403, Laws of Florida.

7  
8 Section 147. Effective October 1, 2002, sections  
9 351.03, 351.034, 351.35, 351.36, and 351.37, Florida Statutes,  
10 are reenacted to read:

11 351.03 Railroad-highway grade-crossing warning signs  
12 and signals; audible warnings; exercise of reasonable care;  
13 blocking highways, roads, and streets during darkness.--

14 (1) Every railroad company shall exercise reasonable  
15 care for the safety of motorists whenever its track crosses a  
16 highway and shall be responsible for erecting and maintaining  
17 crossbuck grade-crossing warning signs in accordance with the  
18 uniform system of traffic control devices adopted pursuant to  
19 s. 316.0745. Such crossbuck signs shall be erected and  
20 maintained at all public or private railroad-highway grade  
21 crossings.

22 (2) Advance railroad warning signs and pavement  
23 markings shall be installed and maintained at public  
24 railroad-highway grade crossings in accordance with the  
25 uniform system of traffic control devices by the governmental  
26 entity having jurisdiction over or maintenance responsibility  
27 for the highway or street. All persons approaching a  
28 railroad-highway grade crossing shall exercise reasonable care  
29 for their own safety and for the safety of railroad train  
30 crews as well as for the safety of train or vehicle  
31 passengers.

1           (3) Except as provided in subsection (4), any railroad  
2 train approaching within 1,500 feet of a public  
3 railroad-highway grade crossing shall emit a signal audible  
4 for such distance.

5           (4)(a) The Department of Transportation and the  
6 Federal Railroad Administration may authorize a municipality  
7 or county to implement a whistle ban provided the following  
8 conditions are met:

9           1. A traffic operations system is implemented to  
10 secure railroad-highway grade crossings for the purpose of  
11 preventing vehicles from going around, under, or through  
12 lowered railroad gates.

13           2. The municipality or county has in effect an  
14 ordinance that unconditionally prohibits the sounding of  
15 railroad train horns and whistles during the hours of 10 p.m.  
16 and 6 a.m. at all public railroad-highway grade crossings  
17 within the municipality or county and where the municipality,  
18 county, or state has erected signs at the crossing announcing  
19 that railroad train horns and whistles may not be sounded  
20 during such hours. Signs so erected shall be in conformance  
21 with the uniform system of traffic control devices as  
22 specified in s. 316.0745.

23           (b) Upon final approval and verification by the  
24 department and the Federal Railroad Administration that such  
25 traffic operations system meets all state and federal safety  
26 and traffic regulations and that such railroad-highway grade  
27 crossings can be secured, the municipality or county may pass  
28 an ordinance prohibiting the sounding of audible warning  
29 devices by trains upon approaching such railroad-highway grade  
30 crossings between the hours of 10 p.m. and 6 a.m.

31

1           (c) Nothing in this subsection shall be construed to  
2 nullify the liability provisions of s. 768.28.

3           (5)(a) Whenever a railroad train engages in a  
4 switching operation or stops so as to block a public highway,  
5 street, or road at any time from one-half hour after sunset to  
6 one-half hour before sunrise, the crew of the railroad train  
7 shall cause to be placed a lighted fusee or other visual  
8 warning device in both directions from the railroad train upon  
9 or at the edge of the pavement of the highway, street, or road  
10 to warn approaching motorists of the railroad train blocking  
11 the highway, street, or road. However, this subsection does  
12 not apply to railroad-highway grade crossings at which there  
13 are automatic warning devices properly functioning or at which  
14 there is adequate lighting.

15           (b) A person who violates any provision of paragraph  
16 (a) is guilty of a misdemeanor of the second degree,  
17 punishable as provided in s. 775.082 or s. 775.083.

18           351.034 Railroad-highway grade crossings to be cleared  
19 for emergency vehicles.--Except for trains or equipment  
20 stopped due to mechanical failure where separation or movement  
21 is not possible, any train or equipment that has come to a  
22 complete stop and is blocking a railroad-highway grade  
23 crossing must be cut, separated, or moved to clear the  
24 crossing upon the approach of any emergency vehicle, which for  
25 the purpose of this law shall be:

26           (1) An ambulance operated by public authority or by  
27 private persons;

28           (2) A fire engine; or an emergency vehicle operated by  
29 power or electric companies; or

30  
31



1           (3) Any other vehicle when operated as an emergency  
2 vehicle, defined as one which is engaged in the saving of  
3 life, property, or responding to any other public peril; or

4           (4) Emergency vehicles used as such by the Government  
5 of the United States; when upon the approach of such emergency  
6 vehicle, such vehicle gives due warning of its approach to  
7 such crossing by the sounding of sirens, flashing of lights,  
8 waving of flag, or any other warning sufficient to attract  
9 attention to such emergency vehicle; and thereupon the said  
10 train or equipment shall be cut and said crossing shall be  
11 cleared with all possible dispatch to permit the crossing and  
12 passing through of said emergency vehicle.

13           351.35 Railroad tracks and related equipment; safety  
14 rules; penalties.--

15           (1) The Department of Transportation shall adopt rules  
16 requiring companies operating railroads wholly or in part in  
17 the state to maintain tracks and all supportive, related  
18 equipment, including locomotives and other rolling stock, of  
19 such railroad companies within the state in a safe condition.

20           (2) If any company operating a railroad either in  
21 whole or in part within the state fails to comply with any  
22 rule adopted by the department, such company shall thereby  
23 incur a penalty as provided for in applicable federal  
24 regulations.

25           351.36 Railroad safety inspections and inspectors.--

26           (1) The Department of Transportation shall employ  
27 competent safety inspectors to inspect the physical conditions  
28 of the tracks and all supportive, related equipment, including  
29 locomotives and other rolling stock, of any railroad operated  
30 wholly or in part in the state. Safety inspectors shall  
31 attain Federal Railroad Administration employment

1 qualifications necessary to qualify the state for federal  
2 funds.

3 (2) The inspectors shall report in writing the results  
4 of their inspections in the manner and on forms prescribed by  
5 the department.

6 351.37 Railroad safety.--The state shall supplement  
7 and not replace the responsibility of the Federal Government  
8 in the inspection of physical conditions of railroad  
9 facilities within the state to ascertain compliance with  
10 federal standards and regulations. Because this is a  
11 supplementary program, the state shall not be deemed to be  
12 liable for any actions or omissions in inspecting or failing  
13 to inspect railroad facilities. The provisions of this act  
14 replace all other provisions in the Florida Statutes relating  
15 to jurisdiction over railroad safety.

16  
17 Reviser's note.--Reenacted to conform to the  
18 repeal of the s. 11.61 repeal of ss.  
19 351.03-351.37 by s. 4, ch. 91-429, Laws of  
20 Florida, and the confirmation of that repeal by  
21 s. 33, ch. 96-318, Laws of Florida.

22  
23 Section 148. Section 354.01, Florida Statutes, is  
24 amended to read:

25 354.01 Appointment of special officers.--Upon the  
26 application of any railroad or other common carrier doing  
27 business in this state, the Governor shall appoint one or more  
28 persons who have met the law enforcement qualifications and  
29 training requirements of s. 943.13(1)-(10) as special officers  
30 for the protection and safety of such carriers; their  
31 passengers and employees; and the property of such carriers,

1 passengers, and employees. ~~Any special officer appointed~~  
2 ~~before October 1, 1982, shall meet the training requirements~~  
3 ~~no later than October 1, 1985.~~

4  
5 Reviser's note.--Amended to delete a provision  
6 that has served its purpose.

7  
8 Section 149. Effective October 1, 2002, section  
9 354.01, Florida Statutes, is reenacted to read:

10 354.01 Appointment of special officers.--Upon the  
11 application of any railroad or other common carrier doing  
12 business in this state, the Governor shall appoint one or more  
13 persons who have met the law enforcement qualifications and  
14 training requirements of s. 943.13(1)-(10) as special officers  
15 for the protection and safety of such carriers; their  
16 passengers and employees; and the property of such carriers,  
17 passengers, and employees.

18  
19 Reviser's note.--Reenacted to conform to the  
20 repeal of the s. 11.61 repeal of s. 354.01 by  
21 s. 4, ch. 91-429, Laws of Florida, and the  
22 confirmation of that repeal by s. 33, ch.  
23 96-318, Laws of Florida.

24  
25 Section 150. Effective October 1, 2002, sections  
26 354.02, 354.03, 354.04, 354.05, and 354.07, Florida Statutes,  
27 are reenacted to read:

28 354.02 Powers.--Each special officer shall have and  
29 exercise throughout every county in which the common carrier  
30 for which he or she was appointed, shall do business, operate,  
31 or own property, the power to make arrests for violation of

1 law on the property of such common carrier, and to arrest  
2 persons, whether on or off such carrier's property, violating  
3 any law on such carrier's property, under the same conditions  
4 under which deputy sheriffs may by law make arrests, and shall  
5 have authority to carry weapons for the reasonable purpose of  
6 their offices.

7           354.03 Bond.--Before entering into the performance of  
8 his or her duties every such special officer shall enter into  
9 a good and sufficient bond payable to the Governor of Florida,  
10 and the Governor's successors, in the penal sum of \$5,000,  
11 with some surety company authorized to do business in this  
12 state as surety thereon, conditioned for the faithful  
13 performance of his or her duties, and to pay any and all  
14 damage done by any illegal act committed by him or her, to be  
15 approved by the Department of Banking and Finance.

16           354.04 Compensation.--Such special officers shall not  
17 receive any fees or salary from the state or any county, but  
18 their compensation shall be agreed upon and paid by the  
19 carrier making such application.

20           354.05 Term of office; removal.--The special officers  
21 provided for herein shall be commissioned by the Governor, and  
22 their commissions shall continue so long as they are employed  
23 in such capacity by the railroad or other common carrier; but  
24 they shall be removed by the Governor at any time, in the  
25 manner and for the causes provided by law.

26           354.07 Suit for damages on bond.--Any person whose  
27 person or property has been damaged by the wrongful act of  
28 such special officer may bring suit for the redress of such  
29 wrong on the bond of such officer. The remedy provided in this  
30 section is not exclusive of any remedy that otherwise may  
31 exist.

1 Reviser's note.--Reenacted to conform to the  
2 repeal of the s. 11.61 repeal of ss.  
3 354.02-354.07 by s. 4, ch. 91-429, Laws of  
4 Florida, and the confirmation of that repeal by  
5 s. 33, ch. 96-318, Laws of Florida.  
6

7 Section 151. Effective October 1, 2002, section  
8 361.025, Florida Statutes, is reenacted to read:

9 361.025 Right of eminent domain to railroad  
10 companies.--Any railroad company organized under the laws of  
11 this state, or organized under the laws of any other state and  
12 qualified to do business in this state, shall have the right  
13 of eminent domain to enter upon, for survey purposes, any land  
14 necessary for the construction, operation, and maintenance of  
15 its roads and required facilities and to appropriate the same  
16 or any part thereof upon making due compensation according to  
17 the procedures set forth in chapters 73 and 74; however, no  
18 such company shall have the right of eminent domain with  
19 respect to property belonging to the state or any agency  
20 thereof. Any railroad company may construct, operate, and  
21 maintain its roads and required facilities on such property,  
22 subject only to the permitting requirements and reasonable  
23 regulations that may be imposed by the public authorities  
24 having jurisdiction over such property. The right of eminent  
25 domain for the purpose of securing terminal facilities on any  
26 waters of this state, including a sufficient amount of land  
27 for such facilities, shall be subordinate to the right of the  
28 governmental entity wherein the property is located to condemn  
29 such property through the exercise of its powers of eminent  
30 domain for a public purpose.  
31

1 Reviser's note.--Reenacted to conform to the  
2 repeal of the s. 11.61 repeal of s. 361.025 by  
3 s. 4, ch. 91-429, Laws of Florida, and the  
4 confirmation of that repeal by s. 33, ch.  
5 96-318, Laws of Florida.  
6

7 Section 152. Paragraph (c) of subsection (3) and  
8 paragraph (b) of subsection (4) of section 364.509, Florida  
9 Statutes, are amended to read:

10 364.509 The Florida Distance Learning Network;  
11 creation; membership; organization; meetings.--

12 (3) The Florida Distance Learning Network is  
13 established with the necessary powers to exercise  
14 responsibility for statewide leadership in coordinating,  
15 enhancing, and serving as a resource center for advanced  
16 telecommunications services and distance learning in all  
17 public education delivery systems. The Florida Distance  
18 Learning Network shall be governed by a board of directors  
19 which shall consist of the following members:

20 (c) The executive director of the Florida State  
21 Community College System or the executive director's designee.

22 (4)

23 (b) The board of directors shall ~~meet within 30 days~~  
24 ~~after July 1, 1995, and shall continue to meet~~ at least 4  
25 times each year, upon the call of the chairperson, or at the  
26 request of a majority of the membership. The board of  
27 directors shall take official action only by consensus.  
28

29 Reviser's note.--Paragraph (3)(c) is amended to  
30 conform to the redesignation of the State  
31 Community College System as the Florida

1           Community College System by s. 15, ch. 98-58,  
2           Laws of Florida. Paragraph (4)(b) is amended  
3           to delete a provision that has served its  
4           purpose.

5  
6           Section 153. Section 366.072, Florida Statutes, is  
7 amended to read:

8           366.072 Rate adjustment orders.--Any order issued by  
9 the commission adjusting general increases or reductions of  
10 the rates of an electric or gas company shall be reduced to  
11 writing including any dissenting or concurring opinions within  
12 20 days of the official vote of the commission. Within said 20  
13 days, the commission shall also mail a copy of the order to  
14 the clerk of the circuit court of each county in which  
15 customers are served who are affected by the rate adjustment,  
16 which copy shall be kept on file and made available to the  
17 public. The commission shall notify all parties of record in  
18 the proceeding of the date of such mailing. Such an order  
19 shall not be considered rendered for purposes of appeal,  
20 rehearing, or judicial review until the date the copies are  
21 mailed as required by this section. This provision shall not  
22 delay the effective date of the order. ~~Such an order shall be~~  
23 ~~considered rendered on the date of the official vote for the~~  
24 ~~purposes of s. 366.06(3).~~

25  
26           Reviser's note.--Amended to conform to the  
27           repeal of s. 366.06(3) by s. 5, ch. 95-328,  
28           Laws of Florida.

29  
30           Section 154. Subsections (1) and (3) of section  
31 368.061, Florida Statutes, are amended to read:

1           368.061 Penalty.--

2           (1) Any person who violates any provision of this part  
3 ~~chapter~~, or any regulation issued hereunder, shall be subject  
4 to a civil penalty not to exceed \$25,000 for each violation  
5 for each day that such violation persists, except that the  
6 maximum civil penalty shall not exceed \$500,000 for any  
7 related series of violations.

8           (3) The commissioners may, at their discretion, cause  
9 to be instituted in any court of competent jurisdiction in  
10 this state proceedings for injunction against any person  
11 subject to the provisions of this part ~~chapter~~ to compel the  
12 observance of the provisions of this part ~~chapter~~ or any rule,  
13 regulation or requirement of the commission made thereunder.

14  
15           Reviser's note.--Amended to conform to the  
16 division of the chapter into parts incident to  
17 the compilation of ch. 92-284, Laws of Florida.

18  
19           Section 155. Paragraph (e) of subsection (4) of  
20 section 370.06, Florida Statutes, 1998 Supplement, is amended  
21 to read:

22           370.06 Licenses.--

23           (4) SPECIAL ACTIVITY LICENSES.--

24           (e) The department is authorized to issue special  
25 activity licenses in accordance with ss. 370.071, 370.101, and  
26 this section; aquaculture permit consolidation procedures in  
27 s. 370.26(2)~~370.26(3)(a)~~; and rules of the Marine Fisheries  
28 Commission to permit the capture and possession of saltwater  
29 species protected by law and used as stock for artificial  
30 cultivation and propagation.

31



1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 370.26(3)(a) as s.  
3 370.26(2) by s. 14, ch. 98-333, Laws of  
4 Florida.

5  
6 Section 156. Subsection (7) and paragraphs (a) and (h)  
7 of subsection (12) of section 370.0605, Florida Statutes, 1998  
8 Supplement, are amended to read:

9 370.0605 Saltwater fishing license required; fees.--

10 ~~(7)(a) Each county tax collector, as issuing agent for~~  
11 ~~the department, shall submit to the department by January 31,~~  
12 ~~1997, a report of the sale of, and payment for, all licenses~~  
13 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

14 ~~(b) By March 15, 1997, each county tax collector shall~~  
15 ~~provide the department with a written report, on forms~~  
16 ~~provided by the department, of the audit numbers of all~~  
17 ~~unissued licenses and permits for the period of June 1, 1996,~~  
18 ~~to December 31, 1996. Within 30 days after the submission of~~  
19 ~~the annual audit report, each county tax collector shall~~  
20 ~~provide the department with a written audit report of~~  
21 ~~unissued, sold, and voided licenses, permits, and stamps,~~  
22 ~~together with a certified reconciliation statement prepared by~~  
23 ~~a certified public accountant. Concurrent with the submission~~  
24 ~~of the certification, the county tax collector shall remit to~~  
25 ~~the department the monetary value of all licenses, permits,~~  
26 ~~and stamps that are unaccounted for. Each tax collector is~~  
27 ~~also responsible for fees for all licenses, permits, and~~  
28 ~~stamps distributed by him or her to subagents, sold by him or~~  
29 ~~her, or reported by him or her as lost.~~

30 (12)(a) Any person cited for a violation of the  
31 license requirements of subsection (1) or the permit stamp

1 requirements of s. 370.1111(1)(a) or s. 370.14(10)(a)  
2 ~~370.14(11)(a)~~ is guilty of a noncriminal infraction, shall be  
3 cited for such an infraction, and shall be cited to appear  
4 before the county court. The civil penalty for any such  
5 infraction is \$50, in addition to the cost of the amount of  
6 the annual license fee or stamp involved in the infraction,  
7 except as otherwise provided in this section. The civil  
8 penalty for any other noncriminal infraction shall be \$50,  
9 except as otherwise provided in this section.

10 (h) ~~Effective October 1, 1991,~~ Any person who fails to  
11 pay the civil penalty specified in paragraph (a) within 30  
12 days or who fails to appear before the court is guilty of a  
13 misdemeanor of the second degree, punishable as provided in s.  
14 775.082 or s. 775.083.

15  
16 Reviser's note.--Subsection (7) and paragraph  
17 (12)(h) are amended to delete provisions that  
18 have served their purpose. Paragraph (12)(a) is  
19 amended to conform to the substitution of  
20 permit requirements for stamp requirements in  
21 ss. 370.1111 and 370.14 by ss. 8 and 9, ch.  
22 96-300, Laws of Florida, respectively, and to  
23 conform to the redesignation of s.  
24 370.14(11)(a) as s. 370.14(10)(a) necessitated  
25 by the repeal of former s. 370.14(6) by s. 20,  
26 ch. 98-227, Laws of Florida.

27  
28 Section 157. Subsection (3) of section 370.063,  
29 Florida Statutes, is amended to read:

30 370.063 Special recreational crawfish license.--There  
31 is created a special recreational crawfish license, to be

1 issued to qualified persons as provided by this section for  
2 the recreational harvest of crawfish (spiny lobster) beginning  
3 August 5, 1994.

4 (3) The holder of a special recreational crawfish  
5 license must also possess the recreational crawfish permit  
6 ~~stamp~~ required by s. 370.14(10)~~370.14(11)~~ and the license  
7 required by s. 370.0605.

8  
9 Reviser's note.--Amended to conform to the  
10 substitution of recreational crawfish permits  
11 for recreational crawfish stamps by s. 9, ch.  
12 96-300, Laws of Florida, and the redesignation  
13 of s. 370.14(11) as s. 370.14(10) necessitated  
14 by the repeal of former s. 370.14(6) by s. 20,  
15 ch. 98-227, Laws of Florida.

16  
17 Section 158. Subsection (3) and paragraph (b) of  
18 subsection (4) of section 370.0821, Florida Statutes, 1998  
19 Supplement, are amended to read:

20 370.0821 St. Johns County; use of nets.--

21 (3) No person, firm, or corporation shall use, or  
22 cause to be used, any manner of seine net, other than a  
23 recreational net as hereafter defined, in the salt waters of  
24 St. Johns County, or within 1 mile seaward of the Atlantic  
25 Ocean beaches and coast thereof, without a permit issued by  
26 the Division of Marine Resources of the Department of  
27 Environmental Protection. Applications for such permits shall  
28 be made on forms to be supplied by the division, which shall  
29 require the applicant to furnish such information as may be  
30 deemed pertinent to the best interests of saltwater  
31 conservation. The fee for such permits shall be \$250 per year.

1 Each permit shall entitle the holder thereof to use no more  
2 than one seine net at any one time, subject to the provisions  
3 of subsections (1) and, (2), ~~and (3)~~. The division may refuse  
4 to grant any permit when it is apparent that the best  
5 interests of saltwater conservation will be served by such  
6 denial. All permits granted shall be in the holder's  
7 possession whenever the holder is engaged in using a seine  
8 net. Each permit is subject to immediate revocation upon  
9 conviction of a violation of any provision of this section or  
10 when it is apparent that the best interests of saltwater  
11 conservation will be served by such revocation.

12 (4)

13 (b)1. No recreational net may be set or hauled within  
14 100 feet of any other recreational or commercial net.

15 2. No recreational net shall be used after the hours  
16 of sunset and before sunrise between May 1 and September 15 of  
17 each year.

18 3. Unless the user of a recreational net is also a  
19 holder of a permit specified in subsection (3) ~~(4)~~, no user of  
20 a recreational net shall retain on the beach, in a vehicle on  
21 the beach, or in a boat, during the time that such net is in  
22 use, more than one bushel container of fish per net in use.  
23 All fish in excess of one bushel container per net and all  
24 unwanted species taken shall be returned alive to the waters  
25 when caught.

26

27 Reviser's note.--Subsection (3) is amended to  
28 conform to the repeal of former subsection (3)  
29 by s. 12, ch. 98-227, Laws of Florida.

30 Paragraph (4)(b) is amended to conform to the  
31 redesignation of subsection (4) as subsection

1           (3) necessitated by the repeal of former  
2           subsection (3) by s. 12, ch. 98-227.

3  
4           Section 159. Paragraph (b) of subsection (4) of  
5 section 370.12, Florida Statutes, 1998 Supplement, is amended  
6 to read:

7           370.12 Marine animals; regulation.--

8           (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

9           (b) Each fiscal year moneys in the Save the Manatee  
10 Trust Fund shall also be used, pursuant to s. 327.28(1)(b), to  
11 reimburse the cost of activities related to manatee  
12 rehabilitation by facilities that rescue, rehabilitate, and  
13 release manatees as authorized pursuant to the Fish and  
14 Wildlife Service of the United States Department of the  
15 Interior. Such facilities must be involved in the actual  
16 rescue and full-time acute care veterinarian-based  
17 rehabilitation of manatees. The cost of activities includes,  
18 but is not limited to, costs associated with expansion,  
19 capital outlay, repair, maintenance, and operations related to  
20 the rescue, treatment, stabilization, maintenance, release,  
21 and monitoring of manatees. Moneys distributed through  
22 contractual agreement to each facility for manatee  
23 rehabilitation shall be proportionate to the number of  
24 manatees under acute care rehabilitation and those released  
25 during the previous fiscal year. However, the reimbursement  
26 may not exceed the total amount available pursuant to ss.  
27 327.25(11)~~327.25(7)~~ and 327.28(1)(b) for the purposes  
28 provided in this paragraph. Prior to receiving reimbursement  
29 for the expenses of rescue, rehabilitation, and release, a  
30 facility that qualifies under state and federal regulations  
31 shall submit a plan to the Department of Environmental

1 Protection for assisting the department and the Department of  
2 Highway Safety and Motor Vehicles in marketing the manatee  
3 specialty license plates. At a minimum, the plan shall include  
4 provisions for graphics, dissemination of brochures, recorded  
5 oral and visual presentation, and maintenance of a marketing  
6 exhibit. The plan shall be updated annually and the Department  
7 of Environmental Protection shall inspect each marketing  
8 exhibit at least once each year to ensure the quality of the  
9 exhibit and promotional material. Each facility that receives  
10 funds for manatee rehabilitation shall annually provide the  
11 department a written report, within 30 days after the close of  
12 the state fiscal year, documenting the efforts and  
13 effectiveness of the facility's promotional activities.

14

15 Reviser's note.--Amended to conform to the  
16 redesignation of s. 327.25(7) as s. 327.25(11)  
17 by s. 54, ch. 95-333, Laws of Florida.

18

19 Section 160. Paragraph (a) of subsection (2) and  
20 subsection (9) of section 370.14, Florida Statutes, 1998  
21 Supplement, are amended to read:

22 370.14 Crawfish; regulation.--

23 (2)(a) Each trap used for taking or attempting to take  
24 crawfish must have a trap number permanently attached to the  
25 trap and the buoy. This trap number may be issued by the  
26 Division of Law Enforcement upon the receipt of application by  
27 the owner of the traps and accompanied by the payment of a fee  
28 of \$100. The design of the applications and of the trap number  
29 shall be determined by the division. ~~However, effective July~~  
30 ~~1, 1988, and until July 1, 1992, no crawfish trap numbers~~  
31 ~~issued pursuant to this section except those numbers that were~~

1 ~~active during the 1990-1991 fiscal year shall be renewed or~~  
2 ~~reissued. No new trap numbers shall be issued during this~~  
3 ~~period. Until July 1, 1992, trap number holders or members of~~  
4 ~~their immediate family or a person to whom the trap number was~~  
5 ~~transferred in writing must request renewal of the number~~  
6 ~~prior to June 30 of each year. If a person holding an active~~  
7 ~~trap number or a member of the person's immediate family or a~~  
8 ~~person to whom the trap number was transferred in writing does~~  
9 ~~not request renewal of the number before the applicable date~~  
10 ~~as specified above, the department may reissue the number to~~  
11 ~~another applicant in the order of the receipt of the~~  
12 ~~application for a trap number.~~ Any trap or device used in  
13 taking or attempting to take crawfish, other than a trap with  
14 the trap number attached as prescribed in this paragraph,  
15 shall be seized and destroyed by the division. The proceeds of  
16 the fees imposed by this paragraph shall be deposited and used  
17 as provided in paragraph (b). The Department of Environmental  
18 Protection is authorized to promulgate rules and regulations  
19 to carry out the intent of this section.

20 (9) No common carrier or employee of said carrier may  
21 carry, knowingly receive for carriage, or permit the carriage  
22 of any crawfish of the species *Panulirus argus*, regardless of  
23 where taken, during the closed season, except of the species  
24 *Panulirus argus* lawfully imported from a foreign country for  
25 reshipment outside of the territorial limits of the state  
26 under United States Customs bond or in accordance with  
27 paragraph (7)(a) ~~(8)(a)~~.

28  
29 Reviser's note.--Paragraph (2)(a) is amended to  
30 delete provisions that have served their  
31 purpose. Subsection (9) is amended to conform

1 to the redesignation of paragraph (8)(a) as  
2 paragraph (7)(a) necessitated by the repeal of  
3 former subsection (6) by s. 20, ch. 98-227,  
4 Laws of Florida.

5  
6 Section 161. Paragraphs (b) and (c) of subsection (2)  
7 of section 370.142, Florida Statutes, 1998 Supplement, are  
8 amended to read:

9 370.142 Spiny lobster trap certificate program.--

10 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
11 PENALTIES.--The Department of Environmental Protection shall  
12 establish a trap certificate program for the spiny lobster  
13 fishery of this state and shall be responsible for its  
14 administration and enforcement as follows:

15 (b) Trap tags.--Each trap used to take or attempt to  
16 take spiny lobsters in state waters or adjacent federal waters  
17 shall, in addition to the crawfish trap number required by s.  
18 370.14(2), have affixed thereto an annual trap tag issued by  
19 the department. Each such tag shall be made of durable plastic  
20 or similar material and shall, ~~beginning with those tags~~  
21 ~~issued for the 1993-1994 season~~ based on the number of  
22 certificates held, have stamped thereon the owner's license  
23 number. To facilitate enforcement and recordkeeping, such tags  
24 shall be issued each year in a color different from that of  
25 each of the previous 3 years. ~~A fee of 50 cents per tag issued~~  
26 ~~other than on the basis of a certificate held shall be~~  
27 ~~assessed through March 31, 1993. Until 1995, an annual fee of~~  
28 ~~50 cents per certificate shall be assessed, and thereafter,~~  
29 ~~until 1998, an annual fee of 75 cents per certificate shall be~~  
30 ~~assessed upon issuance in order to recover administrative~~  
31 ~~costs of the tags and the certificate program. Beginning in~~



1 ~~1998~~The annual certificate fee shall be \$1 per certificate.  
2 Replacement tags for lost or damaged tags may be obtained as  
3 provided by rule of the department.  
4 (c) Prohibitions; penalties.--  
5 1. It is unlawful for a person to possess or use a  
6 spiny lobster trap in or on state waters or adjacent federal  
7 waters without having affixed thereto the trap tag required by  
8 this section. It is unlawful for a person to possess or use  
9 any other gear or device designed to attract and enclose or  
10 otherwise aid in the taking of spiny lobster by trapping that  
11 is not a trap as defined in rule 46-24.006(2), Florida  
12 Administrative Code.  
13 2. It is unlawful for a person to possess or use spiny  
14 lobster trap tags without having the necessary number of  
15 certificates on record as required by this section.  
16 3. In addition to any other penalties provided in s.  
17 370.021, a commercial harvester, as defined by rule  
18 46-24.002(1), Florida Administrative Code, who violates the  
19 provisions of this section, or the provisions relating to  
20 traps of chapter 46-24, Florida Administrative Code, shall be  
21 punished as follows:  
22 a. If the first violation is for violation of  
23 subparagraph 1. or subparagraph 2., the department shall  
24 assess an additional civil penalty of up to \$1,000 and the  
25 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
26 ~~(7)~~ may be suspended for the remainder of the current license  
27 year. For all other first violations, the department shall  
28 assess an additional civil penalty of up to \$500.  
29 b. For a second violation of subparagraph 1. or  
30 subparagraph 2. which occurs within 24 months of any previous  
31 such violation, the department shall assess an additional

1 civil penalty of up to \$2,000 and the crawfish trap number  
2 issued pursuant to s. 370.14(2) or (6)~~(7)~~ may be suspended  
3 for the remainder of the current license year.

4 c. For a third or subsequent violation of subparagraph  
5 1. or subparagraph 2. which occurs within 36 months of any  
6 previous two such violations, the department shall assess an  
7 additional civil penalty of up to \$5,000 and may suspend the  
8 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
9 ~~(7)~~ for a period of up to 24 months or may revoke the crawfish  
10 trap number and, if revoking the crawfish trap number, may  
11 also proceed against the licenseholder's saltwater products  
12 license in accordance with the provisions of s. 370.021(3)(i)  
13 ~~370.021(2)(e)~~.

14 d. Any person assessed an additional civil penalty  
15 pursuant to this section shall within 30 calendar days after  
16 notification:

17 (I) Pay the civil penalty to the department; or  
18 (II) Request an administrative hearing pursuant to the  
19 provisions of s. 120.60.

20 e. The department shall suspend the crawfish trap  
21 number issued pursuant to s. 370.14(2) or (6)~~(7)~~ for any  
22 person failing to comply with the provisions of  
23 sub-subparagraph d.

24 4.a. It is unlawful for any person to make, alter,  
25 forge, counterfeit, or reproduce a spiny lobster trap tag or  
26 certificate.

27 b. It is unlawful for any person to knowingly have in  
28 his or her possession a forged, counterfeit, or imitation  
29 spiny lobster trap tag or certificate.

30 c. It is unlawful for any person to barter, trade,  
31 sell, supply, agree to supply, aid in supplying, or give away

1 a spiny lobster trap tag or certificate or to conspire to  
2 barter, trade, sell, supply, aid in supplying, or give away a  
3 spiny lobster trap tag or certificate unless such action is  
4 duly authorized by the department as provided in this chapter  
5 or in the rules of the department.

6           5.a. Any person who violates the provisions of  
7 subparagraph 4., or any person who engages in the commercial  
8 harvest, trapping, or possession of spiny lobster without a  
9 crawfish trap number as required by s. 370.14(2) or (6)~~(7)~~ or  
10 during any period while such crawfish trap number is under  
11 suspension or revocation, commits a felony of the third  
12 degree, punishable as provided in s. 775.082, s. 775.083, or  
13 s. 775.084.

14           b. In addition to any penalty imposed pursuant to  
15 sub-subparagraph a., the department shall levy a fine of up to  
16 twice the amount of the appropriate surcharge to be paid on  
17 the fair market value of the transferred certificates, as  
18 provided in subparagraph (a)1., on any person who violates the  
19 provisions of sub-subparagraph 4.c.

20           6. Any certificates for which the annual certificate  
21 fee is not paid for a period of 3 years shall be considered  
22 abandoned and shall revert to the department. During any  
23 period of trap reduction, any certificates reverting to the  
24 department shall become permanently unavailable and be  
25 considered in that amount to be reduced during the next  
26 license-year period. Otherwise, any certificates that revert  
27 to the department are to be reallocated in such manner as  
28 provided by the department.

29           7. The proceeds of all civil penalties collected  
30 pursuant to subparagraph 3. and all fines collected pursuant  
31

1 to sub-subparagraph 5.b. shall be deposited into the Marine  
2 Resources Conservation Trust Fund.

3 8. All traps shall be removed from the water during  
4 any period of suspension or revocation.

5  
6 Reviser's note.--Paragraph (2)(b) is amended to  
7 delete provisions that have served their  
8 purpose. Paragraph (2)(c) is amended to  
9 conform to the redesignation of s. 370.14(7) as  
10 s. 370.14(6) necessitated by the repeal of  
11 former s. 370.14(6) by s. 20, ch. 98-227, Laws  
12 of Florida, and the redesignation of s.  
13 370.021(2)(e) as s. 370.021(3)(i) by s. 2, ch.  
14 98-227.

15  
16 Section 162. Paragraph (d) of subsection (2) of  
17 section 370.1535, Florida Statutes, is amended to read:

18 370.1535 Regulation of shrimp fishing in Tampa Bay;  
19 licensing requirements.--

20 (2) The Department of Environmental Protection is  
21 authorized to issue a dead shrimp production permit to persons  
22 qualified pursuant to the following criteria:

23 (d) No person shall be issued a permit or be allowed  
24 to renew a permit if such person is registered for  
25 noncommercial trawling pursuant to s. 370.15(4)~~370.15(6)~~ or  
26 if such person holds a live bait shrimping license issued  
27 pursuant to s. 370.15(6)~~370.15(8)~~.

28  
29 Reviser's note.--Amended to conform to the  
30 redesignation of subunits of s. 370.15  
31 necessitated by the repeal of former s.

1           370.15(2) and (3) by s. 21, ch. 98-227, Laws of  
2           Florida.

3  
4           Section 163. Section 370.154, Florida Statutes, is  
5 amended to read:

6           370.154 Shrimp regulations; closed areas; suspension  
7 of license, etc.--Any person convicted of taking shrimp in a  
8 closed area who is punishable under s. 370.15(5) or (6)  
9 ~~370.15(7) or (8)~~ shall, in addition to the penalties set forth  
10 therein, have his or her permit and the permit of the boat  
11 involved in the violation, issued pursuant to s. 370.15(4)  
12 ~~370.15(6)~~, revoked, if the person holds such a permit, and he  
13 or she shall be ineligible to make application for such a  
14 permit for a period of 2 years from the date of such  
15 conviction. If a person not having a permit is convicted  
16 hereunder, that person and the boat involved in the violation  
17 shall not be eligible for such a permit for 5 years.

18  
19           Reviser's note.--Amended to conform to the  
20 redesignation of subunits of s. 370.15  
21 necessitated by the repeal of former s.  
22 370.15(2) and (3) by s. 21, ch. 98-227, Laws of  
23 Florida.

24  
25           Section 164. Subsection (3) of section 372.023,  
26 Florida Statutes, is amended to read:

27           372.023 J. W. Corbett and Cecil M. Webb Wildlife  
28 Management Areas.--

29           (3) Moneys received from the sale of lands within  
30 either wildlife management area, less reasonable expenses  
31 incident to the sale, shall be used by the Game and Fresh

1 Water Fish Commission to acquire acreage contiguous to the  
2 wildlife management area or lands of equal wildlife value.  
3 The sale shall be made directly to the state, notwithstanding  
4 the procedures of s.ss.270.08 and ~~270.09~~ to the contrary.

5  
6 Reviser's note.--Amended to conform to the  
7 repeal of s. 270.09 by s. 513, ch. 94-356, Laws  
8 of Florida.

9  
10 Section 165. Subsection (7) of section 372.561,  
11 Florida Statutes, 1998 Supplement, is amended to read:

12 372.561 Issuance of licenses to take wild animal life  
13 or freshwater aquatic life; costs; reporting.--

14 ~~(7)(a) Each county tax collector, as issuing agent for~~  
15 ~~the commission, shall submit to the commission by January 31,~~  
16 ~~1997, a report of the sale of, and payment for, all licenses~~  
17 ~~and permits sold between June 1, 1996, and December 31, 1996.~~

18 ~~(b) By March 15, 1997, each county tax collector shall~~  
19 ~~provide the commission with a written report, on forms~~  
20 ~~provided by the commission, of the audit numbers of all~~  
21 ~~unissued licenses and permits for the period of June 1, 1996,~~  
22 ~~to December 31, 1996. Within 30 days after the submission of~~  
23 ~~the annual audit report, each county tax collector shall~~  
24 ~~provide the commission with a written audit report on~~  
25 ~~unissued, sold, and voided licenses, permits, and stamps with~~  
26 ~~a certified reconciliation statement prepared by a certified~~  
27 ~~public accountant. Concurrent with the submission of the~~  
28 ~~certification, the county tax collector shall remit to the~~  
29 ~~commission the monetary value of all licenses, permits, and~~  
30 ~~stamps that are unaccounted for. Each tax collector is also~~  
31 ~~responsible for fees for all licenses, permits, and stamps~~

1 distributed by him or her to subagents, sold by him or her, or  
2 reported by him or her as lost.

3

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

6

7 Section 166. Subsection (13) of section 372.57,  
8 Florida Statutes, 1998 Supplement, is amended to read:

9 372.57 Licenses and permits; exemptions; fees.--No  
10 person, except as provided herein, shall take game, freshwater  
11 fish, or fur-bearing animals within this state without having  
12 first obtained a license, permit, or authorization and paid  
13 the fees hereinafter set forth, unless such license is issued  
14 without fee as provided in s. 372.561. Such license, permit,  
15 or authorization shall authorize the person to whom it is  
16 issued to take game, freshwater fish, or fur-bearing animals  
17 in accordance with law and commission rules. Such license,  
18 permit, or authorization is not transferable. Each license or  
19 permit must bear on its face in indelible ink the name of the  
20 person to whom it is issued and other information requested by  
21 the commission. Such license, permit, or authorization issued  
22 by the commission or any agent must be in the personal  
23 possession of the person to whom issued while taking game,  
24 freshwater fish, or fur-bearing animals. The failure of such  
25 person to exhibit such license, permit, or authorization to  
26 the commission or its wildlife officers, when such person is  
27 found taking game, freshwater fish, or fur-bearing animals, is  
28 a violation of law. A positive form of identification is  
29 required when using an authorization, a lifetime license, a  
30 5-year license, or when otherwise required by the license or  
31 permit. The lifetime licenses and 5-year licenses provided

1 herein shall be embossed with the name, date of birth, the  
2 date of issuance, and other pertinent information as deemed  
3 necessary by the commission. A certified copy of the  
4 applicant's birth certificate shall accompany all applications  
5 for a lifetime license for residents 12 years of age and  
6 younger. Each applicant for a license, permit, or  
7 authorization shall provide the applicant's social security  
8 number on the application form. Disclosure of social security  
9 numbers obtained through this requirement shall be limited to  
10 the purpose of administration of the Title IV-D child support  
11 enforcement program and use by the commission, and as  
12 otherwise provided by law.

13 (13) Fees collected pursuant to s. 370.0605(2) for  
14 5-year saltwater fishing licenses, fees collected pursuant to  
15 s. 370.0605(6)(e)~~370.0605(5)(e)~~ for replacement 5-year and  
16 lifetime licenses, fees collected pursuant to s. 370.0615 for  
17 lifetime saltwater fishing licenses and 30 percent of the fee  
18 for the lifetime sportsman's license shall be transferred  
19 within 30 days following the last day of the month in which  
20 the license fees were received by the commission to the Marine  
21 Resources Conservation Trust Fund.

22  
23 Reviser's note.--Amended to facilitate correct  
24 interpretation; s. 370.0605(5)(e) does not  
25 exist. Section 370.0605(6)(e) pertains to  
26 replacement licenses.

27  
28 Section 167. Section 372.573, Florida Statutes, is  
29 amended to read:

30 372.573 Management area permit revenues.--The  
31 commission shall expend the revenue generated from the sale of



1 the management area permit as provided for in s. 372.57(4)(b)  
2 ~~372.57(5)(b)~~ or that pro rata portion of any license that  
3 includes management area privileges as provided for in s.  
4 372.57(2)(i) ~~372.57(2)(k)~~ and (14)(b) ~~(16)(b)~~ for the lease,  
5 management, and protection of lands for public hunting,  
6 fishing, and other outdoor recreation.

7  
8 Reviser's note.--Amended to conform to the  
9 redesignation of subunits of s. 372.57 by s.  
10 13, ch. 96-300, Laws of Florida.

11  
12 Section 168. Subsection (2) of section 372.661,  
13 Florida Statutes, is amended to read:

14 372.661 Private hunting preserve, license;  
15 exception.--

16 (2) A commercial hunting preserve license, which shall  
17 exempt patrons of licensed preserves from the licensure  
18 requirements of s. 372.57(2)(e), (f), (g), ~~(h)~~, and (i) ~~(k)~~,  
19 ~~(4)(a)~~ ~~(5)(a)~~, (c), (d), and (e), ~~(7)(9)~~, ~~(9)(11)~~, and  
20 (14)(b) ~~(16)(b)~~ while hunting on the licensed preserve  
21 property, shall be \$500. Such commercial hunting preserve  
22 license shall be available only to those private hunting  
23 preserves licensed pursuant to this section which are operated  
24 exclusively for commercial purposes, which are open to the  
25 public, and for which a uniform fee is charged to patrons for  
26 hunting privileges.

27  
28 Reviser's note.--Amended to conform to the  
29 repeal of s. 372.57(2)(h) and the redesignation  
30 of other subunits of s. 372.57 by s. 13, ch.  
31 96-300, Laws of Florida.

1           Section 169. Paragraph (d) of subsection (1) of  
2 section 373.036, Florida Statutes, 1998 Supplement, is amended  
3 to read:

4           373.036 Florida water plan; district water management  
5 plans.--

6           (1) FLORIDA WATER PLAN.--In cooperation with the water  
7 management districts, regional water supply authorities, and  
8 others, the department shall develop the Florida water plan.  
9 The Florida water plan shall include, but not be limited to:

10           (d) Goals, objectives, and guidance for the  
11 development and review of programs, rules, and plans relating  
12 to water resources, based on statutory policies and  
13 directives. The state water policy rule, renamed the water  
14 resource implementation rule pursuant to s. 373.019(20)  
15 ~~373.019(21)~~, shall serve as this part of the plan. Amendments  
16 or additions to this part of the Florida water plan shall be  
17 adopted by the department as part of the water resource  
18 implementation rule. In accordance with s. 373.114, the  
19 department shall review rules of the water management  
20 districts for consistency with this rule. Amendments to the  
21 water resource implementation rule must be adopted by the  
22 secretary of the department and be submitted to the President  
23 of the Senate and the Speaker of the House of Representatives  
24 within 7 days after publication in the Florida Administrative  
25 Weekly. Amendments shall not become effective until the  
26 conclusion of the next regular session of the Legislature  
27 following their adoption.

28  
29           Reviser's note.--Amended to facilitate correct  
30 interpretation; the water resource  
31

1 implementation rule can be found at s.  
2 373.019(20).

3  
4 Section 170. Subsection (1) of section 373.0691,  
5 Florida Statutes, is amended to read:

6 373.0691 Transfer of areas.--

7 (1) At the time of change of boundaries of the  
8 respective districts under s. 373.069(3), 1976 Supplement to  
9 Florida Statutes 1975, all contractual obligations with  
10 respect to an area being transferred to another district shall  
11 be assumed by the district receiving such area; all real  
12 property interests owned by a district within an area to be  
13 transferred shall be conveyed to the district receiving such  
14 area; and all equipment, vehicles, other personal property,  
15 and records owned, located, and used by a district solely  
16 within an area being transferred shall be delivered to the  
17 district receiving such area. However, if an area is  
18 transferred from a district with a contractual obligation to  
19 the United States of America for the operation and maintenance  
20 of works within such area, then the deliveries and conveyances  
21 required in this section shall be deferred until the United  
22 States has approved the assumption of the contractual  
23 obligations by the receiving district.

24  
25 Reviser's note.--Amended to clarify the  
26 reference to s. 373.069(3), which appeared at  
27 the location and referenced the time of change  
28 of boundaries of the districts in the 1976  
29 Supplement.

30  
31

1           Section 171. Subsections (2) and (3) of section  
2 373.197, Florida Statutes, are reenacted to read:  
3           373.197 Kissimmee River Valley and Taylor  
4 Creek-Nubbins Slough Basin restoration project; measures  
5 authorized.--

6           (2) The Legislature recommends that the authorization  
7 provide that the Board of Engineers for Rivers and Harbors,  
8 created under s. 3 of the Rivers and Harbors Act, approved  
9 June 13, 1902, be directed to review the report of the Chief  
10 of Engineers on Central and Southern Florida, published as  
11 House Document Numbered 643, Eightieth Congress, and other  
12 pertinent reports, with a view to determining whether any  
13 modification of the recommendations contained therein and of  
14 the system of works constructed pursuant thereto is advisable  
15 with respect to questions of the quality of water entering the  
16 Kissimmee River and Taylor Creek-Nubbins Slough and Lake  
17 Okeechobee therefrom, flood control, recreation, navigation,  
18 loss of fish and wildlife resources, other current and  
19 foreseeable environmental problems, and loss of environmental  
20 amenities in those areas. Potential modification  
21 alternatives, if any, shall include, but not be limited to,  
22 consideration of restoration of all or parts of the Kissimmee  
23 River below Lake Kissimmee and of the Taylor Creek-Nubbins  
24 Slough Basin.

25           (3) The department and the Water Management District  
26 shall also seek to assure that this restudy be conducted by  
27 the Corps of Engineers in close cooperation with the  
28 Coordinating Council on the Restoration of the Kissimmee River  
29 Valley and the Taylor Creek-Nubbins Slough Basin and that the  
30 study be responsive to the problems and needs identified by  
31 the Coordinating Council and consider development of detailed

1 physical and mathematical models to assess and predict these  
2 identified problems.

3

4 Reviser's note.--Section 260, ch. 94-356, Laws  
5 of Florida, purported to amend s. 373.197, but  
6 failed to republish subsections (2) and (3).

7 In the absence of affirmative evidence that the  
8 Legislature intended to repeal the omitted  
9 material, coupled with the fact that the form  
10 of the amendment affirmatively evidenced an  
11 intent to retain the existing subsection  
12 structure, subsections (2) and (3) are  
13 reenacted to confirm that the omission was not  
14 intended.

15

16 Section 172. Section 373.213, Florida Statutes, is  
17 amended to read:

18 373.213 Certain artesian wells exempt.--Nothing in ss.  
19 373.203, 373.206, 373.209, or s. 373.213 ~~ss. 370.051-370.054~~  
20 shall be construed to apply to an artesian well feeding a lake  
21 already in existence prior to June 15, 1953, which lake is  
22 used or intended to be used for public bathing and/or the  
23 propagation of fish, where the continuous flow of water is  
24 necessary to maintain its purity for bathing and the water  
25 level of said lake for fish.

26

27 Reviser's note.--Amended to conform to the  
28 redesignation of the referenced sections  
29 incident to the compilation of the Florida  
30 Statutes 1957 and the further redesignation of  
31 sections pursuant to the directive of the

1           Legislature in s. 25, ch. 73-190, Laws of  
2           Florida. Section 370.054, as redesignated s.  
3           373.051, was repealed by s. 1, part VI, ch.  
4           72-299, Laws of Florida.

5  
6           Section 173. Subsection (1) of section 373.246,  
7 Florida Statutes, is amended to read:

8           373.246 Declaration of water shortage or emergency.--

9           (1) The governing board or the department by  
10 regulation shall formulate a plan for implementation during  
11 periods of water shortage. ~~Copies of the water shortage plan~~  
12 ~~shall be submitted to the Speaker of the House of~~  
13 ~~Representatives and the President of the Senate no later than~~  
14 ~~October 31, 1983.~~ As a part of this plan the governing board  
15 or the department shall adopt a reasonable system of water-use  
16 classification according to source of water supply; method of  
17 extraction, withdrawal, or diversion; or use of water or a  
18 combination thereof. The plan may include provisions for  
19 variances and alternative measures to prevent undue hardship  
20 and ensure equitable distribution of water resources.

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

24  
25           Section 174. Paragraph (b) of subsection (8) and  
26 subsection (9) of section 373.414, Florida Statutes, are  
27 amended to read:

28           373.414 Additional criteria for activities in surface  
29 waters and wetlands.--

30           (8) The governing board or the department, in deciding  
31 whether to grant or deny a permit for an activity regulated

1 under this part shall consider the cumulative impacts upon  
2 surface water and wetlands, as delineated in s. 373.421(1),  
3 within the same drainage basin as defined in s. 373.403(9),  
4 of:

5 (b) Projects which are existing or activities  
6 regulated under this part which are under construction or  
7 projects for which permits or determinations pursuant to s.  
8 373.421 or ~~s. 403.914~~ have been sought.

9 (9) The department and the governing boards, on or  
10 before July 1, 1994, shall adopt rules to incorporate the  
11 provisions of this section, relying primarily on the existing  
12 rules of the department and the water management districts,  
13 into the rules governing the management and storage of surface  
14 waters. Such rules shall seek to achieve a statewide,  
15 coordinated and consistent permitting approach to activities  
16 regulated under this part. Variations in permitting criteria  
17 in the rules of individual water management districts or the  
18 department shall only be provided to address differing  
19 physical or natural characteristics. Such rules adopted  
20 pursuant to this subsection shall include the special criteria  
21 adopted pursuant to s. 403.061(29) and may include the special  
22 criteria adopted pursuant to s. 403.061(34)~~403.061(35)~~. Such  
23 rules shall include a provision requiring that a notice of  
24 intent to deny or a permit denial based upon this section  
25 shall contain an explanation of the reasons for such denial  
26 and an explanation, in general terms, of what changes, if any,  
27 are necessary to address such reasons for denial. Such rules  
28 may establish exemptions and general permits, if such  
29 exemptions and general permits do not allow significant  
30 adverse impacts to occur individually or cumulatively. Such  
31 rules may require submission of proof of financial

1 responsibility which may include the posting of a bond or  
2 other form of surety prior to the commencement of construction  
3 to provide reasonable assurance that any activity permitted  
4 pursuant to this section, including any mitigation for such  
5 permitted activity, will be completed in accordance with the  
6 terms and conditions of the permit once the construction is  
7 commenced. Until rules adopted pursuant to this subsection  
8 become effective, existing rules adopted under this part and  
9 rules adopted pursuant to the authority of ss. 403.91-403.929  
10 shall be deemed authorized under this part and shall remain in  
11 full force and effect. Neither the department nor the  
12 governing boards are limited or prohibited from amending any  
13 such rules.

14  
15 Reviser's note.--Paragraph (8)(b) is amended to  
16 conform to the repeal of s. 403.914 by s. 45,  
17 ch. 93-213, Laws of Florida. Subsection (9) is  
18 amended to conform to the redesignation of s.  
19 403.061(35) as s. 403.061(34) necessitated by  
20 the repeal of s. 403.061(33) by s. 26, ch.  
21 97-160, Laws of Florida.

22  
23 Section 175. Subsection (3) of section 373.4149,  
24 Florida Statutes, is amended to read:

25 373.4149 Dade County Lake Belt Plan.--

26 (3) The Dade County Lake Belt Area is that area  
27 bounded by the Ronald Reagan Florida Turnpike to the east, the  
28 Dade-Broward County line to the north, Krome Avenue to the  
29 west and Tamiami Trail to the south together with the land  
30 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,  
31 Township 54 South, Range 39 East, and in sections 11, 12, 13,



1 14, 23, 24, 25, 26, 35, and 36, Township 54 South, Range 38  
2 East.

3

4 Reviser's note.--Amended to conform to the  
5 designation of the Florida Turnpike as the  
6 Ronald Reagan Turnpike by s. 8, ch. 98-423,  
7 Laws of Florida.

8

9 Section 176. Subsection (1) of section 373.421,  
10 Florida Statutes, 1998 Supplement, is amended to read:

11 373.421 Delineation methods; formal determinations.--

12 (1) ~~By January 1, 1994,~~The Environmental Regulation  
13 Commission shall adopt a unified statewide methodology for the  
14 delineation of the extent of wetlands as defined in s.

15 373.019(22)~~373.019(23)~~. This methodology shall consider  
16 regional differences in the types of soils and vegetation that  
17 may serve as indicators of the extent of wetlands. This  
18 methodology shall also include provisions for determining the  
19 extent of surface waters other than wetlands for the purposes  
20 of regulation under s. 373.414. This methodology shall not  
21 become effective until ratified by the Legislature. Subsequent  
22 to legislative ratification, the wetland definition in s.

23 373.019(22)~~373.019(23)~~and the adopted wetland methodology  
24 shall be binding on the department, the water management  
25 districts, local governments, and any other governmental  
26 entities. Upon ratification of such wetland methodology, the  
27 Legislature preempts the authority of any water management  
28 district, state or regional agency, or local government to  
29 define wetlands or develop a delineation methodology to  
30 implement the definition and determines that the exclusive  
31 definition and delineation methodology for wetlands shall be

1 that established pursuant to s. 373.019(22)~~373.019(23)~~and  
2 this section. Upon such legislative ratification, any existing  
3 wetlands definition or wetland delineation methodology shall  
4 be superseded by the wetland definition and delineation  
5 methodology established pursuant to this chapter. Subsequent  
6 to legislative ratification, a delineation of the extent of a  
7 surface water or wetland by the department or a water  
8 management district, pursuant to a formal determination under  
9 subsection (2), or pursuant to a permit issued under this part  
10 in which the delineation was field-verified by the permitting  
11 agency and specifically approved in the permit, shall be  
12 binding on all other governmental entities for the duration of  
13 the formal determination or permit. All existing rules and  
14 methodologies of the department, the water management  
15 districts, and local governments, regarding surface water or  
16 wetland definition and delineation shall remain in full force  
17 and effect until the common methodology rule becomes  
18 effective. However, this shall not be construed to limit any  
19 power of the department, the water management districts, and  
20 local governments to amend or adopt a surface water or wetland  
21 definition or delineation methodology until the common  
22 methodology rule becomes effective.

23

24 Reviser's note.--Amended to delete a provision  
25 that has served its purpose and to conform to  
26 the correct location of the definition of  
27 "wetlands" in s. 373.019.

28

29 Section 177. Paragraph (a) of subsection (4) and  
30 paragraph (e) of subsection (6) of section 373.4592, Florida  
31 Statutes, are amended to read:

1           373.4592 Everglades improvement and management.--  
2           (4) EVERGLADES PROGRAM.--  
3           (a) Everglades Construction Project.--The district  
4 shall implement the Everglades Construction Project. By the  
5 time of completion of the project, the state, district, or  
6 other governmental authority shall purchase the inholdings in  
7 the Rotenberger and such other lands necessary to achieve a  
8 2:1 mitigation ratio for the use of Brown's Farm and other  
9 similar lands, including those needed for the STA 1 Inflow and  
10 Distribution Works. The inclusion of public lands as part of  
11 the project is for the purpose of treating waters not coming  
12 from the EAA for hydroperiod restoration. It is the intent of  
13 the Legislature that the district aggressively pursue the  
14 implementation of the Everglades Construction Project in  
15 accordance with the schedule in this subsection. The  
16 Legislature recognizes that adherence to the schedule is  
17 dependent upon factors beyond the control of the district,  
18 including the timely receipt of funds from all contributors.  
19 The district shall take all reasonable measures to complete  
20 timely performance of the schedule in this section in order to  
21 finish the Everglades Construction Project. The district shall  
22 not delay implementation of the project beyond the time delay  
23 caused by those circumstances and conditions that prevent  
24 timely performance. The district shall not levy ad valorem  
25 taxes in excess of 0.1 mill within the Okeechobee Basin for  
26 the purposes of the design, construction, and acquisition of  
27 the Everglades Construction Project. The ad valorem tax  
28 proceeds not exceeding 0.1 mill levied within the Okeechobee  
29 Basin for such purposes shall be the sole direct district  
30 contribution from district ad valorem taxes appropriated or  
31 expended for the design, construction, and acquisition of the

1 Everglades Construction Project unless the Legislature by  
2 specific amendment to this section increases the 0.1 mill ad  
3 valorem tax contribution, increases the agricultural privilege  
4 taxes, or otherwise reallocates the relative contribution by  
5 ad valorem taxpayers and taxpayers paying the agricultural  
6 privilege taxes toward the funding of the design,  
7 construction, and acquisition of the Everglades Construction  
8 Project. Notwithstanding the provisions of s. 200.069 to the  
9 contrary, any millage levied under the 0.1 mill limitation in  
10 this paragraph shall be included as a separate entry on the  
11 Notice of Proposed Property Taxes pursuant to s. 200.069. Once  
12 the STAs are completed, the district shall allow these areas  
13 to be used by the public for recreational purposes in the  
14 manner set forth in s. 373.59(11)~~373.59(10)~~, considering the  
15 suitability of these lands for such uses. These lands shall be  
16 made available for recreational use unless the district  
17 governing board can demonstrate that such uses are  
18 incompatible with the restoration goals of the Everglades  
19 Construction Project or the water quality and hydrological  
20 purposes of the STAs or would otherwise adversely impact the  
21 implementation of the project. The district shall give  
22 preferential consideration to the hiring of agricultural  
23 workers displaced as a result of the Everglades Construction  
24 Project, consistent with their qualifications and abilities,  
25 for the construction and operation of these STAs. The  
26 following milestones apply to the completion of the Everglades  
27 Construction Project as depicted in the February 15, 1994,  
28 conceptual design document:

- 29 1. The district must complete the final design of the  
30 STA 1 East and West and pursue STA 1 East project components  
31 as part of a cost-shared program with the Federal Government.

1 The district must be the local sponsor of the federal project  
2 that will include STA 1 East, and STA 1 West if so authorized  
3 by federal law. Land acquisition shall be completed for STA 1  
4 West by April 1, 1996, and for STA 1 East by July 1, 1998;

5         2. Construction of STA 1 East is to be completed under  
6 the direction of the United States Army Corps of Engineers in  
7 conjunction with the currently authorized C-51 flood control  
8 project by July 1, 2002;

9         3. The district must complete construction of STA 1  
10 West and STA 1 Inflow and Distribution Works under the  
11 direction of the United States Army Corps of Engineers, if the  
12 direction is authorized under federal law, in conjunction with  
13 the currently authorized C-51 flood control project, by  
14 January 1, 1999;

15         4. The district must complete construction of STA 2 by  
16 February 1, 1999;

17         5. The district must complete construction of STA 3/4  
18 by October 1, 2003;

19         6. The district must complete construction of STA 5 by  
20 January 1, 1999; and

21         7. The district must complete construction of STA 6 by  
22 October 1, 1997.

23         8. East Beach Water Control District, South Shore  
24 Drainage District, South Florida Conservancy District, East  
25 Shore Water Control District, and the lessee of agricultural  
26 lease number 3420 shall complete any system modifications  
27 described in the Everglades Construction Project to the extent  
28 that funds are available from the Everglades Fund. These  
29 entities shall divert the discharges described within the  
30 Everglades Construction Project within 60 days of completion  
31 of construction of the appropriate STA. Such required

1 modifications shall be deemed to be a part of each district's  
2 plan of reclamation pursuant to chapter 298.

3 (6) EVERGLADES AGRICULTURAL PRIVILEGE TAX.--

4 (e) If, for any tax year, the number of acres subject  
5 to the Everglades agricultural privilege tax is less than the  
6 number of acres included on the Everglades agricultural  
7 privilege tax roll certified for the tax notices mailed in  
8 November 1994, the minimum tax shall be subject to increase in  
9 the manner provided in this paragraph. In determining the  
10 number of acres subject to the Everglades agricultural  
11 privilege tax for purposes of this paragraph, property  
12 acquired by a not-for-profit entity for purposes of  
13 conservation and preservation, the United States, or the  
14 state, or any agency thereof, and removed from the Everglades  
15 agricultural privilege tax roll after January 1, 1994, shall  
16 be treated as subject to the tax even though no tax is imposed  
17 or due: in its entirety, for tax notices mailed prior to  
18 November 2000; to the extent its area exceeds 4 percent of the  
19 total area of property subject to the Everglades agricultural  
20 tax, for tax notices mailed in November 2000 through November  
21 2005; and to the extent its area exceeds 8 percent of the  
22 total area of property subject to the Everglades agricultural  
23 tax, for tax notices mailed in November 2006 and thereafter.

24 For each tax year, the district shall determine the amount, if  
25 any, by which the sum of the following exceeds \$12,367,000:

26 1. The product of the minimum tax multiplied by the  
27 number of acres subject to the Everglades agricultural  
28 privilege tax; and

29 2. The ad valorem tax increment, as defined in this  
30 subparagraph.

31

1 The aggregate of such annual amounts, less any portion  
2 previously applied to eliminate or reduce future increases in  
3 the minimum tax, as described in this paragraph ~~subparagraph~~,  
4 shall be known as the "excess tax amount." If for any tax  
5 year, the amount computed by multiplying the minimum tax by  
6 the number of acres then subject to the Everglades  
7 agricultural privilege tax is less than \$12,367,000, the  
8 excess tax amount shall be applied in the following manner. If  
9 the excess tax amount exceeds such difference, an amount equal  
10 to the difference shall be deducted from the excess tax amount  
11 and applied to eliminate any increase in the minimum tax. If  
12 such difference exceeds the excess tax amount, the excess tax  
13 amount shall be applied to reduce any increase in the minimum  
14 tax. In such event, a new minimum tax shall be computed by  
15 subtracting the remaining excess tax amount from \$12,367,000  
16 and dividing the result by the number of acres subject to the  
17 Everglades agricultural privilege tax for such tax year. For  
18 purposes of this paragraph ~~subparagraph~~, the "ad valorem tax  
19 increment" means 50 percent of the difference between the  
20 amount of ad valorem taxes actually imposed by the district  
21 for the immediate prior tax year against property included on  
22 the Everglades agricultural privilege tax roll certified for  
23 the tax notices mailed in November 1994 that was not subject  
24 to the Everglades agricultural privilege tax during the  
25 immediate prior tax year and the amount of ad valorem taxes  
26 that would have been imposed against such property for the  
27 immediate prior tax year if the taxable value of each acre had  
28 been equal to the average taxable value of all other land  
29 classified as agricultural within the EAA for such year;  
30 however, the ad valorem tax increment for any year shall not  
31 exceed the amount that would have been derived from such

1 property from imposition of the minimum tax during the  
2 immediate prior tax year.

3  
4 Reviser's note.--Paragraph (4)(a) is amended to  
5 conform to the redesignation of subunits of s.  
6 373.59 by s. 17, ch. 96-389, Laws of Florida.  
7 Paragraph (6)(e) is amended to reflect that  
8 references to "this subparagraph" occurred in  
9 text that is not designated as a subparagraph.

10  
11 Section 178. Paragraph (a) of subsection (2),  
12 subsection (6), and paragraphs (a) and (d) of subsection (14)  
13 of section 373.59, Florida Statutes, 1998 Supplement, are  
14 amended to read:

15 373.59 Water Management Lands Trust Fund.--

16 (2)(a) By January 15 of each year, each district shall  
17 file with the Legislature and the Secretary of Environmental  
18 Protection a report of acquisition activity together with  
19 modifications or additions to its 5-year plan of acquisition.  
20 Included in the report shall be an identification of those  
21 lands which require a full fee simple interest to achieve  
22 water management goals and those lands which can be acquired  
23 using alternatives to fee simple acquisition techniques and  
24 still achieve such goals. In their evaluation of which lands  
25 would be appropriate for acquisition through alternatives to  
26 fee simple, district staff shall consider criteria including,  
27 but not limited to, acquisition costs, the net present value  
28 of future land management costs, the net present value of ad  
29 valorem revenue loss to the local government, and the  
30 potential for revenue generated from activities compatible  
31 with acquisition objectives. The report shall also include a



1 description of land management activity. Expenditure of moneys  
2 from the Water Management Lands Trust Fund shall be limited to  
3 the costs for acquisition, management, maintenance, and  
4 capital improvements of lands included within the 5-year plan  
5 as filed by each district and to the department's costs of  
6 administration of the fund. The department's costs of  
7 administration shall be charged proportionally against each  
8 district's allocation using the formula provided in subsection  
9 (8)~~(7)~~. However, no acquisition of lands shall occur without  
10 a public hearing similar to those held pursuant to the  
11 provisions set forth in s. 120.54. In the annual update of its  
12 5-year plan for acquisition, each district shall identify  
13 lands needed to protect or recharge groundwater and shall  
14 establish a plan for their acquisition as necessary to protect  
15 potable water supplies. Lands which serve to protect or  
16 recharge groundwater identified pursuant to this paragraph  
17 shall also serve to protect other valuable natural resources  
18 or provide space for natural resource based recreation.

19 (6) If a district issues revenue bonds or notes under  
20 s. 373.584, the district may pledge its share of the moneys in  
21 the Water Management Lands Trust Fund as security for such  
22 bonds or notes. The Department of Environmental Protection  
23 shall pay moneys from the trust fund to a district or its  
24 designee sufficient to pay the debt service, as it becomes  
25 due, on the outstanding bonds and notes of the district;  
26 however, such payments shall not exceed the district's  
27 cumulative portion of the trust fund. However, any moneys  
28 remaining after payment of the amount due on the debt service  
29 shall be released to the district pursuant to subsection(4)  
30 ~~(3)~~.

31

1           (14)(a) ~~Beginning in fiscal year 1992-1993,~~Not more  
2 than one-fourth of the land management funds provided for in  
3 subsections (1) and (9) in any year shall be reserved annually  
4 by a governing board, during the development of its annual  
5 operating budget, for payment in lieu of taxes to qualifying  
6 counties for actual ad valorem tax losses incurred as a result  
7 of lands purchased with funds allocated pursuant to s.  
8 259.101(3)(b). In addition, the Northwest Florida Water  
9 Management District, the South Florida Water Management  
10 District, the Southwest Florida Water Management District, the  
11 St. Johns River Water Management District, and the Suwannee  
12 River Water Management District shall pay to qualifying  
13 counties payments in lieu of taxes for district lands acquired  
14 with funds allocated pursuant to subsection (8). Reserved  
15 funds that are not used for payment in lieu of taxes in any  
16 year shall revert to the fund to be used for management  
17 purposes or land acquisition in accordance with this section.

18           (d) The payment amount shall be based on the average  
19 amount of actual taxes paid on the property for the 3 years  
20 immediately preceding acquisition. ~~For lands purchased prior~~  
21 ~~to July 1, 1992, applications for payment in lieu of taxes~~  
22 ~~shall be made to the districts by January 1, 1993. For lands~~  
23 ~~purchased after July 1, 1992,~~Applications for payment in lieu  
24 of taxes shall be made no later than January 31 of the year  
25 following acquisition. No payment in lieu of taxes shall be  
26 made for properties which were exempt from ad valorem taxation  
27 for the year immediately preceding acquisition. Payment in  
28 lieu of taxes shall be limited to a period of 10 consecutive  
29 years of annual payments.

30  
31

1 Reviser's note.--Paragraph (2)(a) and  
2 subsection (6) are amended to conform to the  
3 redesignation of subunits of s. 373.59 by s.  
4 17, ch. 96-389, Laws of Florida. Paragraphs  
5 (14)(a) and (d) are amended to delete  
6 provisions that have served their purpose.  
7

8 Section 179. Subsection (1) of section 373.591,  
9 Florida Statutes, 1998 Supplement, is amended to read:

10 373.591 Management review teams.--

11 (1) To determine whether conservation, preservation,  
12 and recreation lands titled in the names ~~named~~ of the water  
13 management districts are being managed for the purposes for  
14 which they were acquired and in accordance with land  
15 management objectives, the water management districts shall  
16 establish land management review teams to conduct periodic  
17 management reviews. The land management review teams shall be  
18 composed of the following members:

19 (a) One individual from the county or local community  
20 in which the parcel is located.

21 (b) One employee of the water management district.

22 (c) A private land manager mutually agreeable to the  
23 governmental agency representatives.

24 (d) A member of the local soil and water conservation  
25 district board of supervisors.

26 (e) One individual from the Game and Fresh Water Fish  
27 Commission.

28 (f) One individual from the Department of  
29 Environmental Protection.

30 (g) One individual representing a conservation  
31 organization.

1           (h) One individual from the Department of Agriculture  
2 and Consumer Services' Division of Forestry.

3  
4           Reviser's note.--Amended to improve clarity and  
5 facilitate correct interpretation.

6  
7           Section 180. Subsection (1) of section 374.976,  
8 Florida Statutes, 1998 Supplement, is amended to read:

9           374.976 Authority to address impacts of waterway  
10 development projects.--

11           (1) Each inland navigation district, ~~except the~~  
12 ~~district created pursuant to s. 374.301,~~ is empowered and  
13 authorized to undertake programs intended to alleviate the  
14 problems associated with its waterway or waterways, including,  
15 but not limited to, the following:

16           (a) The district may act as a local interest sponsor  
17 for any project designated as a "Section 107, River and Harbor  
18 Act of 1960" project authorized and undertaken by the U.S.  
19 Army Corps of Engineers and, in this regard, may comply with  
20 any or all conditions imposed on local interests as part of  
21 such project.

22           (b) It is the intent of the Legislature that the  
23 district may sponsor or furnish assistance and support to  
24 member counties and local governments within the district in  
25 planning and carrying out beach renourishment and inlet  
26 management projects. Such assistance and support, if  
27 financial in nature, shall be contributed only after a finding  
28 by the board that inlet management projects are a benefit to  
29 public navigation in the district and that the beaches to be  
30 nourished have been adversely impacted by navigation inlets,  
31 navigation structures, navigation dredging, or a navigation

1 project. Such projects will be consistent with Department of  
2 Environmental Protection approved inlet management plans and  
3 the statewide beach management plan pursuant to s. 161.161.  
4 Inlet management projects that are determined to be consistent  
5 with Department of Environmental Protection approved inlet  
6 management plans are declared to be a benefit to public  
7 navigation.

8 (c) The district is authorized to aid and cooperate  
9 with the Federal Government, state, member counties, and local  
10 governments within the district in planning and carrying out  
11 public navigation, local and regional anchorage management,  
12 beach renourishment, public recreation, inlet management,  
13 environmental education, and boating safety projects, directly  
14 related to the waterways. The district is also authorized to  
15 enter into cooperative agreements with the United States Army  
16 Corps of Engineers, state, and member counties, and to  
17 covenant in any such cooperative agreement to pay part of the  
18 costs of acquisition, planning, development, construction,  
19 reconstruction, extension, improvement, operation, and  
20 maintenance of such projects.

21 (d) The district is authorized to enter into  
22 cooperative agreements with navigation-related districts to  
23 pay part of the costs of acquisition of spoil disposal sites.

24 (e) The district is authorized to enter into ecosystem  
25 management agreements with the Department of Environmental  
26 Protection pursuant to s. 403.075.

27

28 Reviser's note.--Amended to conform to the  
29 repeal of s. 374.301 by s. 2, ch. 93-265, Laws  
30 of Florida.

31

1           Section 181. Subsection (3) of section 374.983,  
2 Florida Statutes, is amended to read:

3           374.983 Governing body.--

4           (3) The officers of the board shall be: one chair,  
5 one vice chair, one secretary, and one treasurer; provided,  
6 however, that no one person shall be eligible to hold more  
7 than one of said offices at one and the same time. The  
8 officers shall be elected from the board by the members  
9 thereof. Six members of the board of commissioners shall  
10 constitute a quorum, and the vote of a majority of such quorum  
11 shall be necessary to the transaction of business. Board and  
12 committee meetings may be conducted utilizing communications  
13 media technology, pursuant to s. 120.54(5)(b)2.~~120.53(6)~~. The  
14 chair shall have the right to vote at all meetings of the  
15 board. Special meetings of the board may be called at any time  
16 by the chair, with notice thereof to be given to each member  
17 of the board.

18  
19           Reviser's note.--Amended to conform to  
20 revisions to chapter 120 by ch. 96-159, Laws of  
21 Florida. Material relating to utilization of  
22 communications media technology formerly  
23 located in s. 120.53(6) is now located in s.  
24 120.54(5)(b)2.

25  
26           Section 182. Subsection (2) of section 375.041,  
27 Florida Statutes, is amended to read:

28           375.041 Land Acquisition Trust Fund.--

29           (2) The moneys on deposit in the Land Acquisition  
30 Trust Fund shall be first applied to pay the rentals due under  
31 lease-purchase agreements or to meet debt service requirements

1 of revenue bonds issued pursuant to s. 375.051; provided,  
2 however, that debt service on Save Our Coast bonds shall not  
3 be paid from moneys transferred to the Land Acquisition Trust  
4 Fund pursuant to s. 259.032(2)(b)~~253.023(2)(b)~~.

5  
6 Reviser's note.--Amended to conform to the  
7 transfer of s. 253.023 to s. 259.032 by s. 1,  
8 ch. 94-240, Laws of Florida.

9  
10 Section 183. Paragraph (i) of subsection (4) of  
11 section 376.3071, Florida Statutes, is amended to read:

12 376.3071 Inland Protection Trust Fund; creation;  
13 purposes; funding.--

14 (4) USES.--Whenever, in its determination, incidents  
15 of inland contamination related to the storage of petroleum or  
16 petroleum products may pose a threat to the environment or the  
17 public health, safety, or welfare, the department shall  
18 obligate moneys available in the fund to provide for:

19 (i) Funding of the provisions of ss. 376.305(6)  
20 ~~376.305(7)~~and 376.3072.

21  
22 The Inland Protection Trust Fund may only be used to fund the  
23 activities in ss. 376.30-376.319 except ss. 376.3078 and  
24 376.3079. Amounts on deposit in the Inland Protection Trust  
25 Fund in each fiscal year shall first be applied or allocated  
26 for the payment of amounts payable by the department pursuant  
27 to paragraph (o) under a service contract entered into by the  
28 department pursuant to s. 376.3075 and appropriated in each  
29 year by the Legislature prior to making or providing for other  
30 disbursements from the fund. Nothing in this subsection shall  
31 authorize the use of the Inland Protection Trust Fund for

1 cleanup of contamination caused primarily by a discharge of  
2 solvents as defined in s. 206.9925(6), or polychlorinated  
3 biphenyls when their presence causes them to be hazardous  
4 wastes, except solvent contamination which is the result of  
5 chemical or physical breakdown of petroleum products and is  
6 otherwise eligible. Facilities used primarily for the storage  
7 of motor or diesel fuels as defined in ss. 206.01 and 206.86  
8 shall be presumed not to be excluded from eligibility pursuant  
9 to this section.

10  
11 Reviser's note.--Amended to conform to the  
12 redesignation of s. 376.305(7) as s. 376.305(6)  
13 by s. 4, ch. 96-277, Laws of Florida.  
14

15 Section 184. Paragraphs (b) and (c) of subsection (2)  
16 of section 376.30711, Florida Statutes, are reenacted to read:  
17 376.30711 Preapproved site rehabilitation, effective  
18 March 29, 1995.--

19 (2)

20 (b) Any contractor performing site rehabilitation  
21 program tasks must demonstrate to the department that:

22 1. The contractor meets all certification and license  
23 requirements imposed by law.

24 2. The contractor has obtained approval of its  
25 Comprehensive Quality Assurance Plan prepared under department  
26 rules.

27 (c) The contractor shall certify to the department  
28 that such contractor:

29 1. Complies with applicable OSHA regulations.  
30  
31



1           2. Maintains workers' compensation insurance for all  
2 employees as required by the Florida Workers' Compensation  
3 Law.

4           3. Maintains comprehensive general liability and  
5 comprehensive automobile liability insurance with minimum  
6 limits of at least \$1 million per occurrence and \$1 million  
7 annual aggregate, as shall protect it from claims for damage  
8 for personal injury, including accidental death, as well as  
9 claims for property damage which may arise from performance of  
10 work under the program, designating the state as an additional  
11 insured party.

12           4. Maintains professional liability insurance of at  
13 least \$1 million per occurrence and \$1 million annual  
14 aggregate.

15           5. Has completed and submitted a sworn statement under  
16 s. 287.133(3)(a), on public entity crimes.

17           6. Has the capacity to perform or directly supervise  
18 the majority of the work at a site in accordance with s.  
19 489.113(9).

20  
21           Reviser's note.--Section 15, ch. 97-277, Laws  
22 of Florida, purported to amend s. 376.30711(2),  
23 but failed to republish paragraphs (2)(b) and  
24 (c). In the absence of affirmative evidence  
25 that the Legislature intended to repeal the  
26 omitted material, coupled with the fact that  
27 the form of the amendment affirmatively  
28 evidences an intent to preserve the existing  
29 paragraph structure, paragraphs (2)(b) and (c)  
30 are reenacted to confirm that the omission was  
31 not intended.

1           Section 185. Paragraph (a) of subsection (2) of  
2 section 376.3072, Florida Statutes, is amended to read:

3           376.3072 Florida Petroleum Liability and Restoration  
4 Insurance Program.--

5           (2)(a) Any owner or operator of a petroleum storage  
6 system may become an insured in the restoration insurance  
7 program at a facility provided:

8           1. A site at which an incident has occurred shall be  
9 eligible for restoration if the insured is a participant in  
10 the third-party liability insurance program or otherwise meets  
11 applicable financial responsibility requirements. After July  
12 1, 1993, the insured must also provide the required excess  
13 insurance coverage or self-insurance for restoration to  
14 achieve the financial responsibility requirements of 40 C.F.R.  
15 s. 280.97, subpart H, not covered by paragraph(d)~~(e)~~.

16           2. A site which had a discharge reported prior to  
17 January 1, 1989, for which notice was given pursuant to s.  
18 376.3071(9) or (12), and which is ineligible for the  
19 third-party liability insurance program solely due to that  
20 discharge shall be eligible for participation in the  
21 restoration program for any incident occurring on or after  
22 January 1, 1989, in accordance with subsection (3).  
23 Restoration funding for an eligible contaminated site will be  
24 provided without participation in the third-party liability  
25 insurance program until the site is restored as required by  
26 the department or until the department determines that the  
27 site does not require restoration.

28           3. Notwithstanding paragraph (b), a site where an  
29 application is filed with the department prior to January 1,  
30 1995, where the owner is a small business under s. 288.703(1),  
31 a state community college with less than 2,500 FTE, a

1 religious institution as defined by s. 212.08(7)(o)2.a., a  
2 charitable institution as defined by s. 212.08(7)(o)2.b., or a  
3 county or municipality with a population of less than 50,000,  
4 shall be eligible for up to \$300,000 of eligible restoration  
5 costs, less a deductible of \$10,000 for small businesses,  
6 eligible community colleges, and religious or charitable  
7 institutions, and \$30,000 for eligible counties and  
8 municipalities, provided that:

9       a. Except as provided in sub-subparagraph e., the  
10 facility was in compliance with department rules at the time  
11 of the discharge.

12       b. The owner or operator has, upon discovery of a  
13 discharge, promptly reported the discharge to the department,  
14 and drained and removed the system from service, if necessary.

15       c. The owner or operator has not intentionally caused  
16 or concealed a discharge or disabled leak detection equipment.

17       d. The owner or operator proceeds to complete initial  
18 remedial action as defined by department rules.

19       e. The owner or operator, if required and if it has  
20 not already done so, applies for third-party liability  
21 coverage for the facility within 30 days of receipt of an  
22 eligibility order issued by the department pursuant to this  
23 provision.

24

25 However, the department may consider in-kind services from  
26 eligible counties and municipalities in lieu of the \$30,000  
27 deductible. The cost of conducting initial remedial action as  
28 defined by department rules shall be an eligible restoration  
29 cost pursuant to this provision.

30       4.a. By January 1, 1997, facilities at sites with  
31 existing contamination shall be required to have methods of

1 release detection to be eligible for restoration insurance  
2 coverage for new discharges subject to department rules for  
3 secondary containment. Annual storage system testing, in  
4 conjunction with inventory control, shall be considered to be  
5 a method of release detection until the later of December 22,  
6 1998, or 10 years after the date of installation or the last  
7 upgrade. Other methods of release detection for storage tanks  
8 which meet such requirement are:

9 (I) Interstitial monitoring of tank and integral  
10 piping secondary containment systems;

11 (II) Automatic tank gauging systems; or

12 (III) A statistical inventory reconciliation system  
13 with a tank test every 3 years.

14 b. For pressurized integral piping systems, the owner  
15 or operator must use:

16 (I) An automatic in-line leak detector with flow  
17 restriction meeting the requirements of department rules used  
18 in conjunction with an annual tightness or pressure test; or

19 (II) An automatic in-line leak detector with  
20 electronic flow shut-off meeting the requirements of  
21 department rules.

22 c. For suction integral piping systems, the owner or  
23 operator must use:

24 (I) A single check valve installed directly below the  
25 suction pump, provided there are no other valves between the  
26 dispenser and the tank; or

27 (II) An annual tightness test or other approved test.

28 d. Owners of facilities with existing contamination  
29 that install internal release detection systems in accordance  
30 with sub-subparagraph a. shall permanently close their  
31 external groundwater and vapor monitoring wells in accordance

1 with department rules by December 31, 1998. Upon installation  
2 of the internal release detection system, these wells shall be  
3 secured and taken out of service until permanent closure.

4 e. Facilities with vapor levels of contamination  
5 meeting the requirements of or below the concentrations  
6 specified in the performance standards for release detection  
7 methods specified in department rules may continue to use  
8 vapor monitoring wells for release detection.

9 f. The department may approve other methods of release  
10 detection for storage tanks and integral piping which have at  
11 least the same capability to detect a new release as the  
12 methods specified in this subparagraph.

13

14 Reviser's note.--Amended to conform to the  
15 redesignation of paragraph (e) of s.  
16 376.3072(2) as paragraph (d) by s. 8, ch.  
17 96-277, Laws of Florida.

18

19 Section 186. Paragraph (a) of subsection (8) and  
20 subsection (12) of section 376.3078, Florida Statutes, 1998  
21 Supplement, are amended to read:

22 376.3078 Drycleaning facility restoration; funds;  
23 uses; liability; recovery of expenditures.--

24 (8) SCORING SYSTEM APPLICATION.--

25 (a) If the department determines that a site is  
26 eligible for the program, pursuant to this section, then the  
27 department shall develop a score for the site in accordance  
28 with provisions of subsection (7)~~(5)~~.

29 (12) REOPENERS.--Upon completion of site  
30 rehabilitation in compliance with subsection (11)~~(10)~~,

31

1 additional site rehabilitation is not required unless it is  
2 demonstrated:

3 (a) That fraud was committed in demonstrating site  
4 conditions or completion of site rehabilitation;

5 (b) That new information confirms the existence of an  
6 area of previously unknown contamination which exceeds the  
7 site-specific rehabilitation levels established in accordance  
8 with subsection (4), or which otherwise poses the threat of  
9 real and substantial harm to public health, safety, or the  
10 environment;

11 (c) That the remediation efforts failed to achieve the  
12 site rehabilitation criteria established under this section;

13 (d) That the level of risk is increased beyond the  
14 acceptable risk established under subsection (4) due to  
15 substantial changes in exposure conditions, such as a change  
16 in land use from nonresidential to residential use. Any person  
17 who changes the land use of the site, thus causing the level  
18 of risk to increase beyond the acceptable risk level, may be  
19 required by the department to undertake additional remediation  
20 measures to assure that human health, public safety, and the  
21 environment are protected consistent with this section; or

22 (e) That a new discharge occurs at the drycleaning  
23 site subsequent to a determination of eligibility for  
24 participation in the drycleaning program established under  
25 this section.

26

27 Reviser's note.--Amended to conform to the  
28 redesignation of subunits of s. 376.3078 by the  
29 reviser incident to compiling the 1998  
30 Supplement to the Florida Statutes 1997.

31

1           Section 187. Paragraph (a) of subsection (2) of  
2 section 376.30781, Florida Statutes, 1998 Supplement, is  
3 amended to read:

4           376.30781 Partial tax credits for rehabilitation of  
5 drycleaning-solvent-contaminated sites and brownfield sites in  
6 designated brownfield areas; application process; rulemaking  
7 authority; revocation authority.--

8           (2)(a) A credit in the amount of 35 percent of the  
9 costs of voluntary cleanup activity that is integral to site  
10 rehabilitation at the following sites is allowed pursuant to  
11 ss. 199.1055 and 220.1845:

12           1. A drycleaning-solvent-contaminated site eligible  
13 for state-funded site rehabilitation under s. 376.3078(3);

14           2. A drycleaning-solvent-contaminated site at which  
15 cleanup is undertaken by the real property owner pursuant to  
16 s. 376.3078(11)~~376.3078(10)~~, if the real property owner is  
17 not also, and has never been, the owner or operator of the  
18 drycleaning facility where the contamination exists; or

19           3. A brownfield site in a designated brownfield area  
20 under s. 376.80.

21  
22           Reviser's note.--Amended to conform to the  
23 redesignation of s. 376.3078(10) as s.  
24 376.3078(11) by the reviser necessitated by the  
25 inclusion of two subsections numbered (6) in s.  
26 10, ch. 98-189, Laws of Florida.

27  
28           Section 188. Paragraph (a) of subsection (1) of  
29 section 376.82, Florida Statutes, 1998 Supplement, is amended  
30 to read:

31

1           376.82 Eligibility criteria and liability  
2 protection.--

3           (1) ELIGIBILITY.--Any person who has not caused or  
4 contributed to the contamination of a brownfield site on or  
5 after July 1, 1997, is eligible to participate in the  
6 brownfield rehabilitation program established in ss.  
7 376.77-376.85, subject to the following:

8           (a) Potential brownfield sites that are subject to an  
9 ongoing formal judicial or administrative enforcement action  
10 or corrective action pursuant to federal authority, including,  
11 but not limited to, the Comprehensive Environmental Response  
12 Compensation and Liability Act, 42 U.S.C. ss. 9601, et seq.,  
13 as amended; the Safe Drinking Water Act, 42 U.S.C. ss.  
14 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss.  
15 1251-1387, as amended; or under an order from the United  
16 States Environmental Protection Agency pursuant to s. 3008(h)  
17 of the Resource Conservation and Recovery Act, as amended (42  
18 U.S.C.A. s. 6928(h)); or that have obtained or are required to  
19 obtain a permit for the operation of a hazardous waste  
20 treatment, storage, or disposal facility; a postclosure  
21 permit; or a permit pursuant to the federal Hazardous and  
22 Solid Waste Amendments of 1984, are not eligible for  
23 participation unless specific exemptions are secured by a  
24 memorandum of agreement with the United States Environmental  
25 Protection Agency pursuant to paragraph (2)(g) ~~(2)(e)~~. A  
26 brownfield site within an eligible brownfield area that  
27 subsequently becomes subject to formal judicial or  
28 administrative enforcement action or corrective action under  
29 such federal authority shall have its eligibility revoked  
30 unless specific exemptions are secured by a memorandum of  
31



1 agreement with the United States Environmental Protection  
2 Agency pursuant to paragraph (2)(g).

3  
4 Reviser's note.--Amended to facilitate correct  
5 interpretation and to conform to usage  
6 elsewhere in the paragraph; paragraph (2)(e)  
7 does not relate to agreements with the United  
8 States Environmental Protection Agency.

9  
10 Section 189. Paragraphs (b), (c), (d), (e), (h), (i),  
11 (j), (k), (l), and (m) of subsection (3) of section 377.703,  
12 Florida Statutes, 1998 Supplement, are reenacted to read:

13 377.703 Additional functions of the Department of  
14 Community Affairs; energy emergency contingency plan; federal  
15 and state conservation programs.--

16 (3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.--The  
17 Department of Community Affairs shall, in addition to assuming  
18 the duties and responsibilities provided by ss. 20.18 and  
19 377.701, perform the following functions consistent with the  
20 development of a state energy policy:

21 (b) The department shall constitute the responsible  
22 state agency for performing or coordinating the functions of  
23 any federal energy programs delegated to the state, including  
24 energy supply, demand, conservation, or allocation.

25 (c) The department shall analyze present and proposed  
26 federal energy programs and make recommendations regarding  
27 those programs to the Governor.

28 (d) The department shall coordinate efforts to seek  
29 federal support or other support for state energy activities,  
30 including energy conservation, research, or development, and  
31

1 shall be the state agency responsible for the coordination of  
2 multiagency energy conservation programs and plans.

3 (e) The department shall analyze energy data collected  
4 and prepare long-range forecasts of energy supply and demand  
5 in coordination with the Florida Public Service Commission,  
6 which shall have responsibility for electricity and natural  
7 gas forecasts. To this end, the forecasts shall contain:

8 1. An analysis of the relationship of state economic  
9 growth and development to energy supply and demand, including  
10 the constraints to economic growth resulting from energy  
11 supply constraints.

12 2. Plans for the development of renewable energy  
13 resources and reduction in dependence on depletable energy  
14 resources, particularly oil and natural gas, and an analysis  
15 of the extent to which renewable energy sources are being  
16 utilized in the state.

17 3. Consideration of alternative scenarios of statewide  
18 energy supply and demand for 5, 10, and 20 years, to identify  
19 strategies for long-range action, including identification of  
20 potential social, economic, and environmental effects.

21 4. An assessment of the state's energy resources,  
22 including examination of the availability of commercially  
23 developable and imported fuels, and an analysis of anticipated  
24 effects on the state's environment and social services  
25 resulting from energy resource development activities or from  
26 energy supply constraints, or both.

27 (h) Promote the development and use of renewable  
28 energy resources, in conformance with the provisions of  
29 chapter 187 and s. 377.601, by:

30 1. Establishing goals and strategies for increasing  
31 the use of solar energy in this state.

1           2. Aiding and promoting the commercialization of solar  
2 energy technology, in cooperation with the Florida Solar  
3 Energy Center, the Department of Commerce, and any other  
4 federal, state, or local governmental agency which may seek to  
5 promote research, development, and demonstration of solar  
6 energy equipment and technology.

7           3. Identifying barriers to greater use of solar energy  
8 systems in this state, and developing specific recommendations  
9 for overcoming identified barriers, with findings and  
10 recommendations to be submitted annually in the report to the  
11 Legislature required under paragraph (f).

12           4. In cooperation with the Department of  
13 Transportation, the Department of Commerce, the Florida Solar  
14 Energy Center, and the Florida Solar Energy Industries  
15 Association, investigating opportunities, pursuant to the  
16 National Energy Policy Act of 1992 and the Housing and  
17 Community Development Act of 1992, for solar electric vehicles  
18 and other solar energy manufacturing, distribution,  
19 installation, and financing efforts which will enhance this  
20 state's position as the leader in solar energy research,  
21 development, and use.

22           5. Undertaking other initiatives to advance the  
23 development and use of renewable energy resources in this  
24 state.

25  
26 In the exercise of its responsibilities under this paragraph,  
27 the department shall seek the assistance of the solar energy  
28 industry in this state and other interested parties and is  
29 authorized to enter into contracts, retain professional  
30 consulting services, and expend funds appropriated by the  
31 Legislature for such purposes.

1           (i) The department shall promote energy conservation  
2 in all energy use sectors throughout the state and shall  
3 constitute the state agency primarily responsible for this  
4 function. To this end, the department shall coordinate the  
5 energy conservation programs of all state agencies and review  
6 and comment on the energy conservation programs of all state  
7 agencies.

8           (j) The department shall serve as the state  
9 clearinghouse for indexing and gathering all information  
10 related to energy programs in state universities, in private  
11 universities, in federal, state, and local government  
12 agencies, and in private industry and shall prepare and  
13 distribute such information in any manner necessary to inform  
14 and advise the citizens of the state of such programs and  
15 activities. This shall include developing and maintaining a  
16 current index and profile of all research activities, which  
17 shall be identified by energy area and may include a summary  
18 of the project, the amount and sources of funding, anticipated  
19 completion dates, or, in case of completed research,  
20 conclusions, recommendations, and applicability to state  
21 government and private sector functions. The department shall  
22 coordinate, promote, and respond to efforts by all sectors of  
23 the economy to seek financial support for energy activities.  
24 The department shall provide information to consumers  
25 regarding the anticipated energy-use and energy-saving  
26 characteristics of products and services in coordination with  
27 any federal, state, or local governmental agencies as may  
28 provide such information to consumers.

29           (k) The department shall coordinate energy-related  
30 programs of state government, including, but not limited to,  
31

1 the programs provided in this section. To this end, the  
2 department shall:

3 1. Provide assistance to other state agencies,  
4 counties, municipalities, and regional planning agencies to  
5 further and promote their energy planning activities.

6 2. Require, in cooperation with the Department of  
7 Management Services, all state agencies to operate state-owned  
8 and state-leased buildings in accordance with energy  
9 conservation standards as adopted by the Department of  
10 Management Services. Every 3 months, the Department of  
11 Management Services shall furnish the department data on  
12 agencies' energy consumption in a format mutually agreed upon  
13 by the two departments.

14 3. Promote the development and use of renewable energy  
15 resources, energy efficiency technologies, and conservation  
16 measures.

17 4. Promote the recovery of energy from wastes,  
18 including, but not limited to, the use of waste heat, the use  
19 of agricultural products as a source of energy, and recycling  
20 of manufactured products. Such promotion shall be conducted in  
21 conjunction with, and after consultation with, the Department  
22 of Environmental Protection, the Florida Public Service  
23 Commission where electrical generation or natural gas is  
24 involved, and any other relevant federal, state, or local  
25 governmental agency having responsibility for resource  
26 recovery programs.

27 (1) The department shall develop, coordinate, and  
28 promote a comprehensive research plan for state programs. Such  
29 plan shall be consistent with state energy policy and shall be  
30 updated on a biennial basis.

31

1 (m) In recognition of the devastation to the economy  
2 of this state and the dangers to the health and welfare of  
3 residents of this state caused by Hurricane Andrew, and the  
4 potential for such impacts caused by other natural disasters,  
5 the department shall include in its energy emergency  
6 contingency plan and in the state model energy efficiency  
7 building code specific provisions to facilitate the use of  
8 cost-effective solar energy technologies as emergency remedial  
9 and preventive measures for providing electric power, street  
10 lighting, and water heating service in the event of electric  
11 power outages.

12

13 Reviser's note.--Section 7, ch. 95-328, Laws of  
14 Florida, purported to amend subsection (3) of  
15 s. 377.703, but did not set out in full the  
16 amended subsection to include paragraphs  
17 (b)-(m). Paragraph (f) was amended by s. 39,  
18 ch. 95-196, Laws of Florida, and paragraph (g)  
19 was amended by s. 89, ch. 98-200, Laws of  
20 Florida. In the absence of affirmative evidence  
21 that the Legislature intended to repeal the  
22 omitted material, coupled with the amendment of  
23 two of the omitted paragraphs in other  
24 legislation and the fact that the amendments by  
25 ch. 95-196, ch. 95-328, and ch. 98-200  
26 affirmatively evidence an intent to preserve  
27 the existing subsection structure, paragraphs  
28 (b)-(e) and (h)-(m) are reenacted to confirm  
29 that their omission was not intended.

30

31

1           Section 190. Subsection (9) of section 378.901,  
2 Florida Statutes, is amended to read:

3           378.901 Life-of-the-mine permit.--

4           (9) Each operator of a mine that has received  
5 construction approval in accordance with s. 403.087, s.  
6 403.088, former part VIII of chapter 403, or part IV of  
7 chapter 373 in response to an application which was submitted  
8 prior to July 1, 1995, may elect either to seek renewal of  
9 that permit or to seek a life-of-the-mine permit for all new  
10 or existing activities that require a permit. Life-of-the-mine  
11 permit applications for existing fuller's earth mining  
12 activities must be reviewed as set forth in s. 373.414(15).

13  
14           Reviser's note.--Amended to conform to the fact  
15 that the only provision in former part VIII of  
16 chapter 403 existing at the time the reference  
17 was enacted, s. 403.939, expired October 1,  
18 1994, and was repealed by s. 18, ch. 95-145,  
19 Laws of Florida.

20  
21           Section 191. Subsections (4) and (5), paragraphs (b)  
22 and (c) of subsection (8), and paragraphs (d) and (g) of  
23 subsection (10) of section 380.0555, Florida Statutes, 1998  
24 Supplement, are amended to read:

25           380.0555 Apalachicola Bay Area; protection and  
26 designation as area of critical state concern.--

27           (4) REMOVAL OF DESIGNATION.--The state land planning  
28 agency may recommend to the Administration Commission the  
29 removal of the designation from all or part of the area  
30 specified in subsection (3), if it determines that all local  
31 land development regulations and local comprehensive plans and

1 the administration of such regulations and plans are adequate  
2 to protect the Apalachicola Bay Area, continue to carry out  
3 the legislative intent set forth in subsection (2), and are in  
4 compliance with the principles for guiding development set  
5 forth in subsection (7)~~(8)~~. If the Administration Commission  
6 concurs with the recommendations of the state land planning  
7 agency to remove any area from the designation, it shall,  
8 within 45 days after receipt of the recommendation, initiate  
9 rulemaking to remove the designation. The state land planning  
10 agency shall make recommendations to the Administration  
11 Commission annually.

12 (5) APPLICATION OF CHAPTER 380 PROVISIONS.--Section  
13 380.05(1)-(6), (8)-(12), (15), (17), and (21), shall not apply  
14 to the area designated by this act for so long as the  
15 designation remains in effect. Except as otherwise provided in  
16 this act, s. 380.045 shall not apply to the area designated by  
17 this act. All other provisions of this chapter shall apply,  
18 including ss. 380.07 and 380.11, except that the "local  
19 development regulations" in s. 380.05(13) shall include the  
20 regulations set forth in subsection (8)~~(9)~~ for purposes of s.  
21 380.05(13), and the plan or plans submitted pursuant to s.  
22 380.05(14) shall be submitted no later than February 1, 1986.  
23 All or part of the area designated by this act may be  
24 redesignated pursuant to s. 380.05 as if it had been initially  
25 designated pursuant to that section.

26 (8) COMPREHENSIVE PLAN ELEMENTS AND LAND DEVELOPMENT  
27 REGULATIONS.--

28 (b) Conflicting regulations.--In the event of any  
29 inconsistency between subparagraph (a)1. and subparagraphs  
30 (a)2.-11., subparagraph (a)1. shall control. Further, in the  
31 event of any inconsistency between subsection (7)~~(8)~~ and



1 paragraph (a) of this subsection and a development order  
2 issued pursuant to s. 380.06, which has become final prior to  
3 June 18, 1985, or between subsection(7)~~(8)~~and paragraph (a)  
4 and an amendment to a final development order, which amendment  
5 has been requested prior to April 2, 1985, the development  
6 order or amendment thereto shall control. However, any  
7 modification to paragraph (a) enacted by a local government  
8 and approved by the Administration Commission pursuant to  
9 subsection(9)~~(10)~~may provide whether it shall control over  
10 an inconsistent provision of a development order or amendment  
11 thereto. A development order or any amendment thereto  
12 referred to in this paragraph shall not be subject to approval  
13 by the Administration Commission pursuant to subsection(9)  
14 ~~(10)~~.

15 (c) Effect of existing plans and regulations.--Legally  
16 adopted comprehensive plans and land development regulations  
17 other than those listed in this subsection shall remain in  
18 full force and effect unless inconsistent with the principles  
19 for guiding development set forth in subsection(7)~~(8)~~, the  
20 elements of the comprehensive plan listed in this subsection,  
21 or the land development regulations listed in this subsection.

22 (10) REQUIREMENTS; LOCAL GOVERNMENTS.--

23 (d) Franklin County and the municipalities within it  
24 shall, within 12 months from June 18, 1985, establish by  
25 ordinance a map of "pollution-sensitive segments of the  
26 critical shoreline" within the Apalachicola Bay Area, which  
27 ordinance shall not be effective until approved by the  
28 Department of Health and Rehabilitative Services and the  
29 Department of Environmental Regulation. Franklin County and  
30 the municipalities within it, after the effective date of  
31 these ordinances, shall no longer grant permits for onsite

1 wastewater disposal systems in pollution-sensitive segments of  
2 the critical shoreline, except for those onsite wastewater  
3 systems that will not degrade water quality in the river or  
4 bay. These ordinances shall not become effective until  
5 approved by the resource planning and management committee.  
6 Until such ordinances become effective, the Franklin County  
7 Health Department shall not give a favorable recommendation to  
8 the granting of a septic tank variance pursuant to section (1)  
9 of Ordinance 79-8, adopted on June 22, 1979, by the Franklin  
10 County Board of County Commissioners and filed with the  
11 Secretary of State on June 27, 1979, or issue a permit for a  
12 septic tank or alternative waste disposal system pursuant to  
13 Ordinance 81-5, adopted on June 22, 1981, by the Franklin  
14 County Board of County Commissioners and filed with the  
15 Secretary of State on June 30, 1981, as amended as set forth  
16 in subparagraph (8)(a)2.~~(9)(a)2.~~, unless the Franklin County  
17 Health Department certifies, in writing, that the use of such  
18 system will be consistent with paragraph (7)(f)~~(8)(f)~~ and  
19 subsection (8)~~(9)~~.

20 (g) Franklin County and the municipalities within it  
21 shall, beginning 12 months from June 18, 1985, prepare  
22 semiannual reports on the implementation of paragraphs (b)-(f)  
23 on the environmental status of the Apalachicola Bay Area. The  
24 state land planning agency may prescribe additional detailed  
25 information required to be reported. Each report shall be  
26 delivered to the resource planning and management committee  
27 and the state land planning agency for review and  
28 recommendations. The state land planning agency shall review  
29 each report and consider such reports when making  
30 recommendations to the Administration Commission pursuant to  
31 subsection (9)~~(10)~~.

1 Reviser's note.--Amended to conform to the  
2 redesignation of the subunits of s. 380.0555  
3 necessitated by the repeal of former subsection  
4 (7) by s. 31, ch. 98-176, Laws of Florida.

5  
6 Section 192. Section 380.20, Florida Statutes, is  
7 amended to read:

8 380.20 Short title.--Sections 380.205-380.24 ~~and ss.~~  
9 ~~380.31-380.33~~ may be cited as the "Florida Coastal Management  
10 Act."

11  
12 Reviser's note.--Amended to conform to the  
13 repeal of ss. 380.31-380.33 by s. 12, ch.  
14 95-145, Laws of Florida.

15  
16 Section 193. Section 380.205, Florida Statutes, is  
17 amended to read:

18 380.205 Definitions.--As used in ss. 380.21-380.24 ~~and~~  
19 ~~380.31-380.33~~:

20 (1) "Department" means the Department of Community  
21 Affairs.

22 ~~(2) "Interagency management committee" means the~~  
23 ~~Coastal Resources Interagency Management Committee established~~  
24 ~~by s. 380.31.~~

25 (2)~~(3)~~ "Coastal zone" means that area of land and  
26 water from the territorial limits seaward to the most inland  
27 extent of marine influences. However, for planning and  
28 developing coordinated projects and initiatives for coastal  
29 resource protection and management, the department shall  
30 consider the coastal zone to be the geographical area  
31 encompassed by the 35 Florida coastal counties listed in the

1 Final Environmental Impact Statement for the Florida Coastal  
2 Management Program and the adjoining territorial sea. It is  
3 not the intent of this definition to limit the authority  
4 currently exercised under the federal law and the federally  
5 approved Florida Coastal Management Program by which projects  
6 landward and seaward of the 35 coastal counties are reviewed  
7 for consistency with the Florida Coastal Management Program.

8  
9 Reviser's note.--Amended to conform to the  
10 repeal of ss. 380.31-380.33 by s. 12, ch.  
11 95-145, Laws of Florida.

12  
13 Section 194. Subsection (4) of section 380.22, Florida  
14 Statutes, 1998 Supplement, is amended to read:

15 380.22 Lead agency authority and duties.--

16 (4) The department shall establish a county-based  
17 process for identifying, and setting priorities for acquiring,  
18 coastal properties in coordination with the Land Acquisition  
19 Advisory Council ~~and the Coastal Resources Interagency~~  
20 ~~Management Committee~~ so these properties may be acquired as  
21 part of the state's land acquisition programs. This process  
22 shall include the establishment of criteria for prioritizing  
23 coastal acquisitions which, in addition to recognizing  
24 pristine coastal properties and coastal properties of  
25 significant or important environmental sensitivity, recognize  
26 hazard mitigation, beach access, beach management, urban  
27 recreation, and other policies necessary for effective coastal  
28 management.

29  
30 Reviser's note.--Amended to conform to the  
31 repeal of s. 380.31, which created the Coastal

1 Resources Interagency Management Committee, by  
2 s. 12, ch. 95-145, Laws of Florida.

3  
4 Section 195. Section 381.0014, Florida Statutes, is  
5 amended to read:

6 381.0014 Regulations and ordinances superseded.--The  
7 rules adopted by the department under the provisions of this  
8 chapter shall, as to matters of public health, supersede all  
9 rules enacted by other state departments, boards or  
10 commissions, or ordinances and regulations enacted by  
11 municipalities, except that this chapter does not alter or  
12 supersede any of the provisions set forth in chapters 502 and  
13 503 or any rule adopted under the authority of those chapters.  
14 ~~Any rules adopted by the department under the provisions of~~  
15 ~~this chapter relating to the sanitary practices for the~~  
16 ~~production, handling, and processing of milk, to dairies, and~~  
17 ~~to milk plants shall be only for the purpose of carrying out~~  
18 ~~the provisions of s. 502.211(3).~~

19  
20 Reviser's note.--Amended to conform to the  
21 repeal of s. 502.211 by s. 14, ch. 94-92, Laws  
22 of Florida.

23  
24 Section 196. Subsection (3) of section 381.0035,  
25 Florida Statutes, 1998 Supplement, is amended to read:

26 381.0035 Educational course on human immunodeficiency  
27 virus and acquired immune deficiency syndrome; employees and  
28 clients of certain health care facilities.--

29 (3) Facilities licensed under chapters 393, 394, 395,  
30 397, and parts II, III, IV, and VI ~~I, II, III, and V~~ of  
31 chapter 400 shall maintain a record of employees and dates of

1 attendance at human immunodeficiency virus and acquired immune  
2 deficiency syndrome educational courses.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of the parts of chapter 400  
6 incident to the compilation of ch. 93-177, Laws  
7 of Florida.

8  
9 Section 197. Paragraphs (a) and (b) of subsection (3)  
10 of section 381.004, Florida Statutes, 1998 Supplement, are  
11 amended to read:

12 381.004 Testing for human immunodeficiency virus.--

13 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
14 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

15 (a) No person in this state shall order a test  
16 designed to identify the human immunodeficiency virus, or its  
17 antigen or antibody, without first obtaining the informed  
18 consent of the person upon whom the test is being performed,  
19 except as specified in paragraph (h)~~(i)~~. Informed consent  
20 shall be preceded by an explanation of the right to  
21 confidential treatment of information identifying the subject  
22 of the test and the results of the test to the extent provided  
23 by law. Information shall also be provided on the fact that a  
24 positive HIV test result will be reported to the county health  
25 department with sufficient information to identify the test  
26 subject and on the availability and location of sites at which  
27 anonymous testing is performed. As required in paragraph  
28 (4)(c), each county health department shall maintain a list of  
29 sites at which anonymous testing is performed, including the  
30 locations, phone numbers, and hours of operation of the sites.  
31 Consent need not be in writing provided there is documentation

1 in the medical record that the test has been explained and the  
2 consent has been obtained.

3 (b) Except as provided in paragraph (h)~~(i)~~, informed  
4 consent must be obtained from a legal guardian or other person  
5 authorized by law when the person:

6 1. Is not competent, is incapacitated, or is otherwise  
7 unable to make an informed judgment; or

8 2. Has not reached the age of majority, except as  
9 provided in s. 384.30.

10

11 Reviser's note.--Amended to conform to the  
12 redesignation of paragraph (3)(i) of s. 381.004  
13 as paragraph (3)(h) by s. 2, ch. 98-171, Laws  
14 of Florida.

15

16 Section 198. Paragraph (s) of subsection (4) of  
17 section 381.0065, Florida Statutes, 1998 Supplement, is  
18 amended to read:

19 381.0065 Onsite sewage treatment and disposal systems;  
20 regulation.--

21 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
22 may not construct, repair, modify, abandon, or operate an  
23 onsite sewage treatment and disposal system without first  
24 obtaining a permit approved by the department. The department  
25 may issue permits to carry out this section. A construction  
26 permit is valid for 18 months from the issuance date and may  
27 be extended by the department for one 90-day period under  
28 rules adopted by the department. A repair permit is valid for  
29 90 days from the date of issuance. An operating permit must be  
30 obtained prior to the use of any aerobic treatment unit or if  
31 the establishment generates commercial waste. Buildings or

1 establishments that use an aerobic treatment unit or generate  
2 commercial waste shall be inspected by the department at least  
3 annually to assure compliance with the terms of the operating  
4 permit. The operating permit is valid for 1 year from the date  
5 of issuance and must be renewed annually. If all information  
6 pertaining to the siting, location, and installation  
7 conditions or repair of an onsite sewage treatment and  
8 disposal system remains the same, a construction or repair  
9 permit for the onsite sewage treatment and disposal system may  
10 be transferred to another person, if the transferee files,  
11 within 60 days after the transfer of ownership, an amended  
12 application providing all corrected information and proof of  
13 ownership of the property. There is no fee associated with  
14 the processing of this supplemental information. A person may  
15 not contract to construct, modify, alter, repair, service,  
16 abandon, or maintain any portion of an onsite sewage treatment  
17 and disposal system without being registered under part III of  
18 chapter 489. A property owner who personally performs  
19 construction, maintenance, or repairs to a system serving his  
20 or her own owner-occupied single-family residence is exempt  
21 from registration requirements for performing such  
22 construction, maintenance, or repairs on that residence, but  
23 is subject to all permitting requirements. A municipality or  
24 political subdivision of the state may not issue a building or  
25 plumbing permit for any building that requires the use of an  
26 onsite sewage treatment and disposal system unless the owner  
27 or builder has received a construction permit for such system  
28 from the department. A building or structure may not be  
29 occupied and a municipality, political subdivision, or any  
30 state or federal agency may not authorize occupancy until the  
31 department approves the final installation of the onsite



1 sewage treatment and disposal system. A municipality or  
2 political subdivision of the state may not approve any change  
3 in occupancy or tenancy of a building that uses an onsite  
4 sewage treatment and disposal system until the department has  
5 reviewed the use of the system with the proposed change,  
6 approved the change, and amended the operating permit.

7 (s) Notwithstanding the provisions of subparagraph  
8 (f)1., onsite sewage treatment and disposal systems located in  
9 floodways of the Suwannee and Aucilla Rivers must adhere to  
10 the following requirements:

11 1. The absorption surface of the drainfield shall not  
12 be subject to flooding based on 10-year flood elevations.  
13 Provided, however, for lots or parcels created by the  
14 subdivision of land in accordance with applicable local  
15 government regulations prior to January 17, 1990, if an  
16 applicant cannot construct a drainfield system with the  
17 absorption surface of the drainfield at an elevation equal to  
18 or above 10-year flood elevation, the department shall issue a  
19 permit for an onsite sewage treatment and disposal system  
20 within the 10-year floodplain of rivers, streams, and other  
21 bodies of flowing water if all of the following criteria are  
22 met:

23 a. The lot is at least one-half acre in size;  
24 b. The bottom of the drainfield is at least 36 inches  
25 above the 2-year flood elevation; and  
26 c. The applicant installs either: a waterless,  
27 incinerating, or organic waste composting toilet and a  
28 graywater system and drainfield in accordance with department  
29 rules; an aerobic treatment unit and drainfield in accordance  
30 with department rules; a system approved by the State Health  
31 Office that is capable of reducing effluent nitrate by at

1 | least 50 percent; or a system approved by the county health  
2 | department pursuant to department rule other than a system  
3 | using alternative drainfield materials. The United States  
4 | Department of Agriculture Soil Conservation Service soil maps,  
5 | State of Florida Water Management District data, and Federal  
6 | Emergency Management Agency Flood Insurance maps are resources  
7 | that shall be used to identify flood-prone ~~floor-prone~~ areas.

8 |         2. The use of fill or mounding to elevate a drainfield  
9 | system out of the 10-year floodplain of rivers, streams, or  
10 | other bodies of flowing water shall not be permitted if such a  
11 | system lies within a regulatory floodway of the Suwannee and  
12 | Aucilla Rivers. In cases where the 10-year flood elevation  
13 | does not coincide with the boundaries of the regulatory  
14 | floodway, the regulatory floodway will be considered for the  
15 | purposes of this subsection to extend at a minimum to the  
16 | 10-year flood elevation.

17 |  
18 |         Reviser's note.--Amended to improve clarity and  
19 |         facilitate correct interpretation.

20 |  
21 |         Section 199. Subsection (2) of section 381.0068,  
22 | Florida Statutes, 1998 Supplement, is amended to read:

23 |         381.0068 Technical review and advisory panel.--

24 |         (2) The primary purpose of the panel is to assist the  
25 | department in rulemaking and decisionmaking by drawing on the  
26 | expertise of representatives from several groups that are  
27 | affected by onsite sewage treatment and disposal systems. The  
28 | panel may also review and comment on any legislation or any  
29 | existing or proposed state policy or issue related to onsite  
30 | sewage ~~sewer~~ treatment and disposal systems. If requested by  
31 | the panel, the chair will advise any affected person or member

1 of the Legislature of the panel's position on the legislation  
2 or any existing or proposed state policy or issue. The chair  
3 may also take such other action as is appropriate to allow the  
4 panel to function. At a minimum, the panel shall consist of a  
5 soil scientist; a professional engineer registered in this  
6 state who is recommended by the Florida Engineering Society  
7 and who has work experience in onsite sewage treatment and  
8 disposal systems; two representatives from the home-building  
9 industry recommended by the Florida Home Builders Association,  
10 including one who is a developer in this state who develops  
11 lots using onsite sewage treatment and disposal systems; a  
12 representative from the county health departments who has  
13 experience permitting and inspecting the installation of  
14 onsite sewage treatment and disposal systems in this state; a  
15 representative from the real estate industry who is  
16 recommended by the Florida Association of Realtors; a consumer  
17 representative with a science background; two representatives  
18 of the septic tank industry recommended by the Florida Septic  
19 Tank Association, including one who is a manufacturer of  
20 onsite sewage treatment and disposal systems; and a  
21 representative from the environmental health profession who is  
22 recommended by the Florida Environmental Health Association  
23 and who is not employed by a county health department.  
24 Members are to be appointed for a term of 2 years. The panel  
25 may also, as needed, be expanded to include ad hoc, nonvoting  
26 representatives who have topic-specific expertise. All rules  
27 proposed by the department which relate to onsite sewage  
28 treatment and disposal systems must be presented to the panel  
29 for review and comment prior to adoption. The panel's  
30 position on proposed rules shall be made a part of the  
31 rulemaking record that is maintained by the agency. The panel

1 shall select a chair, who shall serve for a period of 1 year  
2 and who shall direct, coordinate, and execute the duties of  
3 the panel. The panel shall also solicit input from the  
4 department's variance review and advisory committee before  
5 submitting any comments to the department concerning proposed  
6 rules. The panel's comments must include any dissenting  
7 points of view concerning proposed rules. The panel shall  
8 hold meetings as it determines necessary to conduct its  
9 business, except that the chair, a quorum of the voting  
10 members of the panel, or the department may call meetings.  
11 The department shall keep minutes of all meetings of the  
12 panel. Panel members shall serve without remuneration, but,  
13 if requested, shall be reimbursed for per diem and travel  
14 expenses as provided in s. 112.061.

15

16 Reviser's note.--Amended to improve clarity and  
17 facilitate correct interpretation.

18

19 Section 200. Paragraph (d) of subsection (2) of  
20 section 381.0203, Florida Statutes, is amended to read:

21 381.0203 Pharmacy services.--

22 (2) The department may establish and maintain a  
23 pharmacy services program, including, but not limited to:

24 (d) Consultation to county health departments as  
25 required by s. 154.04(1)(c)~~154.04(1)(d)~~.

26

27 Reviser's note.--Amended to conform to the  
28 redesignation of s. 154.04(1)(d) as s.  
29 154.04(1)(c) by s. 15, ch. 96-403, Laws of  
30 Florida.

31

1           Section 201. Section 408.602, Florida Statutes  
2 (renumbered as section 381.732, 1998 Supplement), is amended  
3 to read:

4           381.732 Short title.--Sections 381.731-381.734  
5 ~~408.601-408.604~~ may be cited as the "Healthy Communities,  
6 Healthy People Act."

7  
8           Reviser's note.--Amended to conform to the  
9 transfer of ss. 408.601-408.604 to ss.  
10 381.731-381.734 by s. 2, ch. 98-224, Laws of  
11 Florida.

12  
13           Section 202. Section 408.603, Florida Statutes  
14 (renumbered as section 381.733, 1998 Supplement), is amended  
15 to read:

16           381.733 Definitions.--As used in ss. 381.731-381.734  
17 ~~408.601-408.604~~, the term:

18           (1) "Department" means the Department of Health and  
19 Rehabilitative Services.

20           (2) "Primary prevention" means interventions directed  
21 toward healthy populations with a focus on avoiding disease  
22 prior to its occurrence.

23           (3) "Secondary prevention" means interventions  
24 designed to promote the early detection and treatment of  
25 diseases and to reduce the risks experienced by at-risk  
26 populations.

27           (4) "Tertiary prevention" means interventions directed  
28 at rehabilitating and minimizing the effects of disease in a  
29 chronically ill population.

30  
31

1 Reviser's note.--Amended to conform to the  
2 transfer of ss. 408.601-408.604 to ss.  
3 381.731-381.734 by s. 2, ch. 98-224, Laws of  
4 Florida.

5  
6 Section 203. Subsection (10) of section 382.003,  
7 Florida Statutes, is amended to read:

8 382.003 Powers and duties of the department.--The  
9 department may:

10 (10) Adopt, promulgate, and enforce rules necessary  
11 for the creation, issuance, recording, rescinding,  
12 maintenance, and processing of vital records and for carrying  
13 out the provisions of ss. 382.004-382.0135 ~~382.004-382.014~~ and  
14 ss. 382.016-382.019.

15  
16 Reviser's note.--Amended to conform to the  
17 repeal of s. 382.014 by s. 125, ch. 97-237,  
18 Laws of Florida.

19  
20 Section 204. Section 382.356, Florida Statutes, is  
21 amended to read:

22 382.356 Protocol for sharing certain birth certificate  
23 information.--In order to facilitate the prosecution of  
24 offenses under s. 794.011, s. 794.05, s. 800.04, or s.  
25 827.04(3)~~827.04(4)~~, the Department of Health, the Department  
26 of Revenue, and the Florida Prosecuting Attorneys Association  
27 shall develop a protocol for sharing birth certificate  
28 information for all children born to unmarried mothers who are  
29 less than 17 years of age at the time of the child's birth.

30  
31

1 Reviser's note.--Amended to revise the  
2 reference to s. 827.04(4) as created by s. 2,  
3 ch. 96-215, Laws of Florida, to conform to the  
4 redesignation of subunits of s. 827.04 by s.  
5 10, ch. 96-322, Laws of Florida.

6  
7 Section 205. Paragraph (c) of subsection (2) of  
8 section 388.4111, Florida Statutes, is amended to read:

9 388.4111 Public lands; arthropod control.--  
10 (2)

11 (c) If the land management agency and the local  
12 arthropod control agency are unable to agree on a public lands  
13 control plan, the Florida Coordinating Council on Mosquito  
14 Control may recommend a control plan to the department, which  
15 shall propose a recommended public lands control plan. If the  
16 land management agency and the local arthropod control agency  
17 fail to agree to such recommended public lands control plan  
18 within 30 days of the rendering of such plan, either agency  
19 may petition the Land and Water Adjudicatory Commission to  
20 determine whether the proposed control plan employs methods  
21 which are the minimum necessary and economically feasible to  
22 abate a public health or nuisance problem and which impose the  
23 least hazard to fish, wildlife, and other natural resources  
24 protected or managed in such areas. Unless both parties waive  
25 their right to a hearing, the Land and Water Adjudicatory  
26 Commission shall direct a hearing officer to hold a hearing  
27 within the jurisdiction of the local arthropod control agency  
28 pursuant to the provisions of ss. 120.569 and 120.57 and  
29 submit a recommended order. The commission shall, within 60  
30 days of receipt of the recommended order, issue a final order  
31 adopting a public lands control plan. Consistent with s.

1 120.57(1)(1)~~120.57(1)(j)~~, the commission may adopt or modify  
2 the proposed control plan. The commission shall adopt rules on  
3 the conduct of appeals before the commission.

4  
5 Reviser's note.--Amended to conform to the  
6 redesignation of s. 120.57(1)(j) as s.  
7 120.57(1)(1) by s. 5, ch. 98-200, Laws of  
8 Florida.

9  
10 Section 206. Subsection (1) of section 388.46, Florida  
11 Statutes, is amended to read:

12 388.46 Florida Coordinating Council on Mosquito  
13 Control; establishment; membership; organization;  
14 responsibilities.--

15 (1) ESTABLISHMENT OF COUNCIL; LEGISLATIVE INTENT.--It  
16 is declared to be in the best interest of the state that  
17 public agencies responsible for and involved in arthropod  
18 control activities work together to reduce duplication of  
19 effort, foster maximum efficient use of existing resources,  
20 advise and assist the agencies involved in arthropod control  
21 in implementing best management practices and best available  
22 technology in controlling arthropods, develop outside funding  
23 sources and establish priorities for research into the  
24 environmental effects of arthropod control, and enhance  
25 communication between all interests involved in arthropod  
26 control activities. It is therefore the intent of the  
27 Legislature to establish the Florida Coordinating Council on  
28 Mosquito Control within the department. The Florida  
29 Coordinating Council on Mosquito Control shall be an advisory  
30 body, ~~as defined in s. 11.611(3)(a).~~



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 207. Paragraph (b) of subsection (3) of  
7 section 390.0111, Florida Statutes, 1998 Supplement, is  
8 amended to read:

9 390.0111 Termination of pregnancies.--

10 (3) CONSENTS REQUIRED.--A termination of pregnancy may  
11 not be performed or induced except with the voluntary and  
12 informed written consent of the pregnant woman or, in the case  
13 of a mental incompetent, the voluntary and informed written  
14 consent of her court-appointed guardian.

15 (b) In the event a medical emergency exists and a  
16 physician cannot comply with the requirements for informed  
17 consent, a physician may terminate a pregnancy if he or she  
18 has obtained at least one corroborative medical opinion  
19 attesting to the medical necessity for emergency medical  
20 procedures and to the fact that to a reasonable degree of  
21 medical certainty the continuation of the pregnancy would  
22 threaten the life of the pregnant woman. In the event no  
23 second physician is available for a corroborating opinion, the  
24 physician may proceed but shall ~~be~~ document reasons for the  
25 medical necessity in the patient's medical records.

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

29  
30 Section 208. Subsection (3) of section 390.0112,  
31 Florida Statutes, is amended to read:

1           390.0112 Termination of pregnancies; reporting.--  
2           (3) Reports submitted pursuant to this section shall  
3 be confidential and exempt from the provisions of s. 119.07(1)  
4 and shall not be revealed except upon the order of a court of  
5 competent jurisdiction in a civil or criminal proceeding. ~~This~~  
6 ~~exemption is subject to the Open Government Sunset Review Act~~  
7 ~~in accordance with s. 119.14.~~

8  
9           Reviser's note.--Amended to conform to the  
10           repeal of s. 119.14 by s. 1, ch. 95-217, Laws  
11           of Florida.

12  
13           Section 209. Subsections (8) and (45) of section  
14 393.063, Florida Statutes, 1998 Supplement, are amended to  
15 read:

16           393.063 Definitions.--For the purposes of this  
17 chapter:

18           (8) "Comprehensive transitional education program"  
19 means a group of jointly operating centers or units, the  
20 collective purpose of which is to provide a sequential series  
21 of educational care, training, treatment, habilitation, and  
22 rehabilitation services to persons who have developmental  
23 disabilities, as defined in subsection (12)~~(11)~~, and who have  
24 severe or moderate maladaptive behaviors. However, nothing in  
25 this subsection shall require comprehensive transitional  
26 education programs to provide services only to persons with  
27 developmental disabilities, as defined in subsection (12)  
28 ~~(11)~~. All such services shall be temporary in nature and  
29 delivered in a structured residential setting with the primary  
30 goal of incorporating the normalization principle to establish  
31 permanent residence for persons with maladaptive behaviors in

1 facilities not associated with the comprehensive transitional  
2 education program. The staff shall include psychologists and  
3 teachers, and such staff personnel shall be available to  
4 provide services in each component center or unit of the  
5 program. The psychologists shall be individuals who are  
6 licensed in this state and certified as behavior analysts in  
7 this state, or individuals who meet the professional  
8 requirements established by the department for district  
9 behavior analysts and are certified as behavior analysts in  
10 this state.

11 (a) Comprehensive transitional education programs  
12 shall include a minimum of two component centers or units, as  
13 defined in this paragraph, one of which shall be either an  
14 intensive treatment and educational center or a transitional  
15 training and educational center, which provide services to  
16 persons with maladaptive behaviors in the following sequential  
17 order:

18 1. Intensive treatment and educational center. This  
19 component is a self-contained residential unit providing  
20 intensive psychological and educational programming for  
21 persons with severe maladaptive behaviors, whose behaviors  
22 preclude placement in a less restrictive environment due to  
23 the threat of danger or injury to themselves or others.

24 2. Transitional training and educational center. This  
25 component is a residential unit for persons with moderate  
26 maladaptive behaviors, providing concentrated psychological  
27 and educational programming emphasizing a transition toward a  
28 less restrictive environment.

29 3. Community transition residence. This component is  
30 a residential center providing educational programs and such  
31 support services, training, and care as are needed to assist

1 persons with maladaptive behaviors to avoid regression to more  
2 restrictive environments while preparing them for more  
3 independent living. Continuous-shift staff shall be required  
4 for this component.

5           4. Alternative living center. This component is a  
6 residential unit providing an educational and family living  
7 environment for persons with maladaptive behaviors, in a  
8 moderately unrestricted setting. Residential staff shall be  
9 required for this component.

10           5. Independent living education center. This  
11 component is a facility providing a family living environment  
12 for persons with maladaptive behaviors, in a largely  
13 unrestricted setting which includes education and monitoring  
14 appropriate to support the development of independent living  
15 skills by the students.

16           (b) Centers or units that are components of a  
17 comprehensive transitional education program are subject to  
18 the license issued to the comprehensive transitional education  
19 program and may be located on either single or multiple sites.

20           (c) Comprehensive transitional education programs  
21 shall develop individual education plans for each person with  
22 maladaptive behaviors who receives services therein. Such  
23 individual education plans shall be developed in accordance  
24 with the criteria included in Pub. L. No. 94-142, 20 U.S.C.  
25 ss. 401 et seq., and 34 C.F.R. part 300.

26           (d) In no instance shall the total number of persons  
27 with maladaptive behaviors being provided services in a  
28 comprehensive transitional education program exceed 120.

29           (e) This subsection shall authorize licensure for  
30 comprehensive transitional education programs which by July 1,  
31 1989:

- 1           1. Are in actual operation; or  
2           2. Own a fee simple interest in real property for  
3 which a county or city government has approved zoning allowing  
4 for the placement of the facilities described in this  
5 subsection, and have registered an intent with the department  
6 to operate a comprehensive transitional education program.

7           (45) "Screening," for purposes of employment,  
8 contracting, or certification, means the act of assessing the  
9 background of direct service providers and independent support  
10 coordinators, who are not related to clients for whom they  
11 provide services, and includes, but is not limited to,  
12 employment history checks, local criminal records checks  
13 through local law enforcement agencies, fingerprinting for all  
14 purposes and checks in this subsection, statewide criminal  
15 records checks through the Department of Law Enforcement, and  
16 federal criminal records checks through the Federal Bureau of  
17 Investigation; except that screening for volunteers included  
18 under the definition of personnel includes only local criminal  
19 records checks through local law enforcement agencies for  
20 current residence and residence immediately prior to  
21 employment as a volunteer, if different; and statewide  
22 criminal records correspondence checks through the Department  
23 of Law Enforcement.

24  
25           Reviser's note.--Subsection (8) is amended to  
26 conform to the redesignation of s. 393.063(11)  
27 as s. 393.063(12) by s. 23, ch. 98-171, Laws of  
28 Florida. Subsection (45) is amended to improve  
29 clarity and facilitate correct interpretation.

30  
31

1           Section 210. Subsection (12) of section 393.067,  
2 Florida Statutes, 1998 Supplement, is amended to read:

3           393.067 Licensure of residential facilities and  
4 comprehensive transitional education programs.--

5           (12) An alternative living center and an independent  
6 living education center, as defined in s. 393.063(8)  
7 ~~393.063(7)~~, shall be subject to the provisions of s. 419.001,  
8 except that such centers shall be exempt from the  
9 1,000-foot-radius requirement of s. 419.001(2) if:

10           (a) Such centers are located on a site zoned in a  
11 manner so that all the component centers of a comprehensive  
12 transition education center may be located thereon; or

13           (b) There are no more than three such centers within  
14 said radius of 1,000 feet.

15  
16           Reviser's note.--Amended to conform to the  
17 redesignation of s. 393.063(7) as s. 393.063(8)  
18 by s. 23, ch. 98-171, Laws of Florida.

19  
20           Section 211. Subsection (7) of section 394.4787,  
21 Florida Statutes, 1998 Supplement, is amended to read:

22           394.4787 Definitions.--As used in this section and ss.  
23 394.4786, 394.4788, and 394.4789:

24           (7) "Specialty psychiatric hospital" means a hospital  
25 licensed by the agency pursuant to s. 395.002(29)~~395.002(30)~~  
26 as a specialty psychiatric hospital.

27  
28           Reviser's note.--Amended to conform to the  
29 redesignation of s. 395.002(30) as s.  
30 395.002(29) incident to the compilation of the  
31 1998 Supplement to the Florida Statutes 1997.

1           Section 212. Subsections (11) and (29) of section  
2 395.002, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           395.002 Definitions.--As used in this chapter:

5           (11) "General hospital" means any facility which meets  
6 the provisions of subsection (13)~~(14)~~ and which regularly  
7 makes its facilities and services available to the general  
8 population.

9           (29) "Specialty hospital" means any facility which  
10 meets the provisions of subsection (13)~~(14)~~, and which  
11 regularly makes available either:

12           (a) The range of medical services offered by general  
13 hospitals, but restricted to a defined age or gender group of  
14 the population;

15           (b) A restricted range of services appropriate to the  
16 diagnosis, care, and treatment of patients with specific  
17 categories of medical or psychiatric illnesses or disorders;  
18 or

19           (c) Intensive residential treatment programs for  
20 children and adolescents as defined in subsection (16).

21  
22           Reviser's note.--Amended to conform to the  
23 redesignation of subsection (14) of s. 395.002  
24 as subsection (13) necessitated by the repeal  
25 of former subsection (2) by s. 23, ch. 98-89,  
26 Laws of Florida.

27  
28           Section 213. Subsection (4) of section 395.605,  
29 Florida Statutes, is amended to read:

30           395.605 Emergency care hospitals.--  
31

1           (4) For the purpose of coordinating primary care  
2 services described in s. 154.011(1)(c)10. ~~and aging services~~  
3 ~~described in s. 410.016(2)(n)~~, the department shall treat  
4 emergency care hospitals in the same manner as rural  
5 hospitals.

6  
7           Reviser's note.--Amended to conform to the  
8 repeal of s. 410.016 by s. 87, ch. 95-418, Laws  
9 of Florida.

10  
11           Section 214. Section 397.405, Florida Statutes, is  
12 reenacted and amended to read:

13           397.405 Exemptions from licensure.--The following are  
14 exempt from the licensing provisions of this chapter:

15           (1) A hospital or hospital-based component licensed  
16 under chapter 395.

17           (2) A nursing home facility as defined in s.  
18 400.021(11).

19           (3) A substance abuse education program established  
20 pursuant to s. 233.061.

21           (4) A facility or institution operated by the Federal  
22 Government.

23           (5) A physician licensed under chapter 458 or chapter  
24 459.

25           (6) A psychologist licensed under chapter 490.

26           (7) A social worker, marriage and family therapist, or  
27 mental health counselor licensed under chapter 491.

28           (8) An established and legally cognizable church or  
29 nonprofit religious organization, denomination, or sect  
30 providing substance abuse services, including prevention  
31 services, which are exclusively religious, spiritual, or



1 ecclesiastical in nature. A church or nonprofit religious  
2 organization, denomination, or sect providing any of the  
3 licensable service components itemized under s. 397.311(19) is  
4 not exempt for purposes of its provision of such licensable  
5 service components but retains its exemption with respect to  
6 all services which are exclusively religious, spiritual, or  
7 ecclesiastical in nature.

8 (9) Facilities licensed under s. 393.063(8)~~393.063(7)~~  
9 that, in addition to providing services to persons who are  
10 developmentally disabled as defined therein, also provide  
11 services to persons developmentally at risk as a consequence  
12 of exposure to alcohol or other legal or illegal drugs while  
13 in utero.

14 (10) DUI education and screening services required to  
15 be attended pursuant to ss. 316.192, 316.193, 322.095,  
16 322.271, and 322.291 are exempt from licensure under this  
17 chapter. Treatment programs must continue to be licensed  
18 under this chapter.

19  
20 The exemptions from licensure in this section do not apply to  
21 any facility or entity which receives an appropriation, grant,  
22 or contract from the state to operate as a service provider as  
23 defined in this chapter or to any substance abuse program  
24 regulated pursuant to s. 397.406. No provision of this  
25 chapter shall be construed to limit the practice of a  
26 physician licensed under chapter 458 or chapter 459, a  
27 psychologist licensed under chapter 490, or a psychotherapist  
28 licensed under chapter 491, providing outpatient or inpatient  
29 substance abuse treatment to a voluntary patient, so long as  
30 the physician, psychologist, or psychotherapist does not  
31 represent to the public that he or she is a licensed service

1 provider under this act. Failure to comply with any  
2 requirement necessary to maintain an exempt status under this  
3 section is a misdemeanor of the first degree, punishable as  
4 provided in s. 775.082 or s. 775.083.

5  
6 Reviser's note.--Section 65, ch. 97-190, Laws  
7 of Florida, purported to amend subsection (3)  
8 of s. 397.405, but did not set out in full the  
9 amended subsection to include the flush left  
10 language at the end of the section. In the  
11 absence of affirmative evidence that the  
12 Legislature intended to repeal the omitted  
13 material, s. 397.405 is reenacted to confirm  
14 that the omission was not intended. Subsection  
15 (9) is amended to conform to the redesignation  
16 of s. 393.063(7) as s. 393.063(8) by s. 23, ch.  
17 98-171, Laws of Florida.

18  
19 Section 215. Subsection (4) of section 400.0067,  
20 Florida Statutes, is amended to read:

21 400.0067 Establishment of State Long-Term Care  
22 Ombudsman Council; duties; membership.--

23 ~~(4)(a) Within 30 days after May 5, 1993, each district~~  
24 ~~ombudsman council shall appoint one member to the council and~~  
25 ~~the secretary shall submit a list of not fewer than eight~~  
26 ~~council nominees to the Governor.~~

27 ~~(b) Within 60 days after May 5, 1993, the Governor~~  
28 ~~shall appoint three members to the council, or the provisions~~  
29 ~~of paragraph (3)(a) shall apply.~~

30 ~~(c) The initial appointments shall be for staggered~~  
31 ~~terms. The members from districts 1, 2, 3A, 3B, and 4 shall~~

1 ~~serve for 1 year; the members from districts 5, 6, 7, 8, and 9~~  
2 ~~shall serve for 2 years; and the members from districts 10 and~~  
3 ~~11 and the Governor's three appointees shall serve for 3~~  
4 ~~years. Thereafter, Members shall be appointed and serve 3-year~~  
5 terms as provided by this section.

6 ~~(d) Within 60 days after May 5, 1993, or as soon~~  
7 ~~thereafter as practicable, the State Long-Term Care Ombudsman~~  
8 ~~Council shall hold its first meeting and shall elect a~~  
9 ~~chairperson from among its members, without regard to the~~  
10 ~~minimum time served on the council. All other provisions of~~  
11 ~~paragraph (3)(c) shall apply.~~

12  
13 Reviser's note.--Amended to delete provisions  
14 that have served their purpose.

15  
16 Section 216. Paragraph (b) of subsection (1) of  
17 section 400.051, Florida Statutes, 1998 Supplement, is amended  
18 to read:

19 400.051 Homes or institutions exempt from the  
20 provisions of this part.--

21 (1) The following shall be exempt from the provisions  
22 of this part:

23 (b) Any hospital, as defined in s. 395.002(11)  
24 ~~395.002(10)~~, that is licensed under chapter 395.

25  
26 Reviser's note.--Amended to conform to the  
27 redesignation of the referenced s. 395.002(10)  
28 as s. 395.002(11) incident to the compilation  
29 of the 1998 Supplement to the Florida Statutes  
30 1997.

1           Section 217. Subsection (1) of section 400.063,  
2 Florida Statutes, is amended to read:

3           400.063 Resident Protection Trust Fund.--

4           (1) A Resident Protection Trust Fund shall be  
5 established for the purpose of collecting and disbursing funds  
6 generated from the license fees and administrative fines as  
7 provided for in ss. 393.0673(2), 400.062(3)(b), 400.111(1),  
8 400.121(2), and 400.23(9)~~400.23(8)~~. Such funds shall be for  
9 the sole purpose of paying for the appropriate alternate  
10 placement, care, and treatment of residents who are removed  
11 from a facility licensed under this part or a facility  
12 specified in s. 393.0678(1) in which the agency determines  
13 that existing conditions or practices constitute an immediate  
14 danger to the health, safety, or security of the residents.  
15 If the agency determines that it is in the best interest of  
16 the health, safety, or security of the residents to provide  
17 for an orderly removal of the residents from the facility, the  
18 agency may utilize such funds to maintain and care for the  
19 residents in the facility pending removal and alternative  
20 placement. The maintenance and care of the residents shall be  
21 under the direction and control of a receiver appointed  
22 pursuant to s. 393.0678(1) or s. 400.126(1). However, funds  
23 may be expended in an emergency upon a filing of a petition  
24 for a receiver, upon the declaration of a state of local  
25 emergency pursuant to s. 252.38(3)(a)~~5.252.38(6)(e)~~, or upon  
26 a duly authorized local order of evacuation of a facility by  
27 emergency personnel to protect the health and safety of the  
28 residents.

29  
30           Reviser's note.--Amended to conform to the  
31           correct location of material relating to

1 license fees and administrative fines in s.  
2 400.23 and the redesignation of s. 252.38(6)(e)  
3 as s. 252.38(3)(a)5. by s. 14, ch. 93-211, Laws  
4 of Florida.

5  
6 Section 218. Subsection (2) of section 400.417,  
7 Florida Statutes, 1998 Supplement, is amended to read:

8 400.417 Expiration of license; renewal; conditional  
9 license.--

10 (2) A license shall be renewed within 90 days upon the  
11 timely filing of an application on forms furnished by the  
12 agency and the provision of satisfactory proof of ability to  
13 operate and conduct the facility in accordance with the  
14 requirements of this part and adopted rules, including proof  
15 that the facility has received a satisfactory firesafety  
16 inspection, conducted by the local authority having  
17 jurisdiction or the State Fire Marshal, within the preceding  
18 12 months and an affidavit of ~~or~~ compliance with the  
19 background screening requirements of s. 400.4174.

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

23  
24 Section 219. Subsection (2) of section 400.4174,  
25 Florida Statutes, 1998 Supplement, is amended to read:

26 400.4174 Background screening; exemptions; reports of  
27 abuse in facilities.--

28 (2) The owner or administrator of an assisted living  
29 facility must conduct level 1 background screening, as set  
30 forth in chapter 435, on all employees hired on or after  
31 October 1, 1998, who perform personal services as defined in

1 s. 400.402(17)~~400.402(16)~~. The agency may exempt an  
2 individual from employment disqualification as set forth in  
3 chapter 435. Such persons shall be considered as having met  
4 this requirement if:

5 (a) Proof of compliance with level 1 screening  
6 requirements obtained to meet any professional license  
7 requirements in this state is provided and accompanied, under  
8 penalty of perjury, by a copy of the person's current  
9 professional license and an affidavit of current compliance  
10 with the background screening requirements.

11 (b) The person required to be screened has been  
12 continuously employed in the same type of occupation for which  
13 the person is seeking employment without a breach in service  
14 which exceeds 180 days, and proof of compliance with the level  
15 1 screening requirement which is no more than 2 years old is  
16 provided. Proof of compliance shall be provided directly from  
17 one employer or contractor to another, and not from the person  
18 screened. Upon request, a copy of screening results shall be  
19 provided by the employer retaining documentation of the  
20 screening to the person screened.

21 (c) The person required to be screened is employed by  
22 a corporation or business entity or related corporation or  
23 business entity that owns, operates, or manages more than one  
24 facility or agency licensed under this chapter, and for whom a  
25 level 1 screening was conducted by the corporation or business  
26 entity as a condition of initial or continued employment.

27  
28 Reviser's note.--Amended to conform to the  
29 redesignation of s. 400.402(16) as s.  
30 400.402(17) by s. 1, ch. 98-80, Laws of  
31 Florida.

1           Section 220. Paragraph (a) of subsection (4) of  
2 section 400.4256, Florida Statutes, 1998 Supplement, is  
3 amended to read:

4           400.4256 Assistance with self-administration of  
5 medication.--

6           (4) Assistance with self-administration does not  
7 include:

8           (a) Mixing, compounding, converting, or calculating  
9 medication doses, except for measuring a prescribed amount of  
10 liquid medication or breaking a scored tablet ~~tableted~~ or  
11 crushing a tablet as prescribed.

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

15  
16           Section 221. Subsection (11) of section 400.426,  
17 Florida Statutes, is amended to read:

18           400.426 Appropriateness of placements; examinations of  
19 residents.--

20           (11) No resident who requires 24-hour nursing  
21 supervision, except for a resident who is an enrolled hospice  
22 patient pursuant to part VI ~~V~~ of this chapter, shall be  
23 retained in a facility licensed under this part.

24  
25           Reviser's note.--Amended to conform to the  
26 redesignation of part V of chapter 400 as part  
27 VI incident to the compilation of ch. 93-177,  
28 Laws of Florida.

1           Section 222. Paragraph (a) of subsection (6) of  
2 section 400.427, Florida Statutes, 1998 Supplement, is amended  
3 to read:

4           400.427 Property and personal affairs of residents.--

5           (6)

6           (a) In addition to any damages or civil penalties to  
7 which a person is subject, any person who:

8           1. Intentionally withholds a resident's personal  
9 funds, personal property, or personal needs allowance, or who  
10 demands, beneficially receives, or contracts for payment of  
11 all or any part of a resident's personal property or personal  
12 needs allowance in satisfaction of the facility rate for  
13 supplies and services; or

14           2. Borrows from or pledges any personal funds of a  
15 resident, other than the amount agreed to by written contract  
16 under s. 400.424,

17  
18 commits a misdemeanor of the first degree, punishable as  
19 provided in s. 775.082 or s. 775.083.

20  
21           Reviser's note.--Amended to improve clarity and  
22 facilitate correct interpretation. Prior to the  
23 amendment by s. 22, ch. 93-216, Laws of  
24 Florida, the language "commits a misdemeanor of  
25 the first degree, punishable as provided in s.  
26 775.082 or s. 775.083" was placed flush left  
27 following s. 400.427(6)(a)2. The amendment by  
28 s. 22, ch. 93-216, placed the language at the  
29 end of subparagraph 2.



1           Section 223. Subsection (2) of section 400.447,  
2 Florida Statutes, is amended to read:

3           400.447 Prohibited acts; penalties for violation.--

4           (2) It is unlawful for any holder of a license issued  
5 pursuant to the provisions of this act to withhold from the  
6 agency any evidence of financial instability, including, but  
7 not limited to, bad checks, delinquent accounts, nonpayment of  
8 withholding taxes, unpaid utility expenses, nonpayment for  
9 essential services, or adverse court action concerning the  
10 financial viability of the facility or any other facility  
11 licensed under part II ~~±~~ or part III ~~±±~~ of this chapter which  
12 is owned by the licensee.

13  
14           Reviser's note.--Amended to conform to the  
15 redesignation of parts I and II of chapter 400  
16 as parts II and III incident to the compilation  
17 of ch. 93-177, Laws of Florida.

18  
19           Section 224. Subsection (1) of section 400.471,  
20 Florida Statutes, 1998 Supplement, is amended to read:

21           400.471 Application for license; fee; provisional  
22 license; temporary permit.--

23           (1) Application for an initial license or for renewal  
24 of an existing license must be made under oath to the Agency  
25 for Health Care Administration on forms furnished by it and  
26 must be accompanied by the appropriate license fee as provided  
27 in subsection (8) ~~(4)~~. The agency must take final action on  
28 an initial licensure application within 60 days after receipt  
29 of all required documentation.

1 Reviser's note.--Amended to conform to the  
2 correct location of material relating to  
3 license fees in s. 400.471(7) as amended by s.  
4 4, ch. 93-214, Laws of Florida, and the further  
5 redesignation of subsection (7) as subsection  
6 (8) by s. 48, ch. 98-171, Laws of Florida.  
7

8 Section 225. Paragraph (a) of subsection (2) of  
9 section 400.6085, Florida Statutes, is amended to read:  
10 400.6085 Contractual services.--A hospice may contract  
11 out for some elements of its services. However, the core  
12 services, as set forth in s. 400.609(1), shall be provided  
13 directly by the hospice. Any contract entered into between a  
14 hospice and a health care facility or service provider must  
15 specify that the hospice retains the responsibility for  
16 planning, coordinating, and prescribing hospice care and  
17 services for the hospice patient and family. A hospice that  
18 contracts for any hospice service is prohibited from charging  
19 fees for services provided directly by the hospice care team  
20 that duplicate contractual services provided to the patient  
21 and family.

22 (2) With respect to contractual arrangements for  
23 inpatient hospice care:

24 (a) Licensed beds designated for inpatient hospice  
25 care through contract between an existing health care facility  
26 and a hospice shall not be required to be delicensed from one  
27 type of health care in order to enter into a contract with a  
28 hospice, nor shall the physical plant of any facility licensed  
29 pursuant to chapter 395 or part II † of this chapter be  
30 required to be altered, except that a homelike atmosphere may  
31 be required.

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

5  
6 Section 226. Subsection (12) of section 400.618,  
7 Florida Statutes, 1998 Supplement, is amended to read:  
8 400.618 Definitions.--As used in this part, the term:  
9 (12) "Relative" means an individual who is the father,  
10 mother, son, daughter, brother, sister, grandfather,  
11 grandmother, great-grandfather, ~~and~~ great-grandmother, uncle,  
12 aunt, first cousin, nephew, niece, husband, wife,  
13 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
14 brother-in-law, sister-in-law, stepfather, stepmother,  
15 stepson, stepdaughter, stepbrother, stepsister, half brother,  
16 or half sister of a provider.

17  
18 Reviser's note.--Amended to improve clarity and  
19 facilitate correct interpretation.

20  
21 Section 227. Paragraphs (a), (b), and (d) of  
22 subsection (1) of section 400.6196, Florida Statutes, 1998  
23 Supplement, are amended to read:

24 400.6196 Violations; penalties.--

25 (1) In addition to any other liability or penalty  
26 provided by law, the agency may impose a civil penalty on a  
27 provider according to the following classification:

28 (a) Class I violations are those conditions or  
29 practices related to the operation and maintenance of an adult  
30 family-care home or to the care of residents which the agency  
31 determines present an imminent danger to the residents or

1 guests of the facility or a substantial probability that death  
2 or serious physical or emotional harm would result therefrom.  
3 The condition or practice that constitutes a class I violation  
4 must be abated or eliminated within 24 hours, unless a fixed  
5 period, as determined by the agency, is required for  
6 correction. A class I deficiency is subject to an  
7 administrative fine in an amount not less than ~~that~~ \$500 and  
8 not exceeding \$1,000 for each violation. A fine may be levied  
9 notwithstanding the correction of the deficiency.

10 (b) Class II violations are those conditions or  
11 practices related to the operation and maintenance of an adult  
12 family-care home or to the care of residents which the agency  
13 determines directly threaten the physical or emotional health,  
14 safety, or security of the residents, other than class I  
15 violations. A class II violation is subject to an  
16 administrative fine in an amount not less than ~~that~~ \$250 and  
17 not exceeding \$500 for each violation. A citation for a class  
18 II violation must specify the time within which the violation  
19 is required to be corrected. If a class II violation is  
20 corrected within the time specified, no civil penalty shall be  
21 imposed, unless it is a repeated offense.

22 (d) Class IV violations are those conditions or  
23 occurrences related to the operation and maintenance of an  
24 adult family-care home, or related to the required reports,  
25 forms, or documents, which do not have the potential of  
26 negatively affecting the residents. A provider that does not  
27 correct a class IV violation within the time limit specified  
28 by the agency is subject to an administrative fine in an  
29 amount not less than ~~that~~ \$50 and not exceeding \$100 for each  
30 violation. Any class IV violation that is corrected during the  
31

1 time the agency survey is conducted will be identified as an  
2 agency finding and not as a violation.

3

4 Reviser's note.--Amended to improve clarity and  
5 facilitate correct interpretation.

6

7 Section 228. Section 402.161, Florida Statutes, is  
8 amended to read:

9 402.161 Authorization for sale of property.--

10 (1) The Department of Children and Family Services  
11 ~~division~~ is authorized to sell any real or personal property  
12 that it acquired by way of donation, gift, contribution,  
13 bequest, or devise from any person, persons, or organizations  
14 when such real or personal property is determined by the  
15 department ~~division~~ not to be necessary for use in connection  
16 with the work of the department ~~division~~. All proceeds derived  
17 from the sale of such property shall be transmitted to the  
18 State Treasury to be credited to the department.

19 (2) The Department of Children and Family Services  
20 ~~division~~ is authorized to use for its ~~division~~ purposes any  
21 moneys realized from the sale of any such real or personal  
22 property. It is expressly declared to be the intention of the  
23 Legislature that such moneys are appropriated to the  
24 department and may be used by it for its ~~division~~ purposes.  
25 However, such moneys shall be withdrawn in accordance with  
26 law. Such moneys are appropriated to the use of the  
27 department in addition to other funds which have been or may  
28 otherwise be appropriated for its ~~division~~ purposes.

29

30 Reviser's note.--Amended to conform to the  
31 assignment of the functions of the former

1           Division of Family Services to the former  
2           Department of Health and Rehabilitative  
3           Services by s. 3, ch. 75-48, Laws of Florida,  
4           and the subsequent assumption of those  
5           functions by the Department of Children and  
6           Family Services, created by s. 5, ch. 96-403,  
7           Laws of Florida.

8  
9           Section 229. Paragraphs (b), (d), and (g) of  
10          subsection (2) of section 402.3055, Florida Statutes, are  
11          amended to read:

12                 402.3055 Child care personnel requirements.--

13                 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING  
14          EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM;  
15          HEARINGS PROVIDED.--

16                 (b) When the department or the local licensing agency  
17          has reasonable cause to believe that grounds for denial or  
18          termination of employment exist, it shall notify, in writing,  
19          the applicant, licensee, or other child care program and the  
20          child care personnel affected, stating the specific record  
21          which indicates noncompliance with the standards in s.  
22          402.305(2)~~402.305(1)~~.

23                 (d) When a local licensing agency is the agency  
24          initiating the statement regarding noncompliance of an  
25          employee with the standards contained in s. 402.305(2)  
26          ~~402.305(1)~~, the employee, applicant, licensee, or other child  
27          care program has 15 days from the time of written notification  
28          of the agency's finding to make a written request for a  
29          hearing. If a request for a hearing is not received in that  
30          time, the permanent employee, applicant, licensee, or other  
31          child care program is presumed to accept the finding.

1 (g) Refusal on the part of an applicant or licensee to  
2 dismiss child care personnel who have been found to be in  
3 noncompliance with personnel standards of s. 402.305(2)  
4 ~~402.305(1)~~ shall result in automatic denial or revocation of  
5 the license in addition to any other remedies pursued by the  
6 department or local licensing agency.

7  
8 Reviser's note.--Amended to conform to the  
9 redesignation of s. 402.305(1) as s. 402.305(2)  
10 by s. 2, ch. 91-300, Laws of Florida.

11  
12 Section 230. Section 402.3057, Florida Statutes, is  
13 amended to read:

14 402.3057 Persons not required to be refingerprinted or  
15 rescreened.--Any provision of law to the contrary  
16 notwithstanding, human resource personnel who have been  
17 fingerprinted or screened pursuant to chapters 393, 394, 397,  
18 402, and 409, and teachers and noninstructional personnel who  
19 have been fingerprinted pursuant to chapter 231, who have not  
20 been unemployed for more than 90 days thereafter, and who  
21 under the penalty of perjury attest to the completion of such  
22 fingerprinting or screening and to compliance with the  
23 provisions of this section and the standards for good moral  
24 character as contained in such provisions as ss. 110.1127(3),  
25 393.0655(1), 394.457(6), 397.451, 402.305(2)~~402.305(1)~~, and  
26 409.175(4), shall not be required to be refingerprinted or  
27 rescreened in order to comply with any caretaker screening or  
28 fingerprinting requirements.

1           Reviser's note.--Amended to conform to the  
2           redesignation of s. 402.305(1) as s. 402.305(2)  
3           by s. 2, ch. 91-300, Laws of Florida.

4  
5           Section 231. Paragraph (d) of subsection (3) and  
6           paragraph (d) of subsection (4) of section 402.308, Florida  
7           Statutes, are amended to read:

8           402.308 Issuance of license.--

9           (3) STATE ADMINISTRATION OF LICENSING.--In any county  
10          in which the department has the authority to issue licenses,  
11          the following procedures shall be applied:

12          (d) The department shall issue or renew a license upon  
13          receipt of the license fee and upon being satisfied that all  
14          standards required by ss. 402.301-402.319 have been met. A  
15          license may be issued if all the screening materials have been  
16          timely submitted; however, a license may not be issued or  
17          renewed if any of the child care personnel at the applicant  
18          facility have failed the screening required by ss. 402.305(2)  
19          ~~402.305(1)~~and 402.3055.

20          (4) LOCAL ADMINISTRATION OF LICENSING.--In any county  
21          in which there is a local licensing agency approved by the  
22          department, the following procedures shall apply:

23          (d) The local licensing agency shall issue a license  
24          or renew a license upon being satisfied that all standards  
25          required by ss. 402.301-402.319 have been met. A license may  
26          be issued or renewed if all the screening materials have been  
27          timely submitted; however, the local licensing agency shall  
28          not issue or renew a license if any of the child care  
29          personnel at the applicant facility have failed the screening  
30          required by ss. 402.305(2)~~402.305(1)~~and 402.3055.

31



1 Reviser's note.--Amended to conform to the  
2 redesignation of s. 402.305(1) as s. 402.305(2)  
3 by s. 2, ch. 91-300, Laws of Florida.  
4

5 Section 232. Section 402.3115, Florida Statutes, 1998  
6 Supplement, is amended to read:

7 402.3115 Elimination of duplicative and unnecessary  
8 inspections; abbreviated inspections.--The Department of  
9 Health and Rehabilitative Services and local governmental  
10 agencies that license child care facilities shall develop and  
11 implement a plan to eliminate duplicative and unnecessary  
12 inspections of child care facilities. In addition, the  
13 department and the local governmental agencies shall develop  
14 and implement an abbreviated inspection plan for child care  
15 facilities that have had no Class 1 or Class 2 deficiencies,  
16 as defined by rule, for at least 2 consecutive years. The  
17 abbreviated inspection must include those elements identified  
18 by the department and the local governmental agencies as being  
19 key indicators of whether the child care facility continues to  
20 provide quality care and programming. ~~The department and local~~  
21 ~~governmental agencies shall conduct the first meeting not~~  
22 ~~later than August 15, 1996, and shall jointly share~~  
23 ~~administrative responsibilities. The department and local~~  
24 ~~governmental agencies shall report to the Legislature not~~  
25 ~~later than January 15, 1997, regarding the status of~~  
26 ~~implementing this section and any recommendations for~~  
27 ~~statutory changes necessary to further reduce duplicative and~~  
28 ~~unnecessary inspections and fully implement the plan for~~  
29 ~~abbreviated inspections.~~  
30  
31

1           Reviser's note.--Amended to delete provisions  
2           that have served their purpose.  
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