

By the Committee on Rules & Calendar and Representative
Arnall

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 11.45, 20.12, 20.171, 20.331,
4 39.001, 39.402, 72.011, 95.091, 110.123,
5 110.191, 112.317, 112.324, 120.536, 120.545,
6 120.80, 121.021, 121.031, 121.052, 121.122,
7 159.804, 159.805, 159.807, 159.81, 163.3187,
8 175.071, 185.02, 185.06, 185.23, 189.427,
9 197.343, 201.15, 206.46, 206.609, 207.002,
10 212.02, 212.054, 212.055, 212.06, and 212.08,
11 F.S.; and reenacting ss. 61.13 and 63.132,
12 F.S., pursuant to s. 11.242, F.S.; deleting
13 provisions which have expired, have become
14 obsolete, have had their effect, have served
15 their purpose, or have been impliedly repealed
16 or superseded; replacing incorrect
17 cross-references and citations; correcting
18 grammatical, typographical, and like errors;
19 removing inconsistencies, redundancies, and
20 unnecessary repetition in the statutes;
21 improving the clarity of the statutes and
22 facilitating their correct interpretation; and
23 confirming the restoration of provisions
24 unintentionally omitted from republication in
25 the acts of the Legislature during the
26 amendatory process.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Paragraph (a) of subsection (1) of section
31 11.45, Florida Statutes, is amended to read:

1 11.45 Definitions; duties; audits; reports.--
2 (1) As used in this section, the term:
3 (a) "County agency," for the exclusive purposes of
4 this section, means a board of county commissioners or other
5 legislative and governing body of a county, however styled,
6 including that of a consolidated or metropolitan government, a
7 clerk of the circuit court, a separate or ex officio clerk of
8 the county court, a sheriff, a property appraiser, a tax
9 collector, a supervisor of elections, or any other officer in
10 whom any portion of the fiscal duties of the above are under
11 law separately placed. Each county agency is a local
12 governmental entity for purposes of subparagraph (3)(a)5.
13 ~~(3)(a)4.~~

14
15 Reviser's note.--Amended to conform to the
16 redesignation of subparagraph (3)(a)4. as
17 subparagraph (3)(a)5. by s. 3, ch. 99-333, Laws
18 of Florida.

19
20 Section 2. Subsection (2) of section 20.12, Florida
21 Statutes, is amended to read:

22 20.12 Department of Banking and Finance.--There is
23 created a Department of Banking and Finance.

24 (2) As provided in s. 4(d), Art. IV of the State
25 Constitution, the purpose of the Comptroller is to serve as
26 the chief fiscal officer of the state, and he or she shall
27 settle and approve accounts against the state.

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

31

1 Section 3. Paragraph (d) of subsection (3) of section
2 20.171, Florida Statutes, is amended to read:

3 20.171 Department of Labor and Employment
4 Security.--There is created a Department of Labor and
5 Employment Security. The department shall operate its programs
6 in a decentralized fashion.

7 (3)

8 (d)1. The secretary shall appoint a comptroller who
9 shall be responsible to the assistant secretary. This
10 position is exempt from part II of chapter 110.

11 2. The comptroller is the chief financial officer of
12 the department and shall be a proven, effective administrator
13 who, by a combination of education and experience, clearly
14 possesses a broad knowledge of the administrative, financial,
15 and technical aspects of a complex cost-accounting system.
16 The comptroller must also have a working knowledge of
17 generally accepted accounting principles. At a minimum, the
18 comptroller shall hold an active license to practice public
19 accounting in this state pursuant to chapter 473 or in any
20 other state. In addition to the requirements of the Florida
21 Fiscal Accounting Management Information System Act, the
22 comptroller is responsible for the development, maintenance,
23 and modification of an accounting system which will in a
24 timely manner accurately reflect the revenues and expenditures
25 of the department and which shall include a cost-accounting
26 system to properly identify, segregate, allocate, and report
27 department costs. The comptroller shall supervise and direct
28 preparation of a detailed 36-month forecast of cash and
29 expenditures and shall be responsible for managing cash and
30 determining cash requirements. The comptroller shall review
31 all comparative cost studies which examine the

1 cost-effectiveness and feasibility of contracting for services
2 and operations performed by the department. The review shall
3 state that the study was prepared in accordance with generally
4 accepted cost-accounting standards applied in a consistent
5 manner using valid and accurate cost data.

6 3. The comptroller may be required to give bond as
7 provided by s. 20.05(4)~~20.059(4)~~.

8 4. The department shall, by rule or internal
9 management memoranda as required by chapter 120, provide for
10 the maintenance by the comptroller of financial records and
11 accounts of the department as will afford a full and complete
12 check against the improper payment of bills and provide a
13 system for the prompt payment of the just obligations of the
14 department, which records must at all times disclose:

15 a. The several appropriations available for the use of
16 the department.

17 b. The specific amounts of each such appropriation
18 budgeted by the department for each improvement or purpose.

19 c. The apportionment or division of all such
20 appropriations among the several counties and field offices,
21 when such apportionment or division is made.

22 d. The amount or portion of each such apportionment
23 against general contractual and other obligations of the
24 department.

25 e. The amount expended and still to be expended in
26 connection with each contractual and each other obligation of
27 the department.

28 f. The expense and operating costs of the various
29 activities of the department.

30 g. The receipts accruing to the department and the
31 distribution thereof.

1 h. The assets, investments, and liabilities of the
2 department.

3 i. The cash requirements of the department for a
4 36-month period.

5 5. The comptroller shall maintain a separate account
6 for each fund administered by the department.

7 6. The comptroller shall perform such other related
8 duties as may be designated by the department.

9
10 Reviser's note.--Amended to conform to the
11 correct citation to the referenced material; s.
12 20.059 does not exist.

13
14 Section 4. Paragraph (a) of subsection (4) of section
15 20.331, Florida Statutes, is amended to read:

16 20.331 Fish and Wildlife Conservation Commission.--
17 (4)(a) To aid the commission in the implementation of
18 its constitutional and statutory duties, the Legislature
19 authorizes the commission to appoint, fix the salary of, and
20 at its pleasure, remove a person, not a member of the
21 commission, as the executive director. The executive director
22 shall be reimbursed for ~~travel~~ per diem and travel expenses,
23 as provided in s. 112.061, incurred in the discharge of
24 official duties. The executive director shall maintain
25 headquarters and reside in Tallahassee.

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

29
30 Section 5. Subsection (7) of section 39.001, Florida
31 Statutes, is amended to read:

1 39.001 Purposes and intent; personnel standards and
2 screening.--
3 (7) PLAN FOR COMPREHENSIVE APPROACH.--
4 (a) The department shall develop a state plan for the
5 prevention of abuse, abandonment, and neglect of children and
6 shall submit the plan to the Speaker of the House of
7 Representatives, the President of the Senate, and the Governor
8 no later than January 1, 1983. The Department of Education and
9 the Division of Children's Medical Services Prevention and
10 Intervention of the Department of Health shall participate and
11 fully cooperate in the development of the state plan at both
12 the state and local levels. Furthermore, appropriate local
13 agencies and organizations shall be provided an opportunity to
14 participate in the development of the state plan at the local
15 level. Appropriate local groups and organizations shall
16 include, but not be limited to, community mental health
17 centers; guardian ad litem programs for children under the
18 circuit court; the school boards of the local school
19 districts; the district human rights advocacy committees;
20 private or public organizations or programs with recognized
21 expertise in working with children who are sexually abused,
22 physically abused, emotionally abused, abandoned, or neglected
23 and with expertise in working with the families of such
24 children; private or public programs or organizations with
25 expertise in maternal and infant health care;
26 multidisciplinary child protection teams; child day care
27 centers; law enforcement agencies, and the circuit courts,
28 when guardian ad litem programs are not available in the local
29 area. The state plan to be provided to the Legislature and
30 the Governor shall include, as a minimum, the information
31 required of the various groups in paragraph (b).

1 (b) The development of the comprehensive state plan
2 shall be accomplished in the following manner:

3 1. The department shall establish an interprogram task
4 force comprised of the Assistant Secretary for Children and
5 Family Services, or a designee, a representative from the
6 Children and Families Program Office, a representative from
7 the Alcohol, Drug Abuse, and Mental Health Program Office, a
8 representative from the Developmental Services Program Office,
9 a representative from the Office of Standards and Evaluation,
10 and a representative from the Division of Children's Medical
11 Services Prevention and Intervention of the Department of
12 Health. Representatives of the Department of Law Enforcement
13 and of the Department of Education shall serve as ex officio
14 members of the interprogram task force. The interprogram task
15 force shall be responsible for:

16 a. Developing a plan of action for better coordination
17 and integration of the goals, activities, and funding
18 pertaining to the prevention of child abuse, abandonment, and
19 neglect conducted by the department in order to maximize staff
20 and resources at the state level. The plan of action shall be
21 included in the state plan.

22 b. Providing a basic format to be utilized by the
23 districts in the preparation of local plans of action in order
24 to provide for uniformity in the district plans and to provide
25 for greater ease in compiling information for the state plan.

26 c. Providing the districts with technical assistance
27 in the development of local plans of action, if requested.

28 d. Examining the local plans to determine if all the
29 requirements of the local plans have been met and, if they
30 have not, informing the districts of the deficiencies and
31 requesting the additional information needed.

1 e. Preparing the state plan for submission to the
2 Legislature and the Governor. Such preparation shall include
3 the collapsing of information obtained from the local plans,
4 the cooperative plans with the Department of Education, and
5 the plan of action for coordination and integration of
6 departmental activities into one comprehensive plan. The
7 comprehensive plan shall include a section reflecting general
8 conditions and needs, an analysis of variations based on
9 population or geographic areas, identified problems, and
10 recommendations for change. In essence, the plan shall
11 provide an analysis and summary of each element of the local
12 plans to provide a statewide perspective. The plan shall also
13 include each separate local plan of action.

14 f. Working with the specified state agency in
15 fulfilling the requirements of subparagraphs 2., 3., 4., and
16 5.

17 2. The department, the Department of Education, and
18 the Department of Health shall work together in developing
19 ways to inform and instruct parents of school children and
20 appropriate district school personnel in all school districts
21 in the detection of child abuse, abandonment, and neglect and
22 in the proper action that should be taken in a suspected case
23 of child abuse, abandonment, or neglect, and in caring for a
24 child's needs after a report is made. The plan for
25 accomplishing this end shall be included in the state plan.

26 3. The department, the Department of Law Enforcement,
27 and the Department of Health shall work together in developing
28 ways to inform and instruct appropriate local law enforcement
29 personnel in the detection of child abuse, abandonment, and
30 neglect and in the proper action that should be taken in a
31 suspected case of child abuse, abandonment, or neglect.

1 4. Within existing appropriations, the department
2 shall work with other appropriate public and private agencies
3 to emphasize efforts to educate the general public about the
4 problem of and ways to detect child abuse, abandonment, and
5 neglect and in the proper action that should be taken in a
6 suspected case of child abuse, abandonment, or neglect. The
7 plan for accomplishing this end shall be included in the state
8 plan.

9 5. The department, the Department of Education, and
10 the Department of Health shall work together on the
11 enhancement or adaptation of curriculum materials to assist
12 instructional personnel in providing instruction through a
13 multidisciplinary approach on the identification,
14 intervention, and prevention of child abuse, abandonment, and
15 neglect. The curriculum materials shall be geared toward a
16 sequential program of instruction at the four progressional
17 levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging
18 all school districts to utilize the curriculum are to be
19 included in the comprehensive state plan for the prevention of
20 child abuse, abandonment, and neglect.

21 6. Each district of the department shall develop a
22 plan for its specific geographical area. The plan developed
23 at the district level shall be submitted to the interprogram
24 task force for utilization in preparing the state plan. The
25 district local plan of action shall be prepared with the
26 involvement and assistance of the local agencies and
27 organizations listed in paragraph (a), as well as
28 representatives from those departmental district offices
29 participating in the treatment and prevention of child abuse,
30 abandonment, and neglect. In order to accomplish this, the
31 district administrator in each district shall establish a task

1 force on the prevention of child abuse, abandonment, and
2 neglect. The district administrator shall appoint the members
3 of the task force in accordance with the membership
4 requirements of this section. In addition, the district
5 administrator shall ensure that each subdistrict is
6 represented on the task force; and, if the district does not
7 have subdistricts, the district administrator shall ensure
8 that both urban and rural areas are represented on the task
9 force. The task force shall develop a written statement
10 clearly identifying its operating procedures, purpose, overall
11 responsibilities, and method of meeting responsibilities. The
12 district plan of action to be prepared by the task force shall
13 include, but shall not be limited to:

14 a. Documentation of the magnitude of the problems of
15 child abuse, including sexual abuse, physical abuse, and
16 emotional abuse, and child abandonment and neglect in its
17 geographical area.

18 b. A description of programs currently serving abused,
19 abandoned, and neglected children and their families and a
20 description of programs for the prevention of child abuse,
21 abandonment, and neglect, including information on the impact,
22 cost-effectiveness, and sources of funding of such programs.

23 c. A continuum of programs and services necessary for
24 a comprehensive approach to the prevention of all types of
25 child abuse, abandonment, and neglect as well as a brief
26 description of such programs and services.

27 d. A description, documentation, and priority ranking
28 of local needs related to child abuse, abandonment, and
29 neglect prevention based upon the continuum of programs and
30 services.

31

1 e. A plan for steps to be taken in meeting identified
2 needs, including the coordination and integration of services
3 to avoid unnecessary duplication and cost, and for alternative
4 funding strategies for meeting needs through the reallocation
5 of existing resources, utilization of volunteers, contracting
6 with local universities for services, and local government or
7 private agency funding.

8 f. A description of barriers to the accomplishment of
9 a comprehensive approach to the prevention of child abuse,
10 abandonment, and neglect.

11 g. Recommendations for changes that can be
12 accomplished only at the state program level or by legislative
13 action.

14
15 Reviser's note.--Amended to conform to the
16 reorganization of divisions of the Department
17 of Health by ch. 99-397, Laws of Florida.

18
19 Section 6. Paragraph (b) of subsection (6) of section
20 39.402, Florida Statutes, is amended to read:

21 39.402 Placement in a shelter.--

22 (6)

23 (b) The shelter petition filed with the court must
24 address each condition required to be determined by the court
25 in paragraphs (8)(a), (b), (d), and (h)~~(8)(a), (b), (d), and~~
26 ~~(f)~~.

27
28 Reviser's note.--Amended to conform to the
29 redesignation of paragraph (8)(f) as paragraph
30 (8)(h) by s. 12, ch. 99-168, Laws of Florida.

31

1 Section 7. Paragraph (b) of subsection (1) of section
2 61.13, Florida Statutes, is reenacted to read:

3 61.13 Custody and support of children; visitation
4 rights; power of court in making orders.--

5 (1)

6 (b) Each order for child support shall contain a
7 provision for health insurance for the minor child when the
8 insurance is reasonably available. Insurance is reasonably
9 available if either the obligor or obligee has access at a
10 reasonable rate to group insurance. The court may require the
11 obligor either to provide health insurance coverage or to
12 reimburse the obligee for the cost of health insurance
13 coverage for the minor child when coverage is provided by the
14 obligee. In either event, the court shall apportion the cost
15 of coverage, and any noncovered medical, dental, and
16 prescription medication expenses of the child, to both parties
17 by adding the cost to the basic obligation determined pursuant
18 to s. 61.30(6). The court may order that payment of uncovered
19 medical, dental, and prescription medication expenses of the
20 minor child be made directly to the payee on a percentage
21 basis.

22 1. A copy of the court order for insurance coverage
23 shall be served on the obligor's payor or union by the obligee
24 or the IV-D agency when the following conditions are met:

25 a. The obligor fails to provide written proof to the
26 obligee or the IV-D agency within 30 days of receiving
27 effective notice of the court order, that the insurance has
28 been obtained or that application for insurability has been
29 made;

30
31

1 b. The obligee or IV-D agency serves written notice of
2 its intent to enforce medical support on the obligor by mail
3 at the obligor's last known address; and

4 c. The obligor fails within 15 days after the mailing
5 of the notice to provide written proof to the obligee or the
6 IV-D agency that the insurance coverage existed as of the date
7 of mailing.

8 2. In cases in which the noncustodial parent provides
9 health care coverage and the noncustodial parent changes
10 employment and the new employer provides health care coverage,
11 the IV-D agency shall transfer notice of the provision to the
12 employer, which notice shall operate to enroll the child in
13 the noncustodial parent's health plan, unless the noncustodial
14 parent contests the notice. Notice to enforce medical
15 coverage under this section shall be served by the IV-D agency
16 upon the obligor by mail at the obligor's last known address.
17 The obligor shall have 15 days from the date of mailing of the
18 notice to contest the notice with the IV-D agency.

19 3. Upon receipt of the order pursuant to subparagraph
20 1. or the notice pursuant to subparagraph 2., or upon
21 application of the obligor pursuant to the order, the payor,
22 union, or employer shall enroll the minor child as a
23 beneficiary in the group insurance plan and withhold any
24 required premium from the obligor's income. If more than one
25 plan is offered by the payor, union, or employer, the child
26 shall be enrolled in the insurance plan in which the obligor
27 is enrolled.

28 4. The Department of Revenue shall have the authority
29 to adopt rules to implement the child support enforcement
30 provisions of this section.

31

1 Reviser's note.--Section 8, ch. 98-397, Laws of
2 Florida, purported to amend paragraph (1)(b),
3 but failed to republish subparagraphs 1.-4. In
4 the absence of affirmative evidence that the
5 Legislature intended to repeal subparagraphs
6 1.-4., paragraph (1)(b) is reenacted to confirm
7 that the omission was not intended.

8
9 Section 8. Paragraph (c) of subsection (1) of section
10 63.132, Florida Statutes, is reenacted to read:

11 63.132 Report of expenditures and receipts.--

12 (1) At least 10 days before the hearing, the
13 petitioner and any intermediary must file two copies of an
14 affidavit containing a full accounting of all disbursements
15 and receipts of anything of value, including professional
16 fees, made or agreed to be made by or on behalf of the
17 petitioner and any intermediary in connection with the
18 adoption. The clerk of the court shall forward a copy of the
19 affidavit to the department. The report must show any expenses
20 or receipts incurred in connection with:

21 (c) The medical or hospital care received by the
22 mother or by the minor during the mother's prenatal care and
23 confinement.

24
25 Reviser's note.--Section 15, ch. 92-96, Laws of
26 Florida, purported to amend subsection (1), but
27 failed to republish in full paragraph (c). In
28 the absence of affirmative evidence that the
29 Legislature intended to repeal a portion of
30 paragraph (c), it is reenacted to confirm that
31 the omission was not intended.

1 Section 9. Paragraph (a) of subsection (1) of section
2 72.011, Florida Statutes, is amended to read:

3 72.011 Jurisdiction of circuit courts in specific tax
4 matters; administrative hearings and appeals; time for
5 commencing action; parties; deposits.--

6 (1)(a) A taxpayer may contest the legality of any
7 assessment or denial of refund of tax, fee, surcharge, permit,
8 interest, or penalty provided for under s. 125.0104, s.
9 125.0108, chapter 198, chapter 199, chapter 201, chapter 203,
10 chapter 206, chapter 207, chapter 210, chapter 211, chapter
11 212, chapter 213, chapter 220, chapter 221, s. 370.07(3),
12 chapter 376, s. 403.717, s. 403.718, s. 403.7185, ~~s. 403.7195~~,
13 s. 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,
14 chapter 563, chapter 564, chapter 565, chapter 624, or s.
15 681.117 by filing an action in circuit court; or,
16 alternatively, the taxpayer may file a petition under the
17 applicable provisions of chapter 120. However, once an action
18 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
19 120.57, or s. 120.80(14)(b), no action relating to the same
20 subject matter may be filed by the taxpayer in circuit court,
21 and judicial review shall be exclusively limited to appellate
22 review pursuant to s. 120.68; and once an action has been
23 initiated in circuit court, no action may be brought under
24 chapter 120.

25
26 Reviser's note.--Amended to conform to the
27 repeal of s. 403.7195 by s. 20, ch. 99-4, Laws
28 of Florida.

29
30 Section 10. Paragraph (a) of subsection (3) of section
31 95.091, Florida Statutes, is amended to read:

1 95.091 Limitation on actions to collect taxes.--
2 (3)(a) With the exception of taxes levied under
3 chapter 198 and tax adjustments made pursuant to s. 220.23,
4 the Department of Revenue may determine and assess the amount
5 of any tax, penalty, or interest due under any tax enumerated
6 in s. 72.011 which it has authority to administer and the
7 Department of Business and Professional Regulation may
8 determine and assess the amount of any tax, penalty, or
9 interest due under any tax enumerated in s. 72.011 which it
10 has authority to administer:
11 1. For taxes due before July 1, 1999, within 5 years
12 after the date the tax is due, any return with respect to the
13 tax is due, or such return is filed, whichever occurs later;
14 and for taxes due on or after July 1, 1999, within 3 years
15 after the date the tax is due, any return with respect to the
16 tax is due, or such return is filed, whichever occurs later;
17 2. For taxes due before July 1, 1999, within 6 years
18 after the date the taxpayer either makes a substantial
19 underpayment of tax, or files a substantially incorrect
20 return;
21 3. At any time while the right to a refund or credit
22 of the tax is available to the taxpayer;
23 4. For taxes due before July 1, 1999, at any time
24 after the taxpayer has filed a grossly false return;
25 5. At any time after the taxpayer has failed to make
26 any required payment of the tax, has failed to file a required
27 return, or has filed a fraudulent return, except that for
28 taxes due on or after July 1, 1999, the limitation prescribed
29 in subparagraph 1.~~sub-subparagraph a.~~ applies if the taxpayer
30 has disclosed in writing the tax liability to the department
31 before the department has contacted the taxpayer; or

1 6. In any case in which there has been a refund of tax
2 erroneously made for any reason:

3 a. For refunds made before July 1, 1999, within 5
4 years after making such refund; and

5 b. For refunds made on or after July 1, 1999, within 3
6 years after making such refund,

7
8 or at any time after making such refund if it appears that any
9 part of the refund was induced by fraud or the
10 misrepresentation of a material fact.

11
12 Reviser's note.--Amended to conform to the
13 correct citation to the referenced material.

14
15 Section 11. Paragraph (g) of subsection (3) of section
16 110.123, Florida Statutes, is amended to read:

17 110.123 State group insurance program.--

18 (3) STATE GROUP INSURANCE PROGRAM.--

19 (g)1. A person eligible to participate in the state
20 group insurance program may be authorized by rules adopted by
21 the department, in lieu of participating in the state group
22 health insurance plan, to exercise an option to elect
23 membership in a health maintenance organization plan which is
24 under contract with the state in accordance with criteria
25 established by this section and by said rules. The offer of
26 optional membership in a health maintenance organization plan
27 permitted by this paragraph may be limited or conditioned by
28 rule as may be necessary to meet the requirements of state and
29 federal laws.

30 2. The department shall contract with health
31 maintenance organizations seeking to participate in the state

1 group insurance program through a request for proposal or
2 other procurement process, as developed by the Department of
3 Management Services and determined to be appropriate.

4 a. The department shall establish a schedule of
5 minimum benefits for health maintenance organization coverage,
6 and that schedule shall include: physician services; inpatient
7 and outpatient hospital services; emergency medical services,
8 including out-of-area emergency coverage; diagnostic
9 laboratory and diagnostic and therapeutic radiologic services;
10 mental health, alcohol, and chemical dependency treatment
11 services meeting the minimum requirements of state and federal
12 law; skilled nursing facilities and services; prescription
13 drugs; and other benefits as may be required by the
14 department. Additional services may be provided subject to
15 the contract between the department and the HMO.

16 b. The department may establish uniform deductibles,
17 copayments, or coinsurance schedules for all participating HMO
18 plans.

19 c. The department may require detailed information
20 from each health maintenance organization participating in the
21 procurement process, including information pertaining to
22 organizational status, experience in providing prepaid health
23 benefits, accessibility of services, financial stability of
24 the plan, quality of management services, accreditation
25 status, quality of medical services, network access and
26 adequacy, performance measurement, ability to meet the
27 department's reporting requirements, and the actuarial basis
28 of the proposed rates and other data determined by the
29 director to be necessary for the evaluation and selection of
30 health maintenance organization plans and negotiation of
31 appropriate rates for these plans. Upon receipt of proposals

1 by health maintenance organization plans and the evaluation of
2 those proposals, the department may enter into negotiations
3 with all of the plans or a subset of the plans, as the
4 department determines appropriate. Nothing shall preclude the
5 department from negotiating regional or statewide contracts
6 with health maintenance organization plans when this is
7 cost-effective and when the department determines that the
8 plan offers high value to enrollees.

9 d. The department may limit the number of HMOs that it
10 contracts with in each service area based on the nature of the
11 bids the department receives, the number of state employees in
12 the service area, or any unique geographical characteristics
13 of the service area. The department shall establish by rule
14 service areas throughout the state.

15 e. All persons participating in the state group
16 insurance program who are required to contribute towards a
17 total state group health premium shall be subject to the same
18 dollar contribution regardless of whether the enrollee enrolls
19 in the state group health insurance plan or in an HMO plan.

20 3. The department ~~division~~ is authorized to negotiate
21 and to contract with specialty psychiatric hospitals for
22 mental health benefits, on a regional basis, for alcohol, drug
23 abuse, and mental and nervous disorders. The department
24 ~~division~~ may establish, subject to the approval of the
25 Legislature pursuant to subsection (5), any such regional plan
26 upon completion of an actuarial study to determine any impact
27 on plan benefits and premiums.

28 4. In addition to contracting pursuant to subparagraph
29 2., the department shall enter into contract with any HMO to
30 participate in the state group insurance program which:
31

- 1 a. Serves greater than 5,000 recipients on a prepaid
2 basis under the Medicaid program;
- 3 b. Does not currently meet the 25 percent
4 non-Medicare/non-Medicaid enrollment composition requirement
5 established by the Department of Health excluding participants
6 enrolled in the state group insurance program;
- 7 c. Meets the minimum benefit package and copayments
8 and deductibles contained in sub-subparagraphs 2.a. and b.;
- 9 d. Is willing to participate in the state group
10 insurance program at a cost of premiums that is not greater
11 than 95 percent of the cost of HMO premiums accepted by the
12 department in each service area; and
- 13 e. Meets the minimum surplus requirements of s.
14 641.225.

15
16 The department is authorized to contract with HMOs that meet
17 the requirements of sub-subparagraphs a. through d. prior to
18 the open enrollment period for state employees. The
19 department is not required to renew the contract with the HMOs
20 as set forth in this paragraph more than twice. Thereafter,
21 the HMOs shall be eligible to participate in the state group
22 insurance program only through the request for proposal
23 process described in subparagraph 2.

24 5. All enrollees in the state group health insurance
25 plan or any health maintenance organization plan shall have
26 the option of changing to any other health plan which is
27 offered by the state within any open enrollment period
28 designated by the department. Open enrollment shall be held at
29 least once each calendar year.

30 6. When a contract between a treating provider and the
31 state-contracted health maintenance organization is terminated

1 for any reason other than for cause, each party shall allow
2 any enrollee for whom treatment was active to continue
3 coverage and care when medically necessary, through completion
4 of treatment of a condition for which the enrollee was
5 receiving care at the time of the termination, until the
6 enrollee selects another treating provider, or until the next
7 open enrollment period offered, whichever is longer, but no
8 longer than 6 months after termination of the contract. Each
9 party to the terminated contract shall allow an enrollee who
10 has initiated a course of prenatal care, regardless of the
11 trimester in which care was initiated, to continue care and
12 coverage until completion of postpartum care. This does not
13 prevent a provider from refusing to continue to provide care
14 to an enrollee who is abusive, noncompliant, or in arrears in
15 payments for services provided. For care continued under this
16 subparagraph, the program and the provider shall continue to
17 be bound by the terms of the terminated contract. Changes made
18 within 30 days before termination of a contract are effective
19 only if agreed to by both parties.

20 7. Any HMO participating in the state group insurance
21 program shall submit health care utilization and cost data to
22 the department, in such form and in such manner as the
23 department ~~division~~ shall require, as a condition of
24 participating in the program. The department shall enter into
25 negotiations with its contracting HMOs to determine the nature
26 and scope of the data submission and the final requirements,
27 format, penalties associated with noncompliance, and
28 timetables for submission. These determinations shall be
29 adopted by rule.

30 8. The department may establish and direct, with
31 respect to collective bargaining issues, a comprehensive

1 package of insurance benefits that may include supplemental
2 health and life coverage, dental care, long-term care, vision
3 care, and other benefits it determines necessary to enable
4 state employees to select from among benefit options that best
5 suit their individual and family needs.

6 a. Based upon a desired benefit package, the
7 department shall issue a request for proposal for health
8 insurance providers interested in participating in the state
9 group insurance program, and the department ~~division~~ shall
10 issue a request for proposal for insurance providers
11 interested in participating in the non-health-related
12 components of the state group insurance program. Upon receipt
13 of all proposals, the department may enter into contract
14 negotiations with insurance providers submitting bids or
15 negotiate a specially designed benefit package. Insurance
16 providers offering or providing supplemental coverage as of
17 May 30, 1991, which qualify for pretax benefit treatment
18 pursuant to s. 125 of the Internal Revenue Code of 1986, with
19 5,500 or more state employees currently enrolled may be
20 included by the department in the supplemental insurance
21 benefit plan established by the department without
22 participating in a request for proposal, submitting bids,
23 negotiating contracts, or negotiating a specially designed
24 benefit package. These contracts shall provide state employees
25 with the most cost-effective and comprehensive coverage
26 available; however, no state or agency funds shall be
27 contributed toward the cost of any part of the premium of such
28 supplemental benefit plans.

29 b. Pursuant to the applicable provisions of s.
30 110.161, and s. 125 of the Internal Revenue Code of 1986, the
31 department shall enroll in the pretax benefit program those

1 state employees who voluntarily elect coverage in any of the
2 supplemental insurance benefit plans as provided by
3 sub-subparagraph a.

4 c. Nothing herein contained shall be construed to
5 prohibit insurance providers from continuing to provide or
6 offer supplemental benefit coverage to state employees as
7 provided under existing agency plans.

8
9 Reviser's note.--Amended to conform to the
10 substitution of the term "department" for the
11 term "division" made elsewhere in the section
12 by s. 6, ch. 99-255, Laws of Florida.

13
14 Section 12. Subsection (2) of section 110.191, Florida
15 Statutes, is amended to read:

16 110.191 State employee leasing.--

17 (2) Positions which are in the Senior Management
18 Service System or the Selected Exempt Service System on the
19 day before the state employee lease agreement takes effect
20 shall remain in the respective system if the duties performed
21 by the position during the assignment of the state employee
22 lease agreement are comparable as determined by the
23 department. Those Senior Management Service System or
24 Selected Exempt Service System positions which are not
25 determined comparable by the department and positions which
26 are in other pay plans on the day before the lease agreement
27 takes effect shall have the same salaries and benefits
28 provided to employees of the Office of the Governor pursuant
29 to s. 110.205(2)(k)1.b ~~110.205(2)(k)2~~.

30
31

1 Reviser's note.--Amended to conform to the
2 redesignation of s. 110.205(2)(k)2. as s.
3 110.205(2)(k)1.b. by s. 30, ch. 99-228, Laws of
4 Florida.

5
6 Section 13. Paragraph (c) of subsection (1) of section
7 112.317, Florida Statutes, is amended to read:

8 112.317 Penalties.--

9 (1) Violation of any provision of this part,
10 including, but not limited to, any failure to file any
11 disclosures required by this part or violation of any standard
12 of conduct imposed by this part, or violation of any provision
13 of s. 8, Art. II of the State Constitution, in addition to any
14 criminal penalty or other civil penalty involved, shall,
15 pursuant to applicable constitutional and statutory
16 procedures, constitute grounds for, and may be punished by,
17 one or more of the following:

18 (c) In the case of a candidate who violates the
19 provisions of this part or s. 8(a) and ~~(i)~~~~8(a)~~ and ~~(h)~~, Art.
20 II of the State Constitution:

- 21 1. Disqualification from being on the ballot.
- 22 2. Public censure.
- 23 3. Reprimand.
- 24 4. A civil penalty not to exceed \$10,000.

25
26 Reviser's note.--Amended to conform to the
27 redesignation of s. 8(h), Art. II of the State
28 Constitution, as s. 8(i) to conform to the
29 addition of a new s. 8(g) by Revision No. 13
30 (1998).

31

1 Section 14. Subsection (7) of section 112.324, Florida
2 Statutes, is amended to read:

3 112.324 Procedures on complaints of violations.--

4 (7) If, in cases pertaining to complaints other than
5 complaints against impeachable officers or members of the
6 Legislature, upon completion of a full and final investigation
7 by the commission, the commission finds that there has been a
8 violation of this part or of s. 8, Art. II of the State
9 Constitution, it shall be the duty of the commission to report
10 its findings and recommend appropriate action to the proper
11 disciplinary official or body as follows, and such official or
12 body shall have the power to invoke the penalty provisions of
13 this part, including the power to order the appropriate
14 elections official to remove a candidate from the ballot for a
15 violation of s. 112.3145 or s. 8(a) and ~~(i)~~~~8(a)~~ and ~~(h)~~, Art.
16 II of the State Constitution:

17 (a) The President of the Senate and the Speaker of the
18 House of Representatives, jointly, in any case concerning the
19 Public Counsel, members of the Public Service Commission,
20 members of the Public Service Commission Nominating Council,
21 the Auditor General, members of the Legislative Committee on
22 Intergovernmental Relations, or members of the Advisory
23 Council on Environmental Education.

24 (b) The Supreme Court, in any case concerning an
25 employee of the judicial branch.

26 (c) The President of the Senate, in any case
27 concerning an employee of the Senate; the Speaker of the House
28 of Representatives, in any case concerning an employee of the
29 House of Representatives; or the President and the Speaker,
30 jointly, in any case concerning an employee of a committee of
31 the Legislature whose members are appointed solely by the

1 President and the Speaker or in any case concerning an
2 employee of the Public Counsel, Public Service Commission,
3 Auditor General, Legislative Committee on Intergovernmental
4 Relations, or Advisory Council on Environmental Education.

5 (d) Except as otherwise provided by this part, the
6 Governor, in the case of any other public officer, public
7 employee, former public officer or public employee, candidate,
8 or former candidate.

9 (e) The President of the Senate or the Speaker of the
10 House of Representatives, whichever is applicable, in any case
11 concerning a former member of the Legislature who has violated
12 a provision applicable to former members or whose violation
13 occurred while a member of the Legislature.

14
15 Reviser's note.--Amended to conform to the
16 redesignation of s. 8(h), Art. II of the State
17 Constitution, as s. 8(i) to conform to the
18 addition of a new s. 8(g) by Revision No. 13
19 (1998).

20
21 Section 15. Paragraph (b) of subsection (2) of section
22 120.536, Florida Statutes, is amended to read:

23 120.536 Rulemaking authority; listing of rules
24 exceeding authority; repeal; challenge.--

25 (2)

26 (b) By October 1, 1999, each agency shall provide to
27 the Administrative Procedures Committee a listing of each
28 rule, or portion thereof, adopted by that agency before June
29 18, 1999 ~~the effective date of the bill~~, which exceeds the
30 rulemaking authority permitted by this section. For those
31 rules of which only a portion exceeds the rulemaking authority

1 permitted by this section, the agency shall also identify the
2 language of the rule which exceeds this authority. The
3 Administrative Procedures Committee shall combine the lists
4 and provide the cumulative listing to the President of the
5 Senate and the Speaker of the House of Representatives. The
6 Legislature shall, at the 2000 Regular Session, consider
7 whether specific legislation authorizing the identified rules,
8 or portions thereof, should be enacted. By January 1, 2001,
9 each agency shall initiate proceedings pursuant to s. 120.54
10 to repeal each rule, or portion thereof, identified as
11 exceeding the rulemaking authority permitted by this section
12 for which authorizing legislation does not exist. By February
13 1, 2001, the Administrative Procedures Committee shall submit
14 to the President of the Senate and the Speaker of the House of
15 Representatives a report identifying those rules that an
16 agency had previously identified as exceeding the rulemaking
17 authority permitted by this section for which proceedings to
18 repeal the rule have not been initiated. As of July 1, 2001,
19 the Administrative Procedures Committee or any substantially
20 affected person may petition an agency to repeal any rule, or
21 portion thereof, because it exceeds the rulemaking authority
22 permitted by this section. Not later than 30 days after the
23 date of filing the petition if the agency is headed by an
24 individual, or not later than 45 days if the agency is headed
25 by a collegial body, the agency shall initiate rulemaking
26 proceedings to repeal the rule, or portion thereof, or deny
27 the petition, giving a written statement of its reasons for
28 the denial.

29

30 Reviser's note.--Amended to improve clarity and
31 facilitate correct interpretation. Paragraph

1 (b) was enacted by s. 3, ch. 99-379, Laws of
2 Florida. Section 8, ch. 99-379, provided that
3 the act would take effect upon becoming law.
4 Committee Substitute for H.B. 107, which became
5 ch. 99-379, was signed by the Governor on June
6 18, 1999.

7
8 Section 16. Subsection (1) of section 120.545, Florida
9 Statutes, is amended to read:

10 120.545 Committee review of agency rules.--

11 (1) As a legislative check on legislatively created
12 authority, the committee shall examine each proposed rule,
13 except for those proposed rules exempted by s. 120.81(1)(e)
14 and (2)~~120.81(1)(d) and (2)~~, and its accompanying material,
15 and each emergency rule, and may examine any existing rule,
16 for the purpose of determining whether:

17 (a) The rule is an invalid exercise of delegated
18 legislative authority.

19 (b) The statutory authority for the rule has been
20 repealed.

21 (c) The rule reiterates or paraphrases statutory
22 material.

23 (d) The rule is in proper form.

24 (e) The notice given prior to its adoption was
25 sufficient to give adequate notice of the purpose and effect
26 of the rule.

27 (f) The rule is consistent with expressed legislative
28 intent pertaining to the specific provisions of law which the
29 rule implements.

30
31

1 (g) The rule is necessary to accomplish the apparent
2 or expressed objectives of the specific provision of law which
3 the rule implements.

4 (h) The rule is a reasonable implementation of the law
5 as it affects the convenience of the general public or persons
6 particularly affected by the rule.

7 (i) The rule could be made less complex or more easily
8 comprehensible to the general public.

9 (j) The rule does not impose regulatory costs on the
10 regulated person, county, or city which could be reduced by
11 the adoption of less costly alternatives that substantially
12 accomplish the statutory objectives.

13 (k) The rule will require additional appropriations.

14 (l) If the rule is an emergency rule, there exists an
15 emergency justifying the promulgation of such rule, the agency
16 has exceeded the scope of its statutory authority, and the
17 rule was promulgated in compliance with the requirements and
18 limitations of s. 120.54(4).

19

20 Reviser's note.--Amended to conform to the
21 redesignation of s. 120.81(1)(d) as s.
22 120.81(1)(e) by s. 7, ch. 99-379, Laws of
23 Florida.

24

25 Section 17. Subsection (7) of section 120.80, Florida
26 Statutes, is amended to read:

27 120.80 Exceptions and special requirements;
28 agencies.--

29 (7) DEPARTMENT OF CHILDREN AND FAMILY
30 SERVICES.--Notwithstanding s. 120.57(1)(a), hearings conducted
31 within the Department of Children and Family Services in the

1 execution of those social and economic programs administered
2 by the former Division of Family Services of the former
3 Department of Health and Rehabilitative Services ~~that~~
4 ~~department~~ prior to the reorganization effected by chapter
5 75-48, Laws of Florida, need not be conducted by an
6 administrative law judge assigned by the division.

7
8 Reviser's note.--Amended to improve clarity and
9 facilitate correct interpretation. The
10 referenced former Division of Family Services
11 had been a part of the former Department of
12 Health and Rehabilitative Services.

13
14 Section 18. Subsection (10) of section 121.021,
15 Florida Statutes, is amended to read:

16 121.021 Definitions.--The following words and phrases
17 as used in this chapter have the respective meanings set forth
18 unless a different meaning is plainly required by the context:

19 (10) "Employer" means any agency, branch, department,
20 institution, university, institution of higher education, or
21 board of the state, or any county agency, branch, department,
22 board, district school board, or special district of the
23 state, or any city of the state which participates in the
24 system for the benefit of certain of its employees, or a
25 charter school or charter technical career center that
26 participates as provided in s. 121.051(2)(d).

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

30
31

1 Section 19. Subsection (1) and paragraph (a) of
2 subsection (3) of section 121.031, Florida Statutes, are
3 amended to read:

4 121.031 Administration of system; appropriation;
5 oaths; actuarial studies; public records.--

6 (1) The Department of Management Services has the
7 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
8 to implement the provisions of law conferring duties upon the
9 department ~~division~~ and to adopt rules as are necessary for
10 the effective and efficient administration of this system. The
11 funds to pay the expenses for administration of the system are
12 hereby appropriated from the interest earned on investments
13 made for the retirement and social security trust funds and
14 the assessments allowed under chapter 650.

15 (3) The administrator shall cause an actuarial study
16 of the system to be made at least once every 2 years and shall
17 report the results of such study to the Legislature by
18 February 1 prior to the next legislative session.

19 (a) The study shall, at a minimum, conform to the
20 requirements of s. 112.63, with the following exceptions and
21 additions:

22 1. The valuation of plan assets shall be based on a
23 5-year averaging methodology such as that specified in the
24 United States Department of Treasury Regulations, 26 C.F.R. s.
25 1.412(c)(2)-1, or a similar accepted approach designed to
26 attenuate fluctuations in asset values.

27 2. The study shall include a narrative explaining the
28 changes in the covered group over the period between actuarial
29 valuations and the impact of those changes on actuarial
30 results.

31

1 3. When substantial changes in actuarial assumptions
2 have been made, the study shall reflect the results of an
3 actuarial assumption as of the current date based on the
4 assumptions utilized in the prior actuarial report.

5 4. The study shall include an analysis of the changes
6 in actuarial valuation results by the factors generating those
7 changes. Such analysis shall reconcile the current actuarial
8 valuation results with those results from the prior valuation.

9 5. The study shall include measures of funding status
10 and funding progress designed to facilitate the assessment of
11 trends over several actuarial valuations with respect to the
12 overall solvency of the system. Such measures shall be adopted
13 by the department ~~division~~ and shall be used consistently in
14 all actuarial valuations performed on the system.

15
16 Reviser's note.--Amended to conform to the
17 transfer of functions of the Division of
18 Retirement to the Department of Management
19 Services by ch. 99-255, Laws of Florida.

20
21 Section 20. Paragraph (d) of subsection (5) and
22 paragraph (a) of subsection (7) of section 121.052, Florida
23 Statutes, are amended to read:

24 121.052 Membership class of elected officers.--

25 (5) UPGRADED SERVICE; PURCHASE OF ADDITIONAL CREDIT.--

26 (d) Any member of the Florida Retirement System who
27 serves as the elected mayor of a consolidated local
28 government, which government by its charter has chosen status
29 as a municipality rather than a county government for purposes
30 of the state retirement system administered under this
31 chapter, may elect membership in the Elected ~~State and County~~

1 Officers' Class established by this section for the duration
2 of the term of office. Any such mayor or former mayor shall be
3 eligible for membership in this class for the term of office,
4 provided the member or the local government employer pays the
5 retirement contributions that would have been paid had actual
6 participation commenced at that time, plus interest at 6.5
7 percent compounded each June 30 from date of participation
8 until date of payment. No retirement credit will be allowed
9 under this subsection for any such service which is used to
10 obtain a benefit under any local retirement system.

11 (7) CONTRIBUTIONS.--

12 (a) The following table states the required retirement
13 contribution rates for members of the Elected Officers' Class
14 and their employers in terms of a percentage of the member's
15 gross compensation. A change in a contribution rate is
16 effective with the first salary paid on or after the beginning
17 date of the change. Contributions shall be made or deducted as
18 may be appropriate for each pay period and are in addition to
19 the contributions required for social security and the Retiree
20 Health Insurance Subsidy Trust Fund.

21

22 Dates of Contribution

23 Rate Changes	Members	Employers
24		
25 July 1, 1972, through September 30, 1977		
26 Legislators	8%	8%
27 All Other Members	8%	8%
28		
29 October 1, 1977, through September 30, 1978		
30 Legislators	8%	8%
31 All Other Members	4%	12%

1			
2	October 1, 1978, through September 30, 1979		
3	Legislators	8%	10.57%
4	All Other Members	4%	16.78%
5			
6	October 1, 1979, through September 30, 1981		
7	Legislators	8%	10.57%
8	Governor, Lt. Governor, Cabinet		
9	Officers	4%	16.78%
10	All Other Members	0%	20.78%
11			
12	July 1, 1981, through June 30, 1984		
13	County Elected Officers	0%	19.30%
14			
15	July 1, 1984, through September 30, 1984		
16	County Elected Officers	0%	20.25%
17			
18	October 1, 1981, through September 30, 1984		
19	Legislators	0%	19.30%
20	Governor, Lt. Governor, Cabinet		
21	Officers	0%	21.03%
22	State Attorneys, Public Defenders	0%	20.95%
23	Justices, Judges	0%	22.55%
24			
25	October 1, 1984, through September 30, 1986		
26	Legislators	0%	10.98%
27	Governor, Lt. Governor, Cabinet		
28	Officers	0%	10.98%
29	State Attorneys, Public Defenders	0%	10.98%
30	Justices, Judges	0%	21.79%
31	County Elected Officers	0%	16.97%

1			
2	October 1, 1986, through December 31, 1988		
3	Legislators	0%	11.50%
4	Governor, Lt. Governor, Cabinet		
5	Officers	0%	11.50%
6	State Attorneys, Public Defenders	0%	11.50%
7	Justices, Judges	0%	20.94%
8	County Elected Officers	0%	17.19%
9			
10	January 1, 1989, through December 31, 1989		
11	Legislators	0%	13.70%
12	Governor, Lt. Governor, Cabinet		
13	Officers	0%	13.70%
14	State Attorneys, Public Defenders	0%	13.70%
15	Justices, Judges	0%	22.58%
16	County Elected Officers	0%	18.44%
17			
18	January 1, 1990, through December 31, 1990		
19	Legislators	0%	15.91%
20	Governor, Lt. Governor, Cabinet		
21	Officers	0%	15.91%
22	State Attorneys, Public Defenders	0%	15.91%
23	Justices, Judges	0%	24.22%
24	County Elected Officers	0%	19.71%
25			
26	January 1, 1991, through December 31, 1991		
27	Legislators	0%	17.73%
28	Governor, Lt. Governor, Cabinet		
29	Officers	0%	17.73%
30	State Attorneys, Public Defenders	0%	17.73%
31	Justices, Judges	0%	26.63%

1	County Elected Officers	0%	23.32%
2			
3	January 1, 1992, through December 31, 1992		
4	Legislators	0%	19.94%
5	Governor, Lt. Governor, Cabinet		
6	Officers	0%	19.94%
7	State Attorneys, Public Defenders	0%	19.94%
8	Justices, Judges	0%	28.27%
9	County Elected Officers	0%	24.59%
10			
11	January 1, 1993, through December 31, 1993		
12	Legislators	0%	22.14%
13	Governor, Lt. Governor, Cabinet		
14	Officers	0%	22.14%
15	State Attorneys, Public Defenders	0%	22.14%
16	Justices, Judges	0%	29.91%
17	County Elected Officers	0%	25.84%
18			
19	January 1, 1994, through December 31, 1994		
20	Legislators	0%	22.65%
21	Governor, Lt. Governor, Cabinet		
22	Officers	0%	22.65%
23	State Attorneys, Public Defenders	0%	22.65%
24	Justices, Judges	0%	30.52%
25	County Elected Officers	0%	26.07%
26			
27	January 1, 1995, through December 31, 1995		
28	Legislators	0%	22.80%
29	Governor, Lt. Governor, Cabinet		
30	Officers	0%	22.80%
31	State Attorneys, Public Defenders	0%	22.80%

1	Justices, Judges	0%	30.21%
2	County Elected Officers	0%	27.48%
3			
4	January 1, 1996, through June 30, 1996		
5	Legislators	0%	22.90%
6	Governor, Lt. Governor, Cabinet		
7	Officers	0%	22.90%
8	State Attorneys, Public Defenders	0%	22.90%
9	Justices, Judges	0%	30.15%
10	County Elected Officers	0%	27.54%
11			
12	July 1, 1996, through June 30, 1998		
13	Legislators	0%	23.07%
14	Governor, Lt. Governor, Cabinet		
15	Officers	0%	23.07%
16	State Attorneys, Public Defenders	0%	23.07%
17	Justices, Judges	0%	29.55%
18	County Elected Officers	0%	27.33%
19			
20	Effective July 1, 1998, through June 30, 1999		
21	Legislators	0%	22.33%
22	Governor, Lt. Governor, Cabinet		
23	Officers	0%	22.33%
24	State Attorneys, Public Defenders	0%	22.33%
25	Justices, Judges	0%	27.21%
26	County Elected Officers	0%	26.99%
27			
28	Effective July 1, 1999		
29	Legislators	0%	14.31%
30	Governor, Lt. Governor, Cabinet		
31	Officers	0%	14.31%

1	State Attorneys, Public Defenders	0%	14.31%
2	Justices, Judges	0%	20.48%
3	County Elected Officers	0%	17.05%

4
5

6 Reviser's note.--Paragraph (5)(d) is amended to
7 conform to the redesignation of the Elected
8 State and County Officers' Class as the Elected
9 Officers' Class by ch. 98-413, Laws of Florida.
10 Paragraph (7)(a) is amended to delete a word
11 that has served its purpose.

12

13 Section 21. Paragraph (b) of subsection (3) of section
14 121.122, Florida Statutes, is amended to read:

15 121.122 Renewed membership in system.--Except as
16 provided in s. 121.053, effective July 1, 1991, any retiree of
17 a state-administered retirement system who is employed in a
18 regularly established position with a covered employer shall
19 be enrolled as a compulsory member of the Regular Class of the
20 Florida Retirement System or, effective July 1, 1997, any
21 retiree of a state-administered retirement system who is
22 employed in a position included in the Senior Management
23 Service Class shall be enrolled as a compulsory member of the
24 Senior Management Service Class of the Florida Retirement
25 System as provided in s. 121.055, and shall be entitled to
26 receive an additional retirement benefit, subject to the
27 following conditions:

28 (3) Such member shall be entitled to purchase
29 additional retirement credit in the Regular Class or the
30 Senior Management Service Class, as applicable, for any

31

1 postretirement service performed in a regularly established
2 position as follows:

3 (b) For Senior Management Service Class prior to June
4 1, 1997, as provided in s. 121.055(1)(j)~~121.055(1)(i)~~.

5
6 The contribution for postretirement service between July 1,
7 1985, and July 1, 1991, for which the reemployed retiree
8 contribution was paid, shall be the difference between such
9 contribution and the total applicable contribution for the
10 period being claimed, plus interest. The employer of such
11 member may pay the applicable employer contribution in lieu of
12 the member. If a member does not wish to claim credit for all
13 of the postretirement service for which he or she is eligible,
14 the service the member claims must be the most recent service.

15
16 Reviser's note.--Amended to conform to the
17 redesignation of s. 121.055(1)(i) as s.
18 121.055(1)(j) by s. 2, ch. 99-291, Laws of
19 Florida.

20
21 Section 22. Subsection (3) of section 159.804, Florida
22 Statutes, is amended to read:

23 159.804 Allocation of state volume limitation.--The
24 division shall annually determine the amount of private
25 activity bonds permitted to be issued in this state under the
26 Code and shall make such information available upon request to
27 any person or agency. The total amount of private activity
28 bonds authorized to be issued in this state pursuant to the
29 Code shall be initially allocated as follows on January 1 of
30 each year:

31

1 (3)(a) Twenty-five percent of the state volume
2 limitation remaining after the allocation made pursuant to
3 subsection (1) shall be allocated to the Florida Housing
4 Finance Corporation ~~Agency~~ for use in connection with the
5 issuance of housing bonds of that corporation ~~agency~~ or its
6 assigns.

7 (b) The Florida Housing Finance Corporation ~~Agency~~
8 need not apply to the division for an allocation of its volume
9 limitation granted under paragraph (a) for bonds it issues
10 prior to July 1 of any year and is not subject to the fee
11 required under s. 159.811. However, for bonds it intends to
12 issue between July 1 and September 29 of any year, utilizing
13 the allocation granted under paragraph (a), the Florida
14 Housing Finance Corporation ~~Agency~~ must submit a notice of
15 intent to issue to the division not later than June 30 of such
16 year, and a written confirmation of allocation shall be
17 granted if a sufficient amount of that allocation is
18 available.

19 (c) The Florida Housing Finance Corporation ~~Agency~~, in
20 its discretion, may, prior to July 1 of each year, assign any
21 portion of the Florida Housing Finance Corporation ~~Agency~~
22 allocation to any agency for the issuance of housing bonds,
23 taking into consideration the ability of the agency to timely
24 issue such bonds, the need and public purpose to be served by
25 the issue, and the ability of the agency to comply with the
26 requirements of federal and state law. Such assignment is not
27 effective until receipt by the division of notification of the
28 assignment. A separate allocation from the division is not
29 needed for bonds issued prior to July 1 utilizing such an
30 assignment. An agency that intends to utilize such an
31 assignment to issue housing bonds between July 1 and September

1 29 of any year must submit a notice of intent to issue to the
2 division for the amount of such assignment not later than June
3 30, and a written confirmation of allocation shall be granted
4 if a sufficient amount of the allocation under paragraph (a)
5 is available. Any amounts representing assignments of which
6 the division had been notified by the Florida Housing Finance
7 Corporation ~~Agency~~ but for which an issuance report or notice
8 of intent to issue pursuant to this subsection has not been
9 received by the division by June 30 of any year shall be
10 reallocated to the state allocation pool on July 1 of that
11 year.

12

13 Reviser's note.--Amended to conform to the
14 replacement of the Florida Housing Finance
15 Agency by the Florida Housing Finance
16 Corporation pursuant to s. 7, ch. 97-167, Laws
17 of Florida.

18

19 Section 23. Paragraph (b) of subsection (5) of section
20 159.805, Florida Statutes, is amended to read:

21 159.805 Procedures for obtaining allocations;
22 requirements; limitations on allocations; issuance reports.--

23

(5)

24

(b) The issuance report shall be made on a form
25 adopted by the division and must provide such information as
26 the division considers necessary, but must provide at least
27 the name and amount of bonds issued; the date of issuance; the
28 name of the agency issuing such bonds; the purpose for which
29 the bonds were issued, and, for bonds for manufacturing
30 facilities, the product manufactured; the rating on the bonds,
31 if one was obtained; the name, address, phone number, and

1 contact person for any project sponsor or private borrower of
2 bond proceeds; the address of any project and, in addition,
3 the number of residential units if the bonds are for
4 multifamily housing; the name and address of bond counsel,
5 bond underwriter, if any, bond purchaser, if not an
6 underwriter, or placement agency, if any; and, except with
7 respect to housing bonds issued by the Florida Housing Finance
8 Corporation ~~Agency~~ pursuant to s. 159.81, the amount of bond
9 proceeds disbursed at the time of issuance.

10

11 Reviser's note.--Amended to conform to the
12 replacement of the Florida Housing Finance
13 Agency by the Florida Housing Finance
14 Corporation pursuant to s. 7, ch. 97-167, Laws
15 of Florida.

16

17 Section 24. Paragraph (b) of subsection (4) of section
18 159.807, Florida Statutes, is amended to read:

19 159.807 State allocation pool.--

20 (4)

21 (b) This subsection does not apply to the Florida
22 Housing Finance Corporation ~~Agency~~:

23 1. Until its allocation pursuant to s. 159.804(3) has
24 been exhausted, is unavailable, or is inadequate to provide an
25 allocation pursuant to s. 159.804(3) and any carryforwards of
26 volume limitation from prior years for the same carryforward
27 purpose, as that term is defined in s. 146 of the Code, as the
28 bonds it intends to issue have been completely utilized or
29 have expired.

30 2. Prior to July 1 of any year, when housing bonds for
31 which the Florida Housing Finance Corporation ~~Agency~~ has made

1 an assignment of its allocation permitted by s. 159.804(3)(c)
2 have not been issued.

3
4 Reviser's note.--Amended to conform to the
5 replacement of the Florida Housing Finance
6 Agency by the Florida Housing Finance
7 Corporation pursuant to s. 7, ch. 97-167, Laws
8 of Florida.

9
10 Section 25. Paragraphs (b) and (d) of subsection (2)
11 of section 159.81, Florida Statutes, are amended to read:

12 159.81 Unused allocations; carryforwards.--

13 (2) On December 30 of any year, any amount of the
14 state volume limitation not used prior to December 30 to issue
15 bonds as evidenced by receipt by the division of the issuance
16 report, except for that amount of the state volume limitation
17 utilized pursuant to subsection (1) above, shall be applied in
18 the following order of priority:

19 (b) Thereafter, the Florida Housing Finance
20 Corporation ~~Agency~~ shall use any remaining state volume
21 limitation to issue bonds or carryforward allocation for the
22 issuance of housing bonds.

23 (d) Then, any amounts not allocated or carried forward
24 shall be reserved for use by the Florida Housing Finance
25 Corporation ~~Agency~~ for mortgage credit certificates, as
26 defined in s. 25 of the Code, to be used in subsequent years
27 as provided by the Code.

28
29 Reviser's note.--Amended to conform to the
30 replacement of the Florida Housing Finance
31 Agency by the Florida Housing Finance

1 Corporation pursuant to s. 7, ch. 97-167, Laws
2 of Florida.

3

4 Section 26. Paragraph (j) of subsection (1) of section
5 163.3187, Florida Statutes, is amended to read:

6 163.3187 Amendment of adopted comprehensive plan.--

7 (1) Amendments to comprehensive plans adopted pursuant
8 to this part may be made not more than two times during any
9 calendar year, except:

10 (j) Any comprehensive plan amendment to establish
11 public school concurrency pursuant to s. 163.3180(13)
12 ~~163.3180(12)~~, including, but not limited to, adoption of a
13 public school facilities element and adoption of amendments to
14 the capital improvements element and intergovernmental
15 coordination element. In order to ensure the consistency of
16 local government public school facilities elements within a
17 county, such elements shall be prepared and adopted on a
18 similar time schedule.

19

20 Reviser's note.--Amended to conform to the
21 redesignation of s. 163.3180(12) as s.
22 163.3180(13) by s. 4, ch. 99-378, Laws of
23 Florida.

24

25 Section 27. Paragraph (b) of subsection (7) of section
26 175.071, Florida Statutes, is amended to read:

27 175.071 General powers and duties of board of
28 trustees.--For any municipality, special fire control
29 district, chapter plan, local law municipality, local law
30 special fire control district, or local law plan under this
31 chapter:

1 (7) To assist the board in meeting its
2 responsibilities under this chapter, the board, if it so
3 elects, may:

4 (b) Employ an independent actuary, as defined in s.
5 175.032(7)~~175.032(4)~~, at the pension fund's expense.

6
7 If the board chooses to use the municipality's or special
8 district's legal counsel or actuary, or chooses to use any of
9 the municipality's or special district's other professional,
10 technical, or other advisers, it must do so only under terms
11 and conditions acceptable to the board.

12
13 Reviser's note.--Amended to conform to the
14 transfer of the material formerly in s.
15 175.032(4) to s. 175.032(7) by s. 2, ch. 99-1,
16 Laws of Florida.

17
18 Section 28. Subsection (3) of section 185.02, Florida
19 Statutes, is amended to read:

20 185.02 Definitions.--For any municipality, chapter
21 plan, local law municipality, or local law plan under this
22 chapter, the following words and phrases as used in this
23 chapter shall have the following meanings, unless a different
24 meaning is plainly required by the context:

25 (3) "Chapter plan" means a separate defined benefit
26 pension plan for police officers which incorporates by
27 reference the provisions of this chapter and has been adopted
28 by the governing body of a municipality as provided in s.
29 185.08. Except as may be specifically authorized in this
30 chapter, provisions of a chapter plan may not differ from the
31 plan provisions set forth in ss. 185.01-185.341 and

1 185.37-185.39 ~~185.36-185.42~~. Actuarial valuations of chapter
2 plans shall be conducted by the division as provided by s.
3 185.221(1)(b).

4
5 Reviser's note.--Amended to conform to the
6 repeal of ss. 185.36 and 185.40 by ss. 75 and
7 79, ch. 99-1, Laws of Florida, respectively,
8 and the fact that the referenced s. 185.42 has
9 never existed.

10
11 Section 29. Paragraph (b) of subsection (6) of section
12 185.06, Florida Statutes, is amended to read:

13 185.06 General powers and duties of board of
14 trustees.--For any municipality, chapter plan, local law
15 municipality, or local law plan under this chapter:

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

19 (b) Employ an independent actuary, as defined in s.
20 185.02(8)~~185.02(5)~~, at the pension fund's expense.

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

27
28 Reviser's note.--Amended to conform to the
29 transfer of the material formerly in s.
30 185.02(5) to s. 185.02(8) by s. 42, ch. 99-1,
31 Laws of Florida.

1 Section 30. Subsection (1) of section 185.23, Florida
2 Statutes, is amended to read:

3 185.23 Duties of Division of Retirement; rulemaking;
4 investment by State Board of Administration.--

5 (1) The division shall be responsible for the daily
6 oversight and monitoring for actuarial soundness of the
7 municipal police officers' retirement plans, whether chapter
8 or local law plans, established under this chapter, for
9 receiving and holding the premium tax moneys collected under
10 this chapter, and, upon determining compliance with the
11 provisions of ~~on~~ this chapter, for disbursing those moneys to
12 the municipal police officers' retirement plans. The funds to
13 pay the expenses for such administration shall be annually
14 appropriated from the interest and investment income earned on
15 moneys deposited in the trust fund.

16

17 Reviser's note.--Amended to improve clarity and
18 facilitate correct interpretation.

19

20 Section 31. Section 189.427, Florida Statutes, is
21 amended to read:

22 189.427 Fee schedule; Operating Trust Fund.--The
23 Department of Community Affairs, by rule, shall establish a
24 schedule of fees to pay one-half of the costs incurred by the
25 department in administering this act, except that the fee may
26 not exceed \$175 per district per year. The fees collected
27 under this section shall be deposited in the Operating Trust
28 Fund ~~established under s. 290.034~~, which shall be administered
29 by the Department of Community Affairs. Any fee rule must
30 consider factors such as the dependent and independent status
31 of the district and district revenues for the most recent

1 fiscal year as reported to the Department of Banking and
2 Finance. The department may assess fines of not more than \$25,
3 with an aggregate total not to exceed \$50, as penalties
4 against special districts that fail to remit required fees to
5 the department. It is the intent of the Legislature that
6 general revenue funds will be made available to the department
7 to pay one-half of the cost of administering this act.

8
9 Reviser's note.--Amended to conform to the
10 repeal of s. 290.034 by s. 14, ch. 99-4, Laws
11 of Florida.

12
13 Section 32. Subsection (1) of section 197.343, Florida
14 Statutes, is amended to read:

15 197.343 Tax notices; additional notice required.--

16 (1) An additional tax notice shall be mailed by April
17 10 to each taxpayer whose payment has not been received. The
18 notice shall include a description of the property and the
19 following statement: If the taxes for ~~the~~ ...(year)... on your
20 property are not paid, a tax certificate will be sold for
21 these taxes, and your property may be sold at a future date.
22 Contact the tax collector's office at once.

23
24 Reviser's note.--Amended to improve clarity and
25 facilitate correct interpretation.

26
27 Section 33. Paragraph (a) of subsection (7) of section
28 201.15, Florida Statutes, is amended to read:

29 201.15 Distribution of taxes collected.--All taxes
30 collected under this chapter shall be distributed as follows
31 and shall be subject to the service charge imposed in s.

1 215.20(1), except that such service charge shall not be levied
2 against any portion of taxes pledged to debt service on bonds
3 to the extent that the amount of the service charge is
4 required to pay any amounts relating to the bonds:

5 (7) Eight and sixty-six hundredths percent of the
6 remaining taxes collected under this chapter shall be paid
7 into the State Treasury to the credit of the State Housing
8 Trust Fund and shall be used as follows:

9 (a) Twelve and one-half percent of that amount shall
10 be deposited into the State Housing Trust Fund and be expended
11 by the Department of Community Affairs and by the Florida
12 Housing Finance Corporation ~~Agency~~ for the purposes for which
13 the State Housing Trust Fund was created and exists by law.

14
15 Reviser's note.--Amended to conform to the
16 replacement of the Florida Housing Finance
17 Agency by the Florida Housing Finance
18 Corporation pursuant to s. 7, ch. 97-167, Laws
19 of Florida.

20
21 Section 34. Effective July 1, 2001, paragraph (a) of
22 subsection (10) of section 201.15, Florida Statutes, as
23 amended by section 2 of chapter 99-247, Laws of Florida, is
24 amended to read:

25 201.15 Distribution of taxes collected.--All taxes
26 collected under this chapter shall be distributed as follows
27 and shall be subject to the service charge imposed in s.
28 215.20(1), except that such service charge shall not be levied
29 against any portion of taxes pledged to debt service on bonds
30 to the extent that the amount of the service charge is
31 required to pay any amounts relating to the bonds:

1 (10) Eight and sixty-six hundredths percent of the
2 remaining taxes collected under this chapter shall be paid
3 into the State Treasury to the credit of the State Housing
4 Trust Fund and shall be used as follows:

5 (a) Twelve and one-half percent of that amount shall
6 be deposited into the State Housing Trust Fund and be expended
7 by the Department of Community Affairs and by the Florida
8 Housing Finance Corporation ~~Agency~~ for the purposes for which
9 the State Housing Trust Fund was created and exists by law.

10
11 Reviser's note.--Amended to conform to the
12 replacement of the Florida Housing Finance
13 Agency by the Florida Housing Finance
14 Corporation pursuant to s. 7, ch. 97-167, Laws
15 of Florida.

16
17 Section 35. Subsection (3) of section 206.46, Florida
18 Statutes, is amended to read:

19 206.46 State Transportation Trust Fund.--

20 (3) Through fiscal year 1999-2000, a minimum of 14.3
21 percent of all state revenues deposited into the State
22 Transportation Trust Fund shall be committed annually by the
23 department for public transportation projects in accordance
24 with chapter 311, ss. 332.003-332.007, chapter 341, and
25 chapter 343. Beginning in fiscal year 2000-2001, and each year
26 thereafter, a minimum of 15 percent of all state revenues
27 deposited into the State Transportation Trust Fund shall be
28 committed annually by the department for public transportation
29 projects in accordance with chapter 311, ss. 332.003-332.007
30 ~~332.002-332.007~~, chapter 341, and chapter 343.

1 Reviser's note.--Amended to facilitate correct
2 interpretation and conform to usage elsewhere
3 in the subsection; s. 332.002 does not exist.
4

5 Section 36. Subsection (1) and paragraph (b) of
6 subsection (3) of section 206.609, Florida Statutes, are
7 amended to read:

8 206.609 Transfer of funds to the Agricultural
9 Emergency Eradication Trust Fund.--Moneys transferred to the
10 Agricultural Emergency Eradication Trust Fund pursuant to ss.
11 206.606 and 206.608 are subject to the following provisions:

12 (1) If the unobligated balance of the Agricultural
13 Emergency Eradication Trust Fund exceeds \$20 million, the
14 transfers provided for in ss. 206.606(1)(c)~~206.606(1)(d)~~and
15 206.608(1) shall be discontinued until the unobligated balance
16 of the trust fund falls below \$10 million, at which time such
17 transfers shall be reinstated to return the balance to \$20
18 million.

19 (3)

20 (b) Any refunds of the tax imposed under s.
21 206.41(1)(g) claimed under s. 206.41(4)(c)1. in excess of such
22 refunds claimed during the fiscal year preceding the effective
23 date of this act shall be deducted from the amount transferred
24 pursuant to s. 206.606(1)(c)~~206.606(1)(d)~~, during the year
25 the claims are made, to the Agricultural Emergency Eradication
26 Trust Fund.

27
28 Reviser's note.--Amended to conform to the
29 redesignation of s. 206.606(1)(d) as s.
30 206.606(1)(c) necessitated by the repeal of
31

1 former s. 206.606(1)(c) by s. 4, ch. 98-307,
2 Laws of Florida.

3

4 Section 37. Subsection (2) of section 207.002, Florida
5 Statutes, is amended to read:

6 207.002 Definitions.--As used in this chapter, the
7 term:

8 (2) "Commercial motor vehicle" means any vehicle not
9 owned or operated by a governmental entity which uses diesel
10 fuel or motor fuel on the public highways; and which has a
11 gross vehicle weight in excess of 26,000 pounds, or has three
12 or more axles regardless of weight, or is used in combination
13 when the weight of such combination exceeds 26,000 pounds
14 gross vehicle weight. The term excludes any vehicle owned or
15 operated by a ~~coordinated~~ community transportation coordinator
16 ~~provider~~ as defined in s. 427.011 or by a private operator
17 that provides public transit services under contract with such
18 a provider.

19

20 Reviser's note.--Amended to conform to the
21 redesignation of coordinated community
22 transportation providers as community
23 transportation coordinators by s. 1, ch.
24 89-376, Laws of Florida.

25

26 Section 38. Paragraph (a) of subsection (14) of
27 section 212.02, Florida Statutes, is amended to read:

28 212.02 Definitions.--The following terms and phrases
29 when used in this chapter have the meanings ascribed to them
30 in this section, except where the context clearly indicates a
31 different meaning:

1 (14)(a) "Retail sale" or a "sale at retail" means a
2 sale to a consumer or to any person for any purpose other than
3 for resale in the form of tangible personal property or
4 services taxable under this chapter, and includes all such
5 transactions that may be made in lieu of retail sales or sales
6 at retail. A sale for resale includes a sale of qualifying
7 property. As used in this paragraph, the term "qualifying
8 property" means tangible personal property, other than
9 electricity, which is used or consumed by a government
10 contractor in the performance of a qualifying contract as
11 defined in s. 212.08(17)(c)~~212.06(17)(c)~~, to the extent that
12 the cost of the property is allocated or charged as a direct
13 item of cost to such contract, title to which property vests
14 in or passes to the government under the contract. The term
15 "government contractor" includes prime contractors and
16 subcontractors. As used in this paragraph, a cost is a "direct
17 item of cost" if it is a "direct cost" as defined in 48 C.F.R.
18 s. 9904.418-30(a)(2), or similar successor provisions,
19 including costs identified specifically with a particular
20 contract.

21
22 Reviser's note.--Amended to conform to the
23 correct location of the referenced material;
24 the referenced s. 212.06(17)(c) does not exist.

25
26 Section 39. Subsection (7) of section 212.054, Florida
27 Statutes, is amended to read:

28 212.054 Discretionary sales surtax; limitations,
29 administration, and collection.--

30 (7)(a) The governing body of any county levying a
31 discretionary sales surtax or the school board of any county

1 levying the school capital outlay surtax authorized by s.
2 212.055(6)~~212.055(7)~~ shall notify the department within 10
3 days after final adoption by ordinance or referendum of an
4 imposition, termination, or rate change of the surtax, but no
5 later than November 16 prior to the effective date. The
6 notice must specify the time period during which the surtax
7 will be in effect and the rate and must include a copy of the
8 ordinance and such other information as the department
9 requires by rule. Failure to timely provide such notification
10 to the department shall result in the delay of the effective
11 date for a period of 1 year.

12 (b) In addition to the notification required by
13 paragraph (a), the governing body of any county proposing to
14 levy a discretionary sales surtax or the school board of any
15 county proposing to levy the school capital outlay surtax
16 authorized by s. 212.055(6)~~212.055(7)~~ shall notify the
17 department by October 1 if the referendum or consideration of
18 the ordinance that would result in imposition, termination, or
19 rate change of the surtax is scheduled to occur on or after
20 October 1 of that year. Failure to timely provide such
21 notification to the department shall result in the delay of
22 the effective date for a period of 1 year.

23
24 Reviser's note.--Amended to conform to the
25 redesignation of s. 212.055(7) as s. 212.055(6)
26 necessitated by the repeal of former s.
27 212.055(6) by s. 4, ch. 99-4, Laws of Florida.

28
29 Section 40. Paragraph (i) of subsection (2), paragraph
30 (f) of subsection (3), and paragraph (a) of subsection (4) of
31 section 212.055, Florida Statutes, are amended to read:

1 212.055 Discretionary sales surtaxes; legislative
2 intent; authorization and use of proceeds.--It is the
3 legislative intent that any authorization for imposition of a
4 discretionary sales surtax shall be published in the Florida
5 Statutes as a subsection of this section, irrespective of the
6 duration of the levy. Each enactment shall specify the types
7 of counties authorized to levy; the rate or rates which may be
8 imposed; the maximum length of time the surtax may be imposed,
9 if any; the procedure which must be followed to secure voter
10 approval, if required; the purpose for which the proceeds may
11 be expended; and such other requirements as the Legislature
12 may provide. Taxable transactions and administrative
13 procedures shall be as provided in s. 212.054.

14 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

15 (i) Notwithstanding any other provision of this
16 section, a county shall not levy local option sales surtaxes
17 authorized in this subsection and subsections(3), (4), and
18 ~~(5)(3), (4), (5), and (6)~~in excess of a combined rate of 1
19 percent.

20 (3) SMALL COUNTY SURTAX.--

21 (f) Notwithstanding any other provision of this
22 section, a county shall not levy local option sales surtaxes
23 authorized in this subsection and subsections(2), (4), and
24 ~~(5)(2), (4), (5), and (6)~~in excess of a combined rate of 1
25 percent.

26 (4) INDIGENT CARE SURTAX.--

27 (a) The governing body in each county the government
28 of which is not consolidated with that of one or more
29 municipalities, which has a population of at least 800,000
30 residents and is not authorized to levy a surtax under
31 subsection (5) ~~or subsection (6)~~, may levy, pursuant to an

1 ordinance either approved by an extraordinary vote of the
2 governing body or conditioned to take effect only upon
3 approval by a majority vote of the electors of the county
4 voting in a referendum, a discretionary sales surtax at a rate
5 that may not exceed 0.5 percent.

6
7 Reviser's note.--Amended to conform to the
8 repeal of former subsection (6) by s. 4, ch.
9 99-4, Laws of Florida.

10
11 Section 41. Paragraph (b) of subsection (8) of section
12 212.06, Florida Statutes, is amended to read:

13 212.06 Sales, storage, use tax; collectible from
14 dealers; "dealer" defined; dealers to collect from purchasers;
15 legislative intent as to scope of tax.--

16 (8)

17 (b) The presumption that tangible personal property
18 used in another state, territory of the United States, or the
19 District of Columbia for 6 months or longer before being
20 imported into this state was not purchased for use in this
21 state does not apply to any boat for which a saltwater fishing
22 license fee is required to be paid pursuant to s.

23 370.0605(2)(b)1., 2., or 3., either directly or indirectly,
24 for the purpose of taking, attempting to take, or possessing
25 any marine fish for noncommercial purposes. Use tax shall
26 apply and be due on such a boat as provided in this paragraph,
27 and proof of payment of such tax must be presented prior to
28 the first such licensure of the boat, registration of the boat
29 pursuant to chapter 328 ~~327~~, and titling of the boat pursuant
30 to chapter 328 ~~that occurs after July 1, 1991~~. A boat that is
31 first licensed within 1 year after purchase shall be subject

1 to use tax on the full amount of the purchase price; a boat
2 that is first licensed in the second year after purchase shall
3 be subject to use tax on 90 percent of the purchase price; a
4 boat that is first licensed in the third year after purchase
5 shall be subject to use tax on 80 percent of the purchase
6 price; a boat that is first licensed in the fourth year after
7 purchase shall be subject to use tax on 70 percent of the
8 purchase price; a boat that is first licensed in the fifth
9 year after purchase shall be subject to use tax on 60 percent
10 of the purchase price; and a boat that is first licensed in
11 the sixth year after purchase, or later, shall be subject to
12 use tax on 50 percent of the purchase price. If the purchaser
13 fails to provide the purchase invoice on such boat, the fair
14 market value of the boat at the time of importation into this
15 state shall be used to compute the tax.

16
17 Reviser's note.--Amended to conform to the
18 transfer of provisions relating to vessel
19 registration from chapter 327 to chapter 328 by
20 ch. 99-289, Laws of Florida, and to delete a
21 provision that has served its purpose.

22
23 Section 42. Paragraph (t) of subsection (7) of section
24 212.08, Florida Statutes, is amended to read:

25 212.08 Sales, rental, use, consumption, distribution,
26 and storage tax; specified exemptions.--The sale at retail,
27 the rental, the use, the consumption, the distribution, and
28 the storage to be used or consumed in this state of the
29 following are hereby specifically exempt from the tax imposed
30 by this chapter.

31 (7) MISCELLANEOUS EXEMPTIONS.--

1 (t) Boats temporarily docked in state.--
2 1. Notwithstanding the provisions of chapter ~~chapters~~
3 ~~327 and~~ 328, pertaining to the registration of vessels, a boat
4 upon which the state sales or use tax has not been paid is
5 exempt from the use tax under this chapter if it enters and
6 remains in this state for a period not to exceed a total of 20
7 days in any calendar year calculated from the date of first
8 dockage or slippage at a facility, registered with the
9 department, that rents dockage or slippage space in this
10 state. If a boat brought into this state for use under this
11 paragraph is placed in a facility, registered with the
12 department, for repairs, alterations, refitting, or
13 modifications and such repairs, alterations, refitting, or
14 modifications are supported by written documentation, the
15 20-day period shall be tolled during the time the boat is
16 physically in the care, custody, and control of the repair
17 facility, including the time spent on sea trials conducted by
18 the facility. The 20-day time period may be tolled only once
19 within a calendar year when a boat is placed for the first
20 time that year in the physical care, custody, and control of a
21 registered repair facility; however, the owner may request and
22 the department may grant an additional tolling of the 20-day
23 period for purposes of repairs that arise from a written
24 guarantee given by the registered repair facility, which
25 guarantee covers only those repairs or modifications made
26 during the first tolled period. Within 72 hours after the
27 date upon which the registered repair facility took possession
28 of the boat, the facility must have in its possession, on
29 forms prescribed by the department, an affidavit which states
30 that the boat is under its care, custody, and control and that
31 the owner does not use the boat while in the facility. Upon

1 completion of the repairs, alterations, refitting, or
2 modifications, the registered repair facility must, within 72
3 hours after the date of release, have in its possession a copy
4 of the release form which shows the date of release and any
5 other information the department requires. The repair facility
6 shall maintain a log that documents all alterations,
7 additions, repairs, and sea trials during the time the boat is
8 under the care, custody, and control of the facility. The
9 affidavit shall be maintained by the registered repair
10 facility as part of its records for as long as required by s.
11 213.35. When, within 6 months after the date of its purchase,
12 a boat is brought into this state under this paragraph, the
13 6-month period provided in s. 212.05(1)(a)2. or s. 212.06(8)
14 shall be tolled.

15 2. During the period of repairs, alterations,
16 refitting, or modifications and during the 20-day period
17 referred to in subparagraph 1., the boat may be listed for
18 sale, contracted for sale, or sold exclusively by a broker or
19 dealer registered with the department without incurring a use
20 tax under this chapter; however, the sales tax levied under
21 this chapter applies to such sale.

22 3. The mere storage of a boat at a registered repair
23 facility does not qualify as a tax-exempt use in this state.

24 4. As used in this paragraph, "registered repair
25 facility" means:

26 a. A full-service facility that:

27 (I) Is located on a navigable body of water;

28 (II) Has haulout capability such as a dry dock, travel
29 lift, railway, or similar equipment to service craft under the
30 care, custody, and control of the facility;

31

1 (III) Has adequate piers and storage facilities to
2 provide safe berthing of vessels in its care, custody, and
3 control; and
4 (IV) Has necessary shops and equipment to provide
5 repair or warranty work on vessels under the care, custody,
6 and control of the facility;
7 b. A marina that:
8 (I) Is located on a navigable body of water;
9 (II) Has adequate piers and storage facilities to
10 provide safe berthing of vessels in its care, custody, and
11 control; and
12 (III) Has necessary shops and equipment to provide
13 repairs or warranty work on vessels; or
14 c. A shoreside facility that:
15 (I) Is located on a navigable body of water;
16 (II) Has adequate piers and storage facilities to
17 provide safe berthing of vessels in its care, custody, and
18 control; and
19 (III) Has necessary shops and equipment to provide
20 repairs or warranty work.
21
22 Exemptions provided to any entity by this subsection shall not
23 inure to any transaction otherwise taxable under this chapter
24 when payment is made by a representative or employee of such
25 entity by any means, including, but not limited to, cash,
26 check, or credit card even when that representative or
27 employee is subsequently reimbursed by such entity.
28
29 Reviser's note.--Amended to conform to the
30 transfer of provisions relating to vessel
31

1 registration from chapter 327 to chapter 328 by
2 ch. 99-289, Laws of Florida.
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