

By Senator McKay

rb2000-1

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15          their purpose, or have been impliedly repealed  
16          or superseded; replacing incorrect  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

30 (7) DEPARTMENT OF CHILDREN AND FAMILY  
31 SERVICES.--Notwithstanding s. 120.57(1)(a), hearings conducted  
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.

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	<del>Effective</del> 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.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31