

By Senator Lee

rb01-2

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 215.5601, 215.96, 216.015,
4 216.177, 216.181, 216.348, 218.21, 228.082,
5 228.195, 229.006, 229.085, 229.57, 231.262,
6 231.6215, 232.50, 233.0655, 233.068, 235.26,
7 236.1225, 240.145, 240.2995, 240.3335, 240.345,
8 240.40208, 240.5285, 240.529, 240.711, 252.32,
9 252.34, 252.35, 252.36, 252.38, 252.46, 252.47,
10 252.50, 252.52, 253.115, 253.7829, 255.101,
11 255.102, 255.25, 255.5535, 259.037, 259.101,
12 265.284, 267.171, 282.303, 283.33, 285.18,
13 287.042, 287.055, 287.057, 287.0943, 288.012,
14 288.106, 288.1066, 288.1167, 288.1169,
15 288.1229, 288.125, 290.0056, 290.0058,
16 290.0065, 290.007, 320.0848, 320.20, 320.27,
17 323.001, 328.16, 331.304, and 348.7543, F.S.;
18 reenacting ss. 216.292(1)(b), 228.056(10),
19 230.23025(2), 231.600, 259.032(12), 265.284(4),
20 287.055(4)(b), and 322.051(1), F.S.; and
21 repealing ss. 236.25(5)(b)1.-3., 288.7771(1),
22 333.07(3)(c), 348.83(5), and 364.025(4)(b),
23 F.S., pursuant to s. 11.242, F.S.; deleting
24 provisions which have expired, have become
25 obsolete, have had their effect, have served
26 their purpose, or have been impliedly repealed
27 or superseded; replacing incorrect
28 cross-references and citations; correcting
29 grammatical, typographical, and like errors;
30 removing inconsistencies, redundancies, and
31 unnecessary repetition in the statutes;

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

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (d) of subsection (4) of section
11 215.5601, Florida Statutes, is amended to read:

12 215.5601 Lawton Chiles Endowment Fund.--

13 (4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES
14 AND USES.--

15 (d) No later than October 1 of each year, the
16 Secretary of Health, the Secretary of Children and Family
17 Services, and the Secretary of Health Care Administration
18 shall develop a list of the top five funding priorities for
19 children's services eligible for funding from the endowment
20 funds, and the Secretary of Health, the Secretary of Elderly
21 Affairs, and the Secretary ~~Director~~ of Health Care
22 Administration shall develop a list of the top five funding
23 priorities for elder services eligible for funding from the
24 endowment funds. No later than November 15 of each year, the
25 list for children's services must be submitted to the advisory
26 council for children's services created in paragraph (9)(a),
27 and the list for elder services must be submitted to the
28 advisory council for elder services created in paragraph
29 (9)(b). The purposes of using the advisory councils are to
30 evaluate the funding priorities of the agencies, to evaluate
31 the request against the mission and goals of the agencies, to

1 allow for public input and advocacy, and to gain consensus for
2 priority requests and recommended endowment funding levels for
3 those priority requests.

4

5 Reviser's note.--Amended to conform to the
6 title of the head of the Agency for Health Care
7 Administration as provided in s. 20.42.

8

9 Section 2. Paragraph (a) of subsection (3) of section
10 215.96, Florida Statutes, is amended to read:

11 215.96 Coordinating council and design and
12 coordination staff.--

13 (3) The coordinating council, assisted by the design
14 and coordination staff, shall have the following duties,
15 powers, and responsibilities pertaining to the Florida
16 Financial Management Information System:

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

1 Reviser's note.--Amended to conform to the
2 deletion of subunits from s. 186.022 by s. 43,
3 ch. 2000-371, Laws of Florida; the remaining
4 language is similar to former subsection (9).
5

6 Section 3. Subsection (1) of section 216.015, Florida
7 Statutes, is amended to read:

8 216.015 Capital facilities planning and budgeting
9 process.--

10 (1) Sections 216.015-216.016 ~~216.015-216.0162~~ may be
11 cited as the "Capital Facilities Planning and Budgeting Act."
12

13 Reviser's note.--Amended to conform to the
14 repeal of s. 216.0162 by s. 61, ch. 2000-371,
15 Laws of Florida.
16

17 Section 4. Subsection (4) of section 216.177, Florida
18 Statutes, is amended to read:

19 216.177 Appropriations acts, statement of intent,
20 violation, notice, review and objection procedures.--

21 (4) Notwithstanding the 14-day notice requirements of
22 this section, and for the 2000-2001 fiscal year only, the
23 Department of Children and Family Services is required to
24 provide notice of proposed transfers submitted pursuant to s.
25 20.19(5)(b)~~20.19(10)(c)8~~ to the Executive Office of the
26 Governor and the chairs of the legislative appropriations
27 committees at least 3 working days prior to their
28 implementation.
29
30
31

1 Reviser's note.--Amended to conform to the
2 substantial rewording of s. 20.19 by s. 2, ch.
3 2000-139, Laws of Florida.

4
5 Section 5. Subsection (5) of section 216.181, Florida
6 Statutes, is amended to read:

7 216.181 Approved budgets for operations and fixed
8 capital outlay.--

9 (5) An amendment for an information resources
10 management project or initiative that involves more than one
11 agency, has an outcome that impacts another agency, or exceeds
12 \$500,000 in total cost over a 1-year period, except for those
13 projects that are a continuation of hardware or software
14 maintenance or software licensing agreements, or that are for
15 desktop replacement that is similar to the technology
16 currently in use must be reviewed by the Technology Review
17 Workgroup pursuant to s. 216.0446 ~~216.0466~~ and approved by the
18 Executive Office of the Governor for the executive branch or
19 by the Chief Justice for the judicial branch, and shall be
20 subject to the notice and review procedures set forth in s.
21 216.177.

22
23 Reviser's note.--Amended to correct an apparent
24 error. Section 216.0466 does not exist; the
25 Technology Review Workgroup is provided for in
26 s. 216.0446.

27
28 Section 6. Paragraph (b) of subsection (1) of section
29 216.292, Florida Statutes, is reenacted to read:

30 216.292 Appropriations nontransferable; exceptions.--
31 (1)

1 (b) The Department of Children and Family Services and
2 the Agency for Health Care Administration may transfer general
3 revenue funds as necessary to comply with any provision of the
4 General Appropriations Act that requires or specifically
5 authorizes the transfer of general revenue funds between these
6 two agencies.

7
8 Reviser's note.--Reenacted to confirm the
9 existence of paragraph (1)(b). The paragraph
10 was repealed by s. 9, ch. 2000-157, Laws of
11 Florida, a reviser's bill, to conform to the
12 July 1, 1999, repeal of the paragraph by its
13 own terms. Section 34, ch. 2000-371, Laws of
14 Florida, nullified the July 1, 1999, repeal
15 language and deleted language referencing the
16 1998-1999 fiscal year.

17
18 Section 7. Paragraph (c) of subsection (3) of section
19 216.348, Florida Statutes, is amended to read:

20 216.348 Fixed capital outlay grants and aids
21 appropriations to certain nonprofit entities.--If a bill
22 appropriating a fixed capital outlay grants and aids
23 appropriation requires compliance with this section, the
24 following conditions shall apply, except to the extent that
25 such bill modifies these conditions:

26 (3)

27 (c) All agreements required by this subsection shall:

28 1. Require the grantee to continue the operation,
29 maintenance, repair, and administration of the property in
30 accordance with the purposes for which the funds were
31 originally appropriated and for the period of time expressly

1 specified by the bill appropriating the grant. If the bill
2 appropriating the grant does not specify a time period, the
3 administering agency shall determine a reasonable period of
4 time.

5 2. Provide that if the grantee fails, during the term
6 of the agreement, to operate, maintain, repair, and administer
7 the property in accordance with the purposes for which the
8 funds were originally granted, the grantee shall return to the
9 administering agency, no later than upon demand by the
10 administering agency, an amount calculated as follows:

11 a. If the bill appropriating the grant states a
12 specific repayment formula, that formula shall be used;

13 b. If the bill appropriating the grant states a
14 specific period of time but does not specify a repayment
15 formula, the amount to be returned shall be calculated on a
16 pro rata basis for that period of time; or

17 c. If the bill appropriating the grant does not state
18 a specific period of time or formula, the amount to be
19 returned shall be specified by the administering agency, which
20 shall be no less than the full amount of the grant less
21 \$100,000 or 10 percent of the grant, whichever is more, for
22 each full year for which the property was used for such
23 purposes.

24
25 The administering agency shall deposit all funds returned by
26 the grantee into the state fund from which the grant was
27 originally made.

28 3. Require that the grantee adopt an accounting
29 system, in compliance with generally accepted accounting
30 principles, which shall provide for a complete record of the
31

1 use of the grant money. In addition, the provisions of s.
2 215.97 ~~216.3491~~ shall apply.

3 4. Provide that the grantee shall indemnify, defend,
4 and hold the administering agency harmless from and against
5 any and all claims or demands for damages resulting from
6 personal injury, including death or damage to property,
7 arising out of or relating to the subject property or the use
8 of the grant money. The agreement shall require the grantee to
9 purchase and maintain insurance on behalf of directors,
10 officers, and employees of the grantee against any personal
11 liability or accountability by reason of actions taken while
12 acting within the scope of their authority. The administering
13 agency shall be immune from civil or criminal liability
14 resulting from acts or omissions of the grantee and the
15 grantee's agents, employees, or assigns.

16 5. Require the grantee to return any portion of the
17 grant money received that is not necessary to the purchase of
18 the land, or to the cost of the improvements, renovations, and
19 personalty, for which the grant was awarded.

20
21 Reviser's note.--Amended to conform to the
22 redesignation of s. 216.3491 as s. 215.97 by s.
23 58, ch. 2000-371, Laws of Florida.

24
25 Section 8. Subsections (6) and (10) of section 218.21,
26 Florida Statutes, are amended to read:

27 218.21 Definitions.--As used in this part, the
28 following words and terms shall have the meanings ascribed
29 them in this section, except where the context clearly
30 indicates a different meaning:

31

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

4 (a) No eligible county shall receive less funds from
5 the Revenue Sharing Trust Fund for Counties in any fiscal year
6 than the amount received in the aggregate from the state in
7 fiscal year 1971-1972 under the provisions of the
8 then-existing s. 210.20(2)(c), tax on cigarettes; the
9 then-existing s. 323.16(4), road tax; and the then-existing s.
10 199.292(4), tax on intangible personal property.

11 (b) No eligible municipality shall receive less funds
12 from the Revenue Sharing Trust Fund for Municipalities in any
13 fiscal year than the aggregate amount it received from the
14 state in fiscal year 1971-1972 under the provisions of the
15 then-existing s. 210.20(2)(a), tax on cigarettes; the
16 then-existing s. 323.16(3), road tax; and s. 206.605, tax on
17 motor fuel. Any government exercising municipal powers under
18 s. 6(f), Art. VIII of the State Constitution may not receive
19 less than the aggregate amount it received from the Revenue
20 Sharing Trust Fund for Municipalities in the preceding fiscal
21 year, plus a percentage increase in such amount equal to the
22 percentage increase of the Revenue Sharing Trust Fund for
23 Municipalities for the preceding fiscal year.

24 (10) "Second guaranteed entitlement for counties"
25 means the amount of revenue received in the aggregate by an
26 eligible county in fiscal year 1981-1982 under the provisions
27 of the then-existing s. 210.20(2)(a), tax on cigarettes, and
28 the then-existing s. 199.292(4), tax on intangible personal
29 property, less the guaranteed entitlement. For any fiscal
30 year, each eligible county shall be entitled to receive the
31 second guaranteed entitlement for counties from the Revenue

1 Sharing Trust Fund for Counties. The second guaranteed
2 entitlement for counties shall be deemed separate and apart
3 from the guaranteed entitlement and shall not be deemed to be
4 a part of the guaranteed entitlement for purposes of any
5 indenture, contract, or pledge to holders of obligations
6 issued by any county.

7
8 Reviser's note.--Section 323.16 was repealed by
9 s. 2, ch. 83-84, Laws of Florida. Section
10 199.292(4), as designated during fiscal years
11 1971-1972 and 1981-1982, was redesignated as s.
12 199.292(3) by s. 27, ch. 85-342, Laws of
13 Florida.

14
15 Section 9. Subsection (10) of section 228.056, Florida
16 Statutes, is reenacted to read:

17 228.056 Charter schools.--

18 (10) CAUSES FOR NONRENEWAL OR TERMINATION.--

19 (a) At the end of the term of a charter, the sponsor
20 may choose not to renew the charter for any of the following
21 grounds:

22 1. Failure to meet the requirements for student
23 performance stated in the charter.

24 2. Failure to meet generally accepted standards of
25 fiscal management.

26 3. Violation of law.

27 4. Other good cause shown.

28 (b) During the term of a charter, the sponsor may
29 terminate the charter for any of the grounds listed in
30 paragraph (a).

31

1 (c) At least 90 days prior to renewing or terminating
2 a charter, the sponsor shall notify the governing body of the
3 school of the proposed action in writing. The notice shall
4 state in reasonable detail the grounds for the proposed action
5 and stipulate that the school's governing body may, within 14
6 calendar days after receiving the notice, request an informal
7 hearing before the sponsor. The sponsor shall conduct the
8 informal hearing within 30 calendar days after receiving a
9 written request. The charter school's governing body may,
10 within 14 calendar days after receiving the sponsor's decision
11 to terminate or refuse to renew the charter, appeal the
12 decision pursuant to the procedure established in subsection
13 (4).

14 (d) A charter may be terminated immediately if the
15 sponsor determines that good cause has been shown or if the
16 health, safety, or welfare of the students is threatened. The
17 school district in which the charter school is located shall
18 assume operation of the school under these circumstances.

19 (e) When a charter is not renewed or is terminated,
20 the school shall be dissolved under the provisions of law
21 under which the school was organized, and any unencumbered
22 funds from the charter school shall revert to the district
23 school board. In the event a charter school is dissolved or
24 is otherwise terminated, all district school board property
25 and improvements, furnishings, and equipment purchased with
26 public funds shall automatically revert to full ownership by
27 the district school board, subject to complete satisfaction of
28 any lawful liens or encumbrances.

29 (f) If a charter is not renewed or is terminated, the
30 governing body of the school is responsible for all debts of
31 the charter school. The district may not assume the debt from

1 any contract for services made between the governing body of
2 the school and a third party, except for a debt that is
3 previously detailed and agreed upon in writing by both the
4 district and the governing body of the school and that may not
5 reasonably be assumed to have been satisfied by the district.

6 (g) If a charter is not renewed or is terminated, a
7 student who attended the school may apply to, and shall be
8 enrolled in, another public school. Normal application
9 deadlines shall be disregarded under such circumstances.

10
11 Reviser's note.--Section 3, ch. 2000-306, Laws
12 of Florida, purported to amend s. 228.056, but
13 failed to publish paragraph (10)(d). In the
14 absence of affirmative evidence that the
15 Legislature intended to repeal paragraph
16 (10)(d), subsection (10) is reenacted to
17 confirm that the omission was not intended.

18
19 Section 10. Paragraph (c) of subsection (2) of section
20 228.082, Florida Statutes, is amended to read:

21 228.082 The Florida On-Line High School.--

22 (2) The Florida On-Line High School shall be governed
23 by a board of trustees comprised of seven members appointed by
24 the Governor to 4-year staggered terms, one of whom shall be
25 the current chair of the Florida High School Advisory Board
26 and one of whom shall be a representative of the fiscal agent,
27 and one of whom shall be the Chief Information Officer or his
28 designee from the State Technology Office pursuant to ch.
29 2000-164, Laws of Florida. The board shall be a public agency
30 entitled to sovereign immunity pursuant to s. 768.28, and
31 board members shall be public officers who shall bear

1 fiduciary responsibility for the Florida On-Line High School.
2 The board of trustees shall have the following powers and
3 duties:

4 (c) The fiscal year for the Florida On-Line High
5 School shall be the state fiscal year as provided in s.
6 216.011(1)(o)~~216.011(1)(n)~~.

7
8 The Governor shall designate the initial chair of the board of
9 trustees to serve a term of 4 years. Members of the board of
10 trustees shall serve without compensation, but may be
11 reimbursed for per diem and travel expenses pursuant to s.
12 112.061. The board of trustees shall be a body corporate with
13 all the powers of a body corporate and such authority as is
14 needed for the proper operation and improvement of the Florida
15 On-Line High School. The board of trustees is specifically
16 authorized to adopt rules, policies, and procedures,
17 consistent with law related to governance, personnel, budget
18 and finance, administration, programs, curriculum and
19 instruction, travel and purchasing, technology, students,
20 contracts and grants, and property as necessary for optimal,
21 efficient operation of the Florida On-Line High School.
22 Tangible personal property owned by the board of trustees
23 shall be subject to the provisions of chapter 273.

24
25 Reviser's note.--Amended to conform to the
26 redesignation of s. 216.011(1)(n) as s.
27 216.011(1)(o) by s. 1, ch. 2000-371, Laws of
28 Florida.

29
30 Section 11. Subsection (5) of section 228.195, Florida
31 Statutes, is amended to read:

1 228.195 School food service programs.--

2 (5) SCHOOL BREAKFAST PROGRAMS.--

3 (a) Each school district shall implement school
4 breakfast programs in all elementary schools ~~by the beginning~~
5 ~~of the 1991-1992 school year~~. Breakfast programs shall make
6 breakfast available to all students in kindergarten through
7 grade 6 in each district school, unless the elementary school
8 goes only through grade 5, in which case the requirement shall
9 apply only through grade 5. ~~Breakfast programs shall be~~
10 ~~phased in over a 3-year period, beginning July 1, 1989, and~~
11 ~~ending June 30, 1992.~~

12 1. ~~The first phase shall be from July 1, 1989, to June~~
13 ~~30, 1990. During the first phase, each school district shall~~
14 ~~develop a 3-year plan for implementing breakfast programs in~~
15 ~~all elementary schools.~~

16 2. ~~The second phase shall be from July 1, 1990, to~~
17 ~~June 30, 1991. During the second phase, each school district~~
18 ~~shall implement breakfast programs in elementary schools in~~
19 ~~which 40 percent of the student population is eligible to be~~
20 ~~served free and reduced price meals as reported for the second~~
21 ~~preceding year, to the extent specifically funded in the~~
22 ~~General Appropriations Act.~~

23 3. ~~The third phase shall be from July 1, 1991, to June~~
24 ~~30, 1992. During the third phase and each year thereafter,~~
25 Each school district shall implement breakfast programs in all
26 elementary schools in which students are eligible for free and
27 reduced price lunch meals, to the extent specifically funded
28 in the General Appropriations Act.

29

30 ~~The Commissioner of Education may grant a 1-year extension to~~
31 ~~schools which cannot, for good cause, meet the deadlines~~

1 ~~specified in this paragraph. The commissioner may renew the~~
2 ~~extension for 1 additional year.~~ A school district may
3 operate a breakfast program providing for food preparation at
4 the school site or in central locations with distribution to
5 designated satellite schools or any combination thereof.

6 (b)1. The commissioner shall make every reasonable
7 effort to ensure that any school designated a "severe need
8 school" receives the highest rate of reimbursement to which it
9 is entitled pursuant to 42 U.S.C. s. 1773 for each free and
10 reduced price breakfast served.

11 2. ~~From July 1, 1989, to June 30, 1990, the Department~~
12 ~~of Education shall award a one-time incentive grant, in the~~
13 ~~amount specified in the General Appropriations Act, to each~~
14 ~~school district for each elementary school which implements a~~
15 ~~new breakfast program between April 1, 1989, and February 28,~~
16 ~~1990. To be eligible for an incentive grant, a school shall~~
17 ~~not have submitted a breakfast reimbursement claim within the~~
18 ~~2 previous school years and shall have served breakfast after~~
19 ~~March 31, 1989, but prior to February 28, 1990, and thereby~~
20 ~~submitted breakfast reimbursement claims during the specified~~
21 ~~months of service, April through February. The total amount~~
22 ~~of these incentive grants shall not exceed \$200,000. The~~
23 Department of Education shall calculate and distribute a
24 school district breakfast supplement for ~~the 1990-1991 school~~
25 year and each school year thereafter. The breakfast
26 supplement shall be calculated by multiplying the state
27 breakfast rate as specified in the General Appropriations Act
28 by the number of free and reduced price breakfast meals
29 served.

30 3. ~~Beginning with the 1990-1991 fiscal year, The~~
31 Legislature shall provide sufficient funds in the General

1 Appropriations Act to reimburse participating school districts
2 for the difference between the average federal reimbursement
3 for free and reduced price breakfasts and the average
4 statewide cost for breakfasts.

5
6 Reviser's note.--Amended to delete obsolete
7 provisions.

8
9 Section 12. Paragraph (a) of subsection (6) of section
10 229.006, Florida Statutes, is amended to read:

11 229.006 Education Governance Reorganization Transition
12 Task Force.--

13 (6) By March 1, 2003, the transition task force shall
14 recommend to the Legislature:

15 (a) Statutory changes necessary to accomplish the
16 policies and guiding principles of s. 229.002, including, but
17 not limited to, statutory changes necessitated by the repeal
18 and review provisions of s. 3(7), ch. 2000-321, Laws of
19 Florida ~~subsection 3(8) of this act.~~

20
21 Reviser's note.--Amended to correct an apparent
22 error and facilitate correct interpretation.
23 The referenced provision does not exist, and s.
24 3(7), ch. 2000-321, Laws of Florida, provides
25 for repeal and review of numerous statutory
26 provisions relating to education.

27
28 Section 13. Subsection (2) of section 229.085, Florida
29 Statutes, is amended to read:

30 229.085 Custody of educational funds.--

31

1 (2) There is created in the Department of Education
2 the Projects, Contracts, and Grants Trust Fund. If, in
3 executing the terms of such grants or contracts for specific
4 projects, the employment of personnel shall be required, such
5 personnel shall not be subject to the requirements of s.
6 216.262(1)(a). The personnel employed to plan and administer
7 such projects shall be considered in time-limited employment
8 not to exceed the duration of the grant or until completion of
9 the project, whichever first occurs. Such employees shall not
10 acquire retention rights under the Career Service System, ~~the~~
11 ~~provisions of s. 110.051(1) to the contrary notwithstanding.~~
12 Any employee holding permanent career service status in a
13 Department of Education position who is appointed to a
14 position under the Projects, Contracts, and Grants Trust Fund
15 shall retain such permanent status in the career service
16 position.

17

18 Reviser's note.--Amended to conform to the
19 repeal of s. 110.051 by s. 42, ch. 79-190, Laws
20 of Florida.

21

22 Section 14. Paragraph (a) of subsection (8) of section
23 229.57, Florida Statutes, is amended to read:

24 229.57 Student assessment program.--

25 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE
26 CATEGORIES.--School performance grade category designations
27 itemized in subsection (7) shall be based on the following:

28 (a) Timeframes.--

29 1. School performance grade category designations
30 shall be based on one school year of performance.

31

1 ~~2. In school years 1998-1999 and 1999-2000, a school's~~
2 ~~performance grade category designation shall be determined by~~
3 ~~the student achievement levels on the FCAT, and on other~~
4 ~~appropriate performance data, including, but not limited to,~~
5 ~~attendance, dropout rate, school discipline data, and student~~
6 ~~readiness for college, in accordance with state board rule.~~

7 2.3. In the 2000-2001 school year, a school's
8 performance grade category designation shall be based on a
9 combination of student achievement scores as measured by the
10 FCAT, on the degree of measured learning gains of the
11 students, and on other appropriate performance data,
12 including, but not limited to, dropout rate and student
13 readiness for college.

14 ~~3.4.~~ Beginning with the 2001-2002 school year and
15 thereafter, a school's performance grade category designation
16 shall be based on student learning gains as measured by annual
17 FCAT assessments in grades 3 through 10, and on other
18 appropriate performance data, including, but not limited to,
19 dropout rate, cohort graduation rate, and student readiness
20 for college.

21
22 The Department of Education shall study the effects of
23 mobility on the performance of highly mobile students and
24 recommend programs to improve the performance of such
25 students. The state board shall adopt appropriate criteria for
26 each school performance grade category. The criteria must also
27 give added weight to student achievement in reading. Schools
28 designated as performance grade category "C," making
29 satisfactory progress, shall be required to demonstrate that
30 adequate progress has been made by students who have scored
31

1 among the lowest 25 percent of students in the state as well
2 as by the overall population of students in the school.

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

6
7 Section 15. Subsection (2) of section 230.23025,
8 Florida Statutes, is reenacted to read:

9 230.23025 Best financial management practices;
10 standards; reviews; designation of districts.--

11 (2) School districts may, by a unanimous vote of the
12 membership of the school board, apply to OPPAGA for a complete
13 best financial management practice review or a review of
14 components of the best financial management practices,
15 including management, personnel, transportation, and food and
16 nutrition services. OPPAGA shall prioritize districts for
17 review based on their growth rates and demonstrated need for
18 review. The director of OPPAGA may, at his or her discretion,
19 contract with private consultants to perform part or all of
20 the review of any district. Districts applying for a complete
21 review shall contribute 50 percent of review costs, unless
22 funding for the entire cost of the review is specifically
23 provided by the Legislature. Districts applying for a review
24 of a component shall contribute 75 percent of the review cost.
25 All moneys contributed by any school district under this
26 section toward the cost of a complete or component best
27 financial management practices review of the district shall be
28 deposited into the Florida School District Review Trust Fund
29 administered by OPPAGA.

1 Reviser's note.--Section 4, ch. 98-225, Laws of
2 Florida, amended subsection (2), but failed to
3 incorporate amendments to the subsection by s.
4 22, ch. 97-384, Laws of Florida. In the absence
5 of affirmative evidence that the Legislature
6 intended to repeal the amendments by s. 22, ch.
7 97-384, subsection (2), including those
8 amendments, is reenacted to confirm that the
9 omission was not intended.

10
11 Section 16. Subsection (4) of section 231.262, Florida
12 Statutes, is amended to read:

13 231.262 Complaints against teachers and
14 administrators; procedure; penalties.--

15 (4) The complaint and all information obtained
16 pursuant to the investigation by the department shall be
17 confidential and exempt from the provisions of s. 119.07(1)
18 until the conclusion of the preliminary investigation of the
19 complaint, until such time as the preliminary investigation
20 ceases to be active, or until such time as otherwise provided
21 by s. 231.263(6). However, the complaint and all material
22 assembled during the investigation may be inspected and copied
23 by the certificateholder under investigation, or the
24 certificateholder's designee, after the investigation is
25 concluded, but prior to the determination of probable cause by
26 the commissioner. If the preliminary investigation is
27 concluded with the finding that there is no probable cause to
28 proceed, the complaint and information shall be open
29 thereafter to inspection pursuant to s. 119.07(1). If the
30 preliminary investigation is concluded with the finding that
31 there is probable cause to proceed and a complaint is filed

1 pursuant to subsection (5), the complaint and information
2 shall be open thereafter to inspection pursuant to s.
3 119.07(1)~~119.97(1)~~. If the preliminary investigation ceases
4 to be active, the complaint and all such material shall be
5 open thereafter to inspection pursuant to s. 119.07(1), except
6 as otherwise provided pursuant to s. 231.263(6)~~231.263(6)(d)~~.
7 For the purpose of this subsection, a preliminary
8 investigation shall be considered active as long as it is
9 continuing with a reasonable, good faith anticipation that an
10 administrative finding will be made in the foreseeable future.

11

12 Reviser's note.--Amended to provide contextual
13 consistency. There is no s. 119.97(1); s.
14 119.07(1) relates to inspection of records. The
15 reference to s. 231.263(6)(d) is incorrect; it
16 does not exist.

17

18 Section 17. Section 231.600, Florida Statutes, is
19 reenacted to read:

20 231.600 School Community Professional Development
21 Act.--

22 (1) The Department of Education, public community
23 colleges and universities, public school districts, and public
24 schools in this state shall collaborate to establish a
25 coordinated system of professional development. The purpose of
26 the professional development system is to enable the school
27 community to meet state and local student achievement
28 standards and the state education goals and to succeed in
29 school improvement as described in s. 229.591.

30 (2) The school community includes administrative
31 personnel, managers, instructional personnel, support

1 personnel, members of district school boards, members of
2 school advisory councils, parents, business partners, and
3 personnel that provide health and social services to school
4 children. School districts may identify and include
5 additional members of the school community in the professional
6 development activities required by this section.

7 (3) The activities designed to implement this section
8 must:

9 (a) Increase the success of educators in guiding
10 student learning and development so as to implement state and
11 local educational standards, goals, and initiatives;

12 (b) Assist the school community in providing
13 stimulating educational activities that encourage and motivate
14 students to achieve at the highest levels and to become active
15 learners; and

16 (c) Provide continuous support for all education
17 professionals as well as temporary intervention for education
18 professionals who need improvement in knowledge, skills, and
19 performance.

20 (4) The Department of Education, school districts,
21 schools, and public colleges and universities share the
22 responsibilities described in this section. These
23 responsibilities include the following:

24 (a) The department shall develop and disseminate to
25 the school community model professional development methods
26 and programs that have demonstrated success in meeting
27 identified student needs. The Commissioner of Education shall
28 use data on student achievement to identify student needs. The
29 methods of dissemination must include a statewide performance
30 support system, a database of exemplary professional
31 development activities, a listing of available professional

1 development resources, training programs, and technical
2 assistance.

3 (b) Each school district shall develop a professional
4 development system. The system shall be developed in
5 consultation with teachers and representatives of college and
6 university faculty, community agencies, and other interested
7 citizen groups to establish policy and procedures to guide the
8 operation of the district professional development program.

9 The professional development system must:

10 1. Be approved by the department. All substantial
11 revisions to the system shall be submitted to the department
12 for review for continued approval.

13 2. Require the use of student achievement data; school
14 discipline data; school environment surveys; assessments of
15 parental satisfaction; performance appraisal data of teachers,
16 managers, and administrative personnel; and other performance
17 indicators to identify school and student needs that can be
18 met by improved professional performance.

19 3. Provide inservice activities coupled with followup
20 support that are appropriate to accomplish district-level and
21 school-level improvement goals and standards. The inservice
22 activities for instructional personnel shall primarily focus
23 on subject content and teaching methods, including technology,
24 as related to the Sunshine State Standards, assessment and
25 data analysis, classroom management, and school safety.

26 4. Include a master plan for inservice activities,
27 pursuant to rules of the State Board of Education, for all
28 district employees from all fund sources. The master plan
29 shall be updated annually by September 1 using criteria for
30 continued approval as specified by rules of the State Board of
31 Education. Written verification that the inservice plan meets

1 all requirements of this section must be submitted annually to
2 the commissioner by October 1.

3 5. Require each school principal to establish and
4 maintain an individual professional development plan for each
5 instructional employee assigned to the school. The individual
6 professional development plan must:

7 a. Be related to specific performance data for the
8 students to whom the teacher is assigned.

9 b. Define the inservice objectives and specific
10 measurable improvements expected in student performance as a
11 result of the inservice activity.

12 c. Include an evaluation component that determines the
13 effectiveness of the professional development plan.

14 6. Include inservice activities for school
15 administrative personnel that address updated skills necessary
16 for effective school management and instructional leadership.

17 7. Provide for systematic consultation with regional
18 and state personnel designated to provide technical assistance
19 and evaluation of local professional development programs.

20 8. Provide for delivery of professional development by
21 distance learning and other technology-based delivery systems
22 to reach more educators at lower costs.

23 9. Provide for the continuous evaluation of the
24 quality and effectiveness of professional development programs
25 in order to eliminate ineffective programs and strategies and
26 to expand effective ones. Evaluations must consider the impact
27 of such activities on the performance of participating
28 educators and their students' achievement and behavior.

29 (c) Each public community college and university shall
30 assist the department, school districts, and schools in the
31 design, delivery, and evaluation of professional development

1 activities. This assistance must include active participation
2 in state and local activities required by the professional
3 development system.

4 (5)(a) The Department of Education shall provide a
5 system for the recruitment, preparation, and professional
6 development of school administrative personnel. This system
7 shall:

8 1. Identify the knowledge, competencies, and skills
9 necessary for effective school management and instructional
10 leadership that align with student performance standards and
11 accountability measures.

12 2. Include performance evaluation methods.

13 3. Provide for alternate means for preparation of
14 school administrative personnel which may include programs
15 designed by school districts and institutions of higher
16 education pursuant to guidelines developed by the
17 commissioner. Such preparation programs shall be approved by
18 the Department of Education.

19 4. Provide for the hiring of qualified out-of-state
20 school administrative personnel.

21 5. Provide advanced educational opportunities for
22 school-based instructional leaders.

23 (b) The Commissioner of Education shall appoint a task
24 force that includes a school district superintendent, a
25 district school board member, a principal, an assistant
26 principal, a teacher, a dean of a college of education, and
27 parents. The task force shall convene periodically to provide
28 recommendations to the department in the areas of recruitment,
29 certification, preparation, professional development, and
30 evaluation of school administrators.

31

1 (6) Each district school board shall provide funding
2 for the professional development system as required by s.
3 236.081 and the General Appropriations Act, and shall direct
4 expenditures from other funding sources to strengthen the
5 system and make it uniform and coherent. A school district
6 may coordinate its professional development program with that
7 of another district, with an educational consortium, or with a
8 college or university, especially in preparing and educating
9 personnel. Each district school board shall make available
10 inservice activities to instructional personnel of nonpublic
11 schools in the district and the state certified teachers who
12 are not employed by the district school board on a fee basis
13 not to exceed the cost of the activity per all participants.

14 (7) An organization of nonpublic schools which has no
15 fewer than 10 member schools in this state, which publishes
16 and files with the Department of Education copies of its
17 standards, and the member schools of which comply with the
18 provisions of chapter 232, relating to compulsory school
19 attendance, may also develop a professional development system
20 that includes a master plan for inservice activities. The
21 system and inservice plan must be submitted to the
22 commissioner for approval pursuant to rules of the State Board
23 of Education.

24 (8) The Department of Education shall design methods
25 by which the state and district school boards may evaluate and
26 improve the professional development system. The evaluation
27 must include an annual assessment of data that indicate
28 progress or lack of progress of all students. If the review of
29 the data indicates progress, the department shall identify the
30 best practices that attributed to the progress. If the review
31 of the data indicates a lack of progress, the department shall

1 investigate the causes of the lack of progress, provide
2 technical assistance, and require the school district to
3 employ a different approach to professional development. The
4 department shall report annually to the State Board of
5 Education and the Legislature any school district that, in the
6 determination of the department, has failed to provide an
7 adequate professional development system. This report must
8 include the results of the department's investigation and of
9 any intervention provided.

10 (9) The State Board of Education may adopt rules
11 pursuant to ss. 120.536(1) and 120.54 to administer this
12 section.

13 (10) This section does not limit or discourage a
14 district school board from contracting with independent
15 entities for professional development services and inservice
16 education if the district school board believes that, through
17 such a contract, a better product can be acquired or its goals
18 for education improvement can be better met.

19 (11) For teachers, managers, and administrative
20 personnel who have been evaluated as less than satisfactory, a
21 district school board shall require participation in specific
22 professional development programs as part of the improvement
23 prescription.

24
25 Reviser's note.--Reenacted to confirm the
26 existence of s. 231.600, which was repealed
27 October 1, 1995, by s. 21, ch. 85-238, Laws of
28 Florida, but prior to that date was
29 substantially reworded by s. 1, ch. 95-236,
30 Laws of Florida, effective June 9, 1995;
31 further amended by s. 10, ch. 98-281, Laws of

1 Florida; s. 60, ch. 99-398, Laws of Florida;
2 and s. 48, ch. 2000-301, Laws of Florida.

3
4 Section 18. Subsection (1) of section 231.6215,
5 Florida Statutes, is amended to read:

6 231.6215 Student Fellowship Program.--

7 (1) The Student Fellowship Program is created to
8 provide 2-year scholarship loans of \$6,500 per year to
9 students who are residents of this state and who are rising
10 juniors at a state community college, state university, or
11 independent postsecondary education institution that is
12 eligible to participate in the William L. Boyd, IV, Florida
13 Resident Access Grant Program ~~Florida Resident Access Grant~~ or
14 to education paraprofessional learning guides, as defined in
15 s. 231.700(3), who are pursuing a bachelor's degree in order
16 to become an associate teacher, as defined in s. 231.700(3).

17
18 Reviser's note.--Amended to conform to the
19 title of the program as provided in s. 240.605.

20
21 Section 19. Section 232.50, Florida Statutes, is
22 amended to read:

23 232.50 Child abuse, abandonment, and neglect
24 policy.--Every school board shall ~~by March 1, 1985:~~

25 (1) Post in a prominent place in each school a notice
26 that, pursuant to chapter 39, all employees or agents of the
27 district school board have an affirmative duty to report all
28 actual or suspected cases of child abuse, abandonment, or
29 neglect, have immunity from liability if they report such
30 cases in good faith, and have a duty to comply with child
31 protective investigations and all other provisions of law

1 relating to child abuse, abandonment, and neglect. The notice
2 shall also include the statewide toll-free telephone number of
3 the central abuse hotline.

4 (2) Provide that the superintendent, or the
5 superintendent's designee, at the request of the Department of
6 Children and Family Services, will act as a liaison to the
7 Department of Children and Family Services and the child
8 protection team, as defined in s. 39.01, when in a case of
9 suspected child abuse, abandonment, or neglect or an unlawful
10 sexual offense involving a child the case is referred to such
11 a team; except that this subsection may in no instance be
12 construed as relieving or restricting the Department of
13 Children and Family Services from discharging its duty and
14 responsibility under the law to investigate and report every
15 suspected or actual case of child abuse, abandonment, or
16 neglect or unlawful sexual offense involving a child.

17
18 ~~Each district school board shall comply with the provisions of~~
19 ~~this section, and such board shall notify the Department of~~
20 ~~Education and the Department of Children and Family Services~~
21 ~~of its compliance by March 1, 1985.~~

22
23 Reviser's note.--Amended to delete provisions
24 that have served their purpose.

25
26 Section 20. Section 233.0655, Florida Statutes, is
27 amended to read:

28 233.0655 Patriotic programs; rules.--Each district
29 school board is authorized to adopt rules to require, in all
30 of the schools of the district, programs of a patriotic nature
31 to encourage greater respect for the government of the United

1 States and its national anthem and flag, subject always to
2 other existing pertinent laws of the United States or of the
3 state; provided, that when the national anthem is played,
4 students and all civilians shall stand at attention, men
5 removing the headdress, except when such headdress is worn for
6 religious purposes; and provided, further, that the pledge of
7 allegiance to the flag, "I pledge allegiance to the flag of
8 the United States of America and to the republic for which it
9 stands, one nation under God, indivisible, with liberty and
10 justice for all," shall be rendered by students standing with
11 the right hand over the heart. The pledge of allegiance to the
12 flag, as stated herein, shall be recited at the beginning of
13 the day in each elementary and secondary public school in the
14 state. Each student shall be informed by posting a notice in a
15 conspicuous place that the student has the right not to
16 participate in reciting the pledge. Upon written request by
17 his or her parent or guardian, the student must be excused
18 from reciting the pledge. When the pledge is given, civilians
19 must show full respect to the flag by standing at attention,
20 men removing the headdress, except when such headdress is worn
21 for religious purposes, as provided by Pub. L. ch. 77-435 ~~No.~~
22 ~~623~~, s. 7, approved June 22, 1942, 56 Stat. 377, as amended by
23 Pub. L. ch. 77-806 ~~No. 829~~, 56 Stat. 1074, approved December
24 22, 1942.

25

26 Reviser's note.--Amended to conform to the
27 correct citations to the referenced material.

28

29 Section 21. Paragraph (a) of subsection (2) of section
30 233.068, Florida Statutes, is amended to read:

31 233.068 Job-related vocational instruction.--

1 (2) OPEN-ENTRY PROGRAMS IN CAREER DEVELOPMENT AND
2 APPLIED TECHNOLOGY.--By the 1998-1999 school year, up to 30
3 school districts may establish programs in which students who
4 have differing abilities and career plans may pursue an
5 education that develops academic and vocational skills
6 required by specified related occupations. Each program must:

7 (a) Be self-contained and provide sufficient courses
8 for a student in each occupational training level to earn a
9 high school diploma as provided in s. ss-232.246 and ~~232.2467~~
10 and provide free transportation for students to and from their
11 residences. A program may be called a school, but need not
12 have a separate campus. If a program has a separate campus or
13 is a school within a school, it may agree with another school
14 to allow the students to participate in extracurricular
15 activities.

16
17 Reviser's note.--Amended to conform to the
18 repeal of s. 232.2467 by s. 68, ch. 92-136,
19 Laws of Florida.

20
21 Section 22. Effective July 1, 2001, subsection (3) of
22 section 235.26, Florida Statutes, as amended by s. 11, ch.
23 2000-141, Laws of Florida, is amended to read:

24 235.26 State uniform building code for public
25 educational facilities construction.--

26 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
27 each district school board and community college district
28 board of trustees to ensure that all plans and educational and
29 ancillary plants meet the standards of the Florida Building
30 Code and the Florida Fire Prevention Code and to provide for
31 the enforcement of these codes in the areas of its

1 jurisdiction. Each board shall provide for the proper
2 supervision and inspection of the work. Each board may employ
3 a chief building official or inspector and such other
4 inspectors, who have been certified pursuant to chapter 468,
5 and such personnel as are necessary to administer and enforce
6 the provisions of this code. Boards may also utilize local
7 building department inspectors who are certified by the
8 department to enforce this code. Plans or facilities that fail
9 to meet the standards of the Florida Building Code or the
10 Florida Fire Prevention Code may not be approved. When
11 planning for and constructing an educational, auxiliary, or
12 ancillary facility, a district school board must use
13 construction materials and systems that meet standards adopted
14 pursuant to subparagraphs (1)(e)3. and 4.~~subparagraph~~
15 ~~(2)(f)5.~~If the planned or actual construction of a facility
16 deviates from the adopted standards, the district school board
17 must, at a public hearing, quantify and compare the costs of
18 constructing the facility with the proposed deviations and in
19 compliance with the adopted standards and the Florida Building
20 Code. The board must explain the reason for the proposed
21 deviations and compare how the total construction costs and
22 projected life-cycle costs of the facility or component system
23 of the facility would be affected by implementing the proposed
24 deviations rather than using materials and systems that meet
25 the adopted standards. The provisions of this subsection do
26 apply to educational, auxiliary, and ancillary facility
27 projects commenced on or after July 1, 1999.

28
29 Reviser's note.--Amended to improve clarity and
30 facilitate correct interpretation. Subparagraph
31 ~~(2)(f)5.~~ was repealed by s. 11, ch. 2000-141,

1 Laws of Florida, and the language relating to
2 standards now appears at subparagraphs (1)(e)3.
3 and 4.

4
5 Section 23. Subsection (4) of section 236.1225,
6 Florida Statutes, is amended to read:

7 236.1225 Gifted education exemplary program grants.--
8 (4) The commissioner shall review and approve,
9 disapprove, or resubmit for modification all proposed programs
10 for education for the gifted submitted. For those programs
11 approved, the commissioner shall authorize distribution of
12 funds equal to the cost of the program from funds appropriated
13 to the Department of Education for exemplary program grants
14 for education for the gifted as provided for by this act.
15 These funds shall be in addition to any funds for education
16 for the gifted provided pursuant to ss. 236.025 and 236.081 ~~s.~~
17 ~~236.081(1)(c)~~.

18
19 Reviser's note.--Amended to improve clarity and
20 facilitate correct interpretation. Section
21 236.081(1)(c) does not refer to education for
22 the gifted; exceptional education funding is
23 covered in ss. 236.025 and 236.081.

24
25 Section 24. Subparagraphs 1.-3. of paragraph (b) of
26 subsection (5) of section 236.25, Florida Statutes, are
27 repealed.

28
29 Reviser's note.--The cited subparagraphs relate
30 to school district spending for fiscal years
31 1997-1998 through 1999-2000.

1 Section 25. Subsection (2) of section 240.145, Florida
2 Statutes, is amended to read:

3 240.145 Postsecondary Education Planning Commission.--

4 (2) The commission shall be composed of 11 members of
5 the general public and one full-time student representing the
6 postsecondary education system of the state. Each member
7 shall be appointed by the Governor, approved by three members
8 of the State Board of Education other than the Governor, and
9 confirmed by the Senate. Members shall serve staggered 4-year
10 terms, except for the full-time student member, who shall
11 serve for 1 year; ~~however, of the initial nonstudent~~
12 ~~appointees, two shall hold 1-year terms, three shall hold~~
13 ~~2-year terms, three shall hold 3-year terms, and three shall~~
14 ~~hold 4-year terms.~~ The student member shall be selected
15 annually with the qualification that he or she be a registered
16 full-time student at a postsecondary educational institution
17 as defined in chapter 230, relating to public area technical
18 centers; in this chapter, relating to public community
19 colleges and universities; or in chapter 246, relating to
20 nonpublic colleges, universities, and vocational schools. The
21 members of the commission shall elect a chair annually. The
22 Governor shall fill all vacancies, subject to approval and
23 confirmation, that may at any time occur on the commission.

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

27
28 Section 26. Subsection (1) of section 240.2995,
29 Florida Statutes, is amended to read:

30 240.2995 University health services support

31 organizations.--

1 (1) Each state university is authorized to establish
2 university health services support organizations which shall
3 have the ability to enter into, for the benefit of the
4 university academic health sciences center, ~~and~~ arrangements
5 with other entities as providers in other integrated health
6 care systems or similar entities. To the extent required by
7 law or rule, university health services support organizations
8 shall become licensed as insurance companies, pursuant to
9 chapter 624, or be certified as health maintenance
10 organizations, pursuant to chapter 641. University health
11 services support organizations shall have sole responsibility
12 for the acts, debts, liabilities, and obligations of the
13 organization. In no case shall the state or university have
14 any responsibility for such acts, debts, liabilities, and
15 obligations incurred or assumed by university health services
16 support organizations.

17

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

19

20 Section 27. Subsection (5) of section 240.3335,
21 Florida Statutes, is amended to read:

22 240.3335 Centers of technology innovation.--

23 (5) The State Board of Community Colleges shall give
24 priority in the designation of centers to those community
25 colleges that specialize in technology in environmental areas
26 and in areas related to target industries of ~~the Department of~~
27 ~~Commerce or~~ Enterprise Florida. Priority in designation shall
28 also be given to community colleges that develop new and
29 improved manufacturing techniques and related business
30 practices.

31

1 Reviser's note.--Amended to conform to the
2 repeal of s. 20.17, which created the
3 Department of Commerce, by ch. 96-320, Laws of
4 Florida.

5
6 Section 28. Paragraph (b) of subsection (2) of section
7 240.345, Florida Statutes, is amended to read:

8 240.345 Financial support of community colleges.--

9 (2) STUDENT FEES.--

10 (b) The State Board of Community Colleges shall adopt
11 rules permitting the deferral of registration and tuition fees
12 for those students who receive financial aid from federal or
13 state assistance programs when such aid is delayed in being
14 transmitted to the student through circumstances beyond the
15 control of the student. The failure to make timely
16 application for such aid is insufficient reason to receive
17 such deferral.

18 1. A veteran or other eligible student who receives
19 benefits under chapter 30, chapter 31, chapter 32, chapter 34,
20 or chapter 35, 38 U.S.C., or chapter 106, 10 U.S.C., is
21 entitled to one deferment each academic year and an additional
22 deferment each time there is a delay in the receipt of his or
23 her benefits.

24 2. Each community college shall be responsible for
25 collecting all deferred fees. If a community college has not
26 collected a deferred fee, the student shall not earn full-time
27 equivalent student enrollment for any course for which the
28 student subsequently registers until the fee has been paid.

29 3. In adopting such rules, the State Board of
30 Community Colleges is required to enforce the collection of or
31 otherwise settle delinquent accounts.

1 4. The State Board of Education shall require that
2 each institution within the community college system withdraw
3 all requests for course approval from the United States
4 Department of Veterans Affairs ~~Veterans Administration~~ for
5 education programs offered in correctional facilities which
6 are provided through state funding at no cost to the inmate.
7

8 Reviser's note.--Amended to conform to the
9 redesignation of the United States Veterans'
10 Administration as the United States Department
11 of Veterans Affairs by s. 2, Pub. L. No.
12 100-527.
13

14 Section 29. Subsections (1) and (2) of section
15 240.40208, Florida Statutes, are amended to read:

16 240.40208 Eligibility for the Florida Bright Futures
17 Scholarship Program; transition.--

18 (1) A student who graduates from high school in 1997
19 or earlier and who is eligible for the Florida Undergraduate
20 Scholar's Program pursuant to former s. 240.402 is eligible
21 for the Florida Academic Scholars award as provided in this
22 act. A student who graduates from high school in 1998 or 1999
23 is eligible for the Florida Academic Scholars award if the
24 student meets the criteria in s. 240.40205. However, in lieu
25 of satisfying the requirements set forth in s. 240.40205(1)(a)
26 and (b), a student may meet the following criteria:

27 (a) Complete a program of at least 24 credits in
28 advanced-level studies as prescribed by the State Board of
29 Education, including as a minimum:
30
31

- 1 1. Four years of progressively advanced instruction in
2 language arts, including courses in English composition and
3 literature.
- 4 2. Four years of progressively advanced instruction in
5 science, including laboratory courses in biology, chemistry,
6 and physics where laboratory facilities are available.
- 7 3. Four years of progressively advanced instruction in
8 mathematics, including courses in algebra, geometry, and
9 calculus or trigonometry.
- 10 4. Two years of sequential foreign language.
- 11 5. One year of instruction in art and music or in
12 either art or music.
- 13 6. Three years of instruction in social studies,
14 including courses in American history and government, world
15 history, and comparative political and economic systems.
- 16 7. One year of instruction in health and physical
17 education to include assessment, improvement, and maintenance
18 of personal fitness.
- 19 (b) Obtain at least the equivalent of an unweighted
20 grade point average of 3.0 on a 4.0 scale for all courses
21 taken for which high school credit may be granted.
- 22 (c) Achieve a score of 1180 on the combined verbal and
23 quantitative parts of the Scholastic Aptitude Test, the
24 Scholastic Assessment Test, or the recentered Scholastic
25 Assessment Test of the College Entrance Examination, or an
26 equivalent score on the American College Testing Program or an
27 equivalent program.
- 28 (d) Complete a program of community service work, as
29 approved by the district school board or the administrators of
30 a nonpublic school, which shall include a minimum of 75 hours
31 of service work and require the student to identify a social

1 problem that interests him or her, develop a plan for his or
2 her personal involvement in addressing the problem, and,
3 through papers or other presentations, evaluate and reflect
4 upon his or her experience.

5
6 Students who graduate from high school after 1999 must meet
7 the eligibility criteria pursuant to s. 240.40205.

8 (2) A student who graduates from high school in 1997
9 or earlier and who is eligible for the Florida Vocational Gold
10 Seal Endorsement Scholarship award pursuant to former s.
11 240.4021 is eligible for the Florida Gold Seal Vocational
12 Scholars award as provided in this act. A student who
13 graduates from high school in 1998 or 1999 is eligible for the
14 Florida Gold Seal Vocational Scholars award if the student
15 meets the criteria in s. 240.40207. However, in lieu of
16 satisfying the grade point average requirement set forth in s.
17 240.40207(1)(c), a student may earn a minimum cumulative
18 unweighted grade point average of 3.0 on a 4.0 scale on all
19 subjects required for a standard high school diploma. Students
20 who graduate from high school after 1999 must meet the
21 eligibility criteria pursuant to s. 240.40207.

22
23 Reviser's note.--Amended to conform to the
24 repeal of ss. 240.402 and 240.4021 by s. 11,
25 ch. 97-77, Laws of Florida.

26
27 Section 30. Subsection (4) of section 240.5285,
28 Florida Statutes, is amended to read:

29 240.5285 Florida Atlantic University campuses.--

30 (4) The Postsecondary Education Planning Commission
31 and the Board of Regents, as a function of each board's

1 comprehensive master planning process, shall continue to
2 evaluate the need for undergraduate programs in Broward County
3 and shall assess the extent to which existing postsecondary
4 programs are addressing those needs. ~~One section of the Board
5 of Regents' 5-year Master Plan for 1993-1998 shall address and
6 make recommendations concerning the establishment of a 4-year
7 public university in Broward County. The board's plan shall
8 include the effectiveness of branch campus operation,
9 including operating and capital budget and a description of
10 programmatic and administrative relationships with public and
11 private institutions in the area. Before January 1, 1993, the
12 Legislature shall review that section of the master plan and,
13 by July 1, 1993, shall make recommendations for implementing
14 that section.~~

15

16 Reviser's note.--Amended to delete obsolete
17 language relating to the Board of Regents'
18 5-year Master Plan for 1993-1998.

19

20 Section 31. Paragraph (d) of subsection (5) of section
21 240.529, Florida Statutes, is amended to read:

22 240.529 Public accountability and state approval for
23 teacher preparation programs.--

24 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
25 instructors, school district personnel and instructional
26 personnel, and school sites preparing instructional personnel
27 through preservice field experience courses and internships
28 shall meet special requirements.

29 (d) Postsecondary teacher preparation programs in
30 cooperation with district school boards and approved nonpublic
31 school associations shall select the school sites for

1 preservice field experience activities. These sites must
2 represent the full spectrum of school communities, including,
3 but not limited to, schools located in urban settings. In
4 order to be selected, school sites must demonstrate commitment
5 to the education of public school students and to the
6 preparation of future teachers. ~~A nonpublic school~~
7 ~~association, in order to be approved, must have a~~
8 ~~state-approved master inservice program plan in accordance~~
9 ~~with s. 236.0811.~~

10
11 Reviser's note.--Amended to conform to the
12 repeal of s. 236.0811 by s. 62, ch. 2000-301,
13 Laws of Florida.

14
15 Section 32. Paragraph (c) of subsection (2) of section
16 240.711, Florida Statutes, is amended to read:

17 240.711 Ringling Center for Cultural Arts.--
18 (2)

19 (c) The John and Mable Ringling Museum of Art
20 direct-support organization, operating under the charter and
21 bylaws and such contracts as are approved by the university,
22 shall set policies to maintain and preserve the collections of
23 the Art Museum; the Circus Museum; the furnishings and objects
24 in the Ringling home, referred to as the Ca' d'Zan; and other
25 objects of art and artifacts in the custody of the museum.
26 Title to all such collections, art objects, and artifacts of
27 the museums and its facilities shall remain with the Florida
28 State University, which shall assign state registration
29 numbers to, and conduct annual inventories of, all such
30 properties. The direct-support organization shall develop
31 policy for the museum, subject to the provisions of the John

1 Ringling will and the overall direction of the president of
2 the university; and it is invested with power and authority to
3 nominate a museum director who is appointed by and serves at
4 the pleasure of the president of the university and shall
5 report to the provost of the university or his or her
6 designee. The museum director, with the approval of the
7 provost or his or her designee, shall appoint other employees
8 in accordance with Florida Statutes and rules; remove the same
9 in accordance with Florida Statutes and rules; provide for the
10 proper keeping of accounts and records and budgeting of funds;
11 enter into contracts for professional programs of the museum
12 and for the support and maintenance of the museum; secure
13 public liability insurance; and do and perform every other
14 matter or thing requisite to the proper management,
15 maintenance, support, and control of the museum at the highest
16 efficiency economically possible, while taking into
17 consideration the purposes of the museum.

18

19 Reviser's note.--Amended to improve clarity and
20 correct sentence construction.

21

22 Section 33. Paragraph (d) of subsection (1) and
23 subsection (2) of section 252.32, Florida Statutes, are
24 amended to read:

25 252.32 Policy and purpose.--

26 (1) Because of the existing and continuing possibility
27 of the occurrence of emergencies and disasters resulting from
28 natural, technological, or manmade causes; in order to ensure
29 that preparations of this state will be adequate to deal with,
30 reduce vulnerability to, and recover from such emergencies and
31 disasters; to provide for the common defense and to protect

1 the public peace, health, and safety; and to preserve the
2 lives and property of the people of the state, it is hereby
3 found and declared to be necessary:

4 (d) To authorize the establishment of such
5 organizations and the development and employment of such
6 measures as are necessary and appropriate to carry out the
7 provisions of ss. 252.31-252.90 ~~252.31-252.91~~.

8 (2) It is further declared to be the purpose of ss.
9 252.31-252.90 ~~252.31-252.91~~ and the policy of the state that
10 all emergency management functions of the state be coordinated
11 to the maximum extent with comparable functions of the Federal
12 Government, including its various departments, agencies of
13 other states and localities, and private agencies of every
14 type, to the end that the most effective preparation and use
15 may be made of the workforce, resources, and facilities of the
16 nation for dealing with any emergency that may occur.

17
18 Reviser's note.--Amended to conform to the
19 repeal of s. 252.91 by s. 39, ch. 2000-158,
20 Laws of Florida.

21
22 Section 34. Subsection (5) of section 252.34, Florida
23 Statutes, is amended to read:

24 252.34 Definitions.--As used in ss. 252.31-252.60, the
25 term:

26 (5) "Local emergency management agency" means an
27 organization created in accordance with the provisions of ss.
28 252.31-252.90 ~~252.31-252.91~~ to discharge the emergency
29 management responsibilities and functions of a political
30 subdivision.

1 Reviser's note.--Amended to conform to the
2 repeal of s. 252.91 by s. 39, ch. 2000-158,
3 Laws of Florida.

4
5 Section 35. Subsection (2) of section 252.35, Florida
6 Statutes, is amended to read:

7 252.35 Emergency management powers; Division of
8 Emergency Management.--

9 (2) The division is responsible for carrying out the
10 provisions of ss. 252.31-252.90 ~~252.31-252.91~~. In performing
11 its duties under ss. 252.31-252.90 ~~252.31-252.91~~, the division
12 shall:

13 (a) Prepare a state comprehensive emergency management
14 plan, which shall be integrated into and coordinated with the
15 emergency management plans and programs of the Federal
16 Government. The division must adopt the plan as a rule in
17 accordance with chapter 120. The plan shall be implemented by
18 a continuous, integrated comprehensive emergency management
19 program. The plan must contain provisions to ensure that the
20 state is prepared for emergencies and minor, major, and
21 catastrophic disasters, and the division shall work closely
22 with local governments and agencies and organizations with
23 emergency management responsibilities in preparing and
24 maintaining the plan. The state comprehensive emergency
25 management plan shall be operations oriented and:

26 1. Include an evacuation component that includes
27 specific regional and interregional planning provisions and
28 promotes intergovernmental coordination of evacuation
29 activities. This component must, at a minimum: contain
30 guidelines for lifting tolls on state highways; ensure
31 coordination pertaining to evacuees crossing county lines; set

1 forth procedures for directing people caught on evacuation
2 routes to safe shelter; establish strategies for ensuring
3 sufficient, reasonably priced fueling locations along
4 evacuation routes; and establish policies and strategies for
5 emergency medical evacuations.

6 2. Include a shelter component that includes specific
7 regional and interregional planning provisions and promotes
8 coordination of shelter activities between the public,
9 private, and nonprofit sectors. This component must, at a
10 minimum: contain strategies to ensure the availability of
11 adequate public shelter space in each region of the state;
12 establish strategies for refuge-of-last-resort programs;
13 provide strategies to assist local emergency management
14 efforts to ensure that adequate staffing plans exist for all
15 shelters, including medical and security personnel; provide
16 for a postdisaster communications system for public shelters;
17 establish model shelter guidelines for operations,
18 registration, inventory, power generation capability,
19 information management, and staffing; and set forth policy
20 guidance for sheltering people with special needs.

21 3. Include a postdisaster response and recovery
22 component that includes specific regional and interregional
23 planning provisions and promotes intergovernmental
24 coordination of postdisaster response and recovery activities.
25 This component must provide for postdisaster response and
26 recovery strategies according to whether a disaster is minor,
27 major, or catastrophic. The postdisaster response and recovery
28 component must, at a minimum: establish the structure of the
29 state's postdisaster response and recovery organization;
30 establish procedures for activating the state's plan; set
31 forth policies used to guide postdisaster response and

1 recovery activities; describe the chain of command during the
2 postdisaster response and recovery period; describe initial
3 and continuous postdisaster response and recovery actions;
4 identify the roles and responsibilities of each involved
5 agency and organization; provide for a comprehensive
6 communications plan; establish procedures for monitoring
7 mutual aid agreements; provide for rapid impact assessment
8 teams; ensure the availability of an effective statewide urban
9 search and rescue program coordinated with the fire services;
10 ensure the existence of a comprehensive statewide medical care
11 and relief plan administered by the Department of Health; and
12 establish systems for coordinating volunteers and accepting
13 and distributing donated funds and goods.

14 4. Include additional provisions addressing aspects of
15 preparedness, response, recovery, and mitigation as determined
16 necessary by the division.

17 5. Address the need for coordinated and expeditious
18 deployment of state resources, including the Florida National
19 Guard. In the case of an imminent major disaster, procedures
20 should address predeployment of the Florida National Guard,
21 and, in the case of an imminent catastrophic disaster,
22 procedures should address predeployment of the Florida
23 National Guard and the United States Armed Forces.

24 6. Establish a system of communications and warning to
25 ensure that the state's population and emergency management
26 agencies are warned of developing emergency situations and can
27 communicate emergency response decisions.

28 7. Establish guidelines and schedules for annual
29 exercises that evaluate the ability of the state and its
30 political subdivisions to respond to minor, major, and
31 catastrophic disasters and support local emergency management

1 agencies. Such exercises shall be coordinated with local
2 governments and, to the extent possible, the Federal
3 Government.

4 8. Assign lead and support responsibilities to state
5 agencies and personnel for emergency support functions and
6 other support activities.

7
8 ~~The division shall prepare an interim postdisaster response~~
9 ~~and recovery component that substantially complies with the~~
10 ~~provisions of this paragraph by June 1, 1993. Each state~~
11 ~~agency assigned lead responsibility for an emergency support~~
12 ~~function by the state comprehensive emergency management plan~~
13 ~~shall also prepare a detailed operational plan needed to~~
14 ~~implement its responsibilities by June 1, 1993.~~The complete
15 state comprehensive emergency management plan shall be
16 submitted to the President of the Senate, the Speaker of the
17 House of Representatives, and the Governor ~~no later than~~
18 ~~February 1, 1994,~~ and on February 1 of every even-numbered
19 year thereafter.

20 (b) Adopt standards and requirements for county
21 emergency management plans. The standards and requirements
22 must ensure that county plans are coordinated and consistent
23 with the state comprehensive emergency management plan. If a
24 municipality elects to establish an emergency management
25 program, it must adopt a city emergency management plan that
26 complies with all standards and requirements applicable to
27 county emergency management plans.

28 (c) Assist political subdivisions in preparing and
29 maintaining emergency management plans.

30 (d) Review periodically political subdivision
31 emergency management plans for consistency with the state

1 comprehensive emergency management plan and standards and
2 requirements adopted under this section.

3 (e) Cooperate with the President, the heads of the
4 Armed Forces, the various federal emergency management
5 agencies, and the officers and agencies of other states in
6 matters pertaining to emergency management in the state and
7 the nation and incidents thereof and, in connection therewith,
8 take any measures that it deems proper to carry into effect
9 any request of the President and the appropriate federal
10 officers and agencies for any emergency management action,
11 including the direction or control of:

12 1. Emergency management drills, tests, or exercises of
13 whatever nature.

14 2. Warnings and signals for tests and drills, attacks,
15 or other imminent emergencies or threats thereof and the
16 mechanical devices to be used in connection with such warnings
17 and signals.

18 (f) Make recommendations to the Legislature, building
19 code organizations, and political subdivisions for zoning,
20 building, and other land use controls; safety measures for
21 securing mobile homes or other nonpermanent or semipermanent
22 structures; and other preparedness, prevention, and mitigation
23 measures designed to eliminate emergencies or reduce their
24 impact.

25 (g) In accordance with the state comprehensive
26 emergency management plan and program for emergency
27 management, ascertain the requirements of the state and its
28 political subdivisions for equipment and supplies of all kinds
29 in the event of an emergency; plan for and either procure
30 supplies, medicines, materials, and equipment or enter into
31 memoranda of agreement or open purchase orders that will

1 ensure their availability; and use and employ from time to
2 time any of the property, services, and resources within the
3 state in accordance with ss. 252.31-252.90 ~~252.31-252.91~~.

4 (h) Anticipate trends and promote innovations that
5 will enhance the emergency management system.

6 (i) Institute statewide public awareness programs.
7 This shall include an intensive public educational campaign on
8 emergency preparedness issues.

9 (j) Prepare and distribute to appropriate state and
10 local officials catalogs of federal, state, and private
11 assistance programs.

12 (k) Coordinate federal, state, and local emergency
13 management activities and take all other steps, including the
14 partial or full mobilization of emergency management forces
15 and organizations in advance of an actual emergency, to ensure
16 the availability of adequately trained and equipped forces of
17 emergency management personnel before, during, and after
18 emergencies and disasters.

19 (l) Establish a schedule of fees that may be charged
20 by local emergency management agencies for review of emergency
21 management plans on behalf of external agencies and
22 institutions. In establishing such schedule, the division
23 shall consider facility size, review complexity, and other
24 factors.

25 (m) Implement training programs to improve the ability
26 of state and local emergency management personnel to prepare
27 and implement emergency management plans and programs. This
28 shall include a continuous training program for agencies and
29 individuals that will be called on to perform key roles in
30 state and local postdisaster response and recovery efforts and
31

1 for local government personnel on federal and state
2 postdisaster response and recovery strategies and procedures.

3 (n) Review periodically emergency operating procedures
4 of state agencies and recommend revisions as needed to ensure
5 consistency with the state comprehensive emergency management
6 plan and program.

7 (o) Make such surveys of industries, resources, and
8 facilities within the state, both public and private, as are
9 necessary to carry out the purposes of ss. 252.31-252.90
10 ~~252.31-252.91~~.

11 (p) Prepare, in advance whenever possible, such
12 executive orders, proclamations, and rules for issuance by the
13 Governor as are necessary or appropriate for coping with
14 emergencies and disasters.

15 (q) Cooperate with the Federal Government and any
16 public or private agency or entity in achieving any purpose of
17 ss. 252.31-252.90 ~~252.31-252.91~~ and in implementing programs
18 for mitigation, preparation, response, and recovery.

19 (r) Assist political subdivisions with the creation
20 and training of urban search and rescue teams and promote the
21 development and maintenance of a state urban search and rescue
22 program.

23 (s) Delegate, as necessary and appropriate, authority
24 vested in it under ss. 252.31-252.90 ~~252.31-252.91~~ and provide
25 for the subdelegation of such authority.

26 (t) Report biennially to the President of the Senate,
27 the Speaker of the House of Representatives, and the Governor,
28 no later than February 1 of every odd-numbered year, the
29 status of the emergency management capabilities of the state
30 and its political subdivisions.

31

1 (u) In accordance with chapter 120, create, implement,
2 administer, adopt, amend, and rescind rules, programs, and
3 plans needed to carry out the provisions of ss. 252.31-252.90
4 ~~252.31-252.91~~ with due consideration for, and in cooperating
5 with, the plans and programs of the Federal Government. In
6 addition, the division may adopt rules in accordance with
7 chapter 120 to administer and distribute federal financial
8 predisaster and postdisaster assistance for prevention,
9 mitigation, preparedness, response, and recovery.

10 (v) Do other things necessary, incidental, or
11 appropriate for the implementation of ss. 252.31-252.90
12 ~~252.31-252.91~~.

13
14 Reviser's note.--Amended to conform to the
15 repeal of s. 252.91 by s. 39, ch. 2000-158,
16 Laws of Florida, and to delete provisions that
17 have served their purpose.

18
19 Section 36. Paragraph (b) of subsection (3) and
20 subsections (6), (7), and (9) of section 252.36, Florida
21 Statutes, are amended to read:

22 252.36 Emergency management powers of the Governor.--

23 (3) An executive order or proclamation of a state of
24 emergency shall:

25 (b) Be authority for the deployment and use of any
26 forces to which the plan or plans apply and for the use or
27 distribution of any supplies, equipment, and materials and
28 facilities assembled, stockpiled, or arranged to be made
29 available pursuant to ss. 252.31-252.90 ~~252.31-252.91~~ or any
30 other provision of law relating to emergencies.

31

1 (6) The Governor shall take such action and give such
2 direction to state and local law enforcement officers and
3 agencies as may be reasonable and necessary for the purpose of
4 securing compliance with the provisions of ss. 252.31-252.90
5 ~~252.31-252.91~~ and with the orders and rules made pursuant
6 thereto.

7 (7) The Governor shall employ such measures and give
8 such directions to the Department of Health and the Agency for
9 Health Care Administration as may be reasonably necessary for
10 the purpose of securing compliance with the provisions of ss.
11 252.31-252.90 ~~252.31-252.91~~ or with the findings or
12 recommendations of such agency of health by reason of
13 conditions arising from emergencies or threats of emergency.

14 (9) The Governor and the division shall establish
15 agencies and offices and appoint executive, professional,
16 technical, clerical, and other personnel as may be necessary
17 to carry out the provisions of ss. 252.31-252.90
18 ~~252.31-252.91~~.

19
20 Reviser's note.--Amended to conform to the
21 repeal of s. 252.91 by s. 39, ch. 2000-158,
22 Laws of Florida.

23
24 Section 37. Paragraphs (a), (b), and (c) of subsection
25 (1) and paragraph (a) of subsection (3) of section 252.38,
26 Florida Statutes, are amended to read:

27 252.38 Emergency management powers of political
28 subdivisions.--Safeguarding the life and property of its
29 citizens is an innate responsibility of the governing body of
30 each political subdivision of the state.

31 (1) COUNTIES.--

1 (a) In order to provide effective and orderly
2 governmental control and coordination of emergency operations
3 in emergencies within the scope of ss. 252.31-252.90
4 ~~252.31-252.91~~, each county within this state shall be within
5 the jurisdiction of, and served by, the division. Except as
6 otherwise provided in ss. 252.31-252.90 ~~252.31-252.91~~, each
7 local emergency management agency shall have jurisdiction over
8 and serve an entire county. Unless part of an
9 interjurisdictional emergency management agreement entered
10 into pursuant to paragraph (3)(b) which is recognized by the
11 Governor by executive order or rule, each county must
12 establish and maintain such an emergency management agency and
13 shall develop a county emergency management plan and program
14 that is coordinated and consistent with the state
15 comprehensive emergency management plan and program. Counties
16 that are part of an interjurisdictional emergency management
17 agreement entered into pursuant to paragraph (3)(b) which is
18 recognized by the Governor by executive order or rule shall
19 cooperatively develop an emergency management plan and program
20 that is coordinated and consistent with the state
21 comprehensive emergency management plan and program.

22 (b) Each county emergency management agency created
23 and established pursuant to ss. 252.31-252.90 ~~252.31-252.91~~
24 shall have a director. The director must meet the minimum
25 training and education qualifications established in a job
26 description approved by the county. The director shall be
27 appointed by the board of county commissioners or the chief
28 administrative officer of the county, as described in chapter
29 125 or the county charter, if applicable, to serve at the
30 pleasure of the appointing authority, in conformance with
31 applicable resolutions, ordinances, and laws. A county

1 constitutional officer, or an employee of a county
2 constitutional officer, may be appointed as director following
3 prior notification to the division. Each board of county
4 commissioners shall promptly inform the division of the
5 appointment of the director and other personnel. Each director
6 has direct responsibility for the organization,
7 administration, and operation of the county emergency
8 management agency. The director shall coordinate emergency
9 management activities, services, and programs within the
10 county and shall serve as liaison to the division and other
11 local emergency management agencies and organizations.

12 (c) Each county emergency management agency shall
13 perform emergency management functions within the territorial
14 limits of the county within which it is organized and, in
15 addition, shall conduct such activities outside its
16 territorial limits as are required pursuant to ss.
17 252.31-252.90 ~~252.31-252.91~~ and in accordance with state and
18 county emergency management plans and mutual aid agreements.
19 Counties shall serve as liaison for and coordinator of
20 municipalities' requests for state and federal assistance
21 during postdisaster emergency operations.

22 (3) EMERGENCY MANAGEMENT POWERS; POLITICAL
23 SUBDIVISIONS.--

24 (a) In carrying out the provisions of ss.
25 252.31-252.90 ~~252.31-252.91~~, each political subdivision shall
26 have the power and authority:

27 1. To appropriate and expend funds; make contracts;
28 obtain and distribute equipment, materials, and supplies for
29 emergency management purposes; provide for the health and
30 safety of persons and property, including emergency assistance
31 to the victims of any emergency; and direct and coordinate the

1 development of emergency management plans and programs in
2 accordance with the policies and plans set by the federal and
3 state emergency management agencies.

4 2. To appoint, employ, remove, or provide, with or
5 without compensation, coordinators, rescue teams, fire and
6 police personnel, and other emergency management workers.

7 3. To establish, as necessary, a primary and one or
8 more secondary emergency operating centers to provide
9 continuity of government and direction and control of
10 emergency operations.

11 4. To assign and make available for duty the offices
12 and agencies of the political subdivision, including the
13 employees, property, or equipment thereof relating to
14 firefighting, engineering, rescue, health, medical and related
15 services, police, transportation, construction, and similar
16 items or services for emergency operation purposes, as the
17 primary emergency management forces of the political
18 subdivision for employment within or outside the political
19 limits of the subdivision.

20 5. To request state assistance or invoke
21 emergency-related mutual-aid assistance by declaring a state
22 of local emergency in the event of an emergency affecting only
23 one political subdivision. The duration of each state of
24 emergency declared locally is limited to 7 days; it may be
25 extended, as necessary, in 7-day increments. Further, the
26 political subdivision has the power and authority to waive the
27 procedures and formalities otherwise required of the political
28 subdivision by law pertaining to:

29 a. Performance of public work and taking whatever
30 prudent action is necessary to ensure the health, safety, and
31 welfare of the community.

- 1 b. Entering into contracts.
2 c. Incurring obligations.
3 d. Employment of permanent and temporary workers.
4 e. Utilization of volunteer workers.
5 f. Rental of equipment.
6 g. Acquisition and distribution, with or without
7 compensation, of supplies, materials, and facilities.
8 h. Appropriation and expenditure of public funds.

9
10 Reviser's note.--Amended to conform to the
11 repeal of s. 252.91 by s. 39, ch. 2000-158,
12 Laws of Florida.

13
14 Section 38. Section 252.46, Florida Statutes, is
15 amended to read:

16 252.46 Orders and rules.--

17 (1) In accordance with the provisions of chapter 120,
18 the political subdivisions of the state and other agencies
19 designated or appointed by the Governor or in the state
20 comprehensive emergency management plan are authorized and
21 empowered to make, amend, and rescind such orders and rules as
22 are necessary for emergency management purposes and to
23 supplement the carrying out of the provisions of ss.
24 252.31-252.90 ~~252.31-252.91~~, but which are not inconsistent
25 with any orders or rules adopted by the division or by any
26 state agency exercising a power delegated to it by the
27 Governor or the division.

28 (2) All orders and rules adopted by the division or
29 any political subdivision or other agency authorized by ss.
30 252.31-252.90 ~~252.31-252.91~~ to make orders and rules have full
31 force and effect of law after adoption in accordance with the

1 provisions of chapter 120 in the event of issuance by the
2 division or any state agency or, if promulgated by a political
3 subdivision of the state or agency thereof, when filed in the
4 office of the clerk or recorder of the political subdivision
5 or agency promulgating the same. All existing laws,
6 ordinances, and rules inconsistent with the provisions of ss.
7 252.31-252.90 ~~252.31-252.91~~, or any order or rule issued under
8 the authority of ss. 252.31-252.90 ~~252.31-252.91~~, shall be
9 suspended during the period of time and to the extent that
10 such conflict exists.

11 (3) In order to attain uniformity so far as
12 practicable throughout the country in measures taken to aid
13 emergency management, all action taken under ss. 252.31-252.90
14 ~~252.31-252.91~~ and all orders and rules made pursuant to such
15 sections shall be taken or made with due consideration of the
16 orders, rules, actions, recommendations, and requests of
17 federal authorities relevant thereto and, to the extent
18 permitted by law, shall be consistent with such orders, rules,
19 actions, recommendations, and requests.

20
21 Reviser's note.--Amended to conform to the
22 repeal of s. 252.91 by s. 39, ch. 2000-158,
23 Laws of Florida.

24
25 Section 39. Section 252.47, Florida Statutes, is
26 amended to read:

27 252.47 Enforcement.--The law enforcement authorities
28 of the state and the political subdivisions thereof shall
29 enforce the orders and rules issued pursuant to ss.
30 252.31-252.90 ~~252.31-252.91~~.

31

1 Reviser's note.--Amended to conform to the
2 repeal of s. 252.91 by s. 39, ch. 2000-158,
3 Laws of Florida.

4
5 Section 40. Section 252.50, Florida Statutes, is
6 amended to read:

7 252.50 Penalties.--Any person violating any provision
8 of ss. 252.31-252.90 ~~252.31-252.91~~ or any rule or order made
9 pursuant to ss. 252.31-252.90 ~~252.31-252.91~~ is guilty of a
10 misdemeanor of the second degree, punishable as provided in s.
11 775.082 or s. 775.083.

12
13 Reviser's note.--Amended to conform to the
14 repeal of s. 252.91 by s. 39, ch. 2000-158,
15 Laws of Florida.

16
17 Section 41. Section 252.52, Florida Statutes, is
18 amended to read:

19 252.52 Liberality of construction.--Sections
20 252.31-252.90 ~~252.31-252.91~~ shall be construed liberally in
21 order to effectuate their purposes.

22
23 Reviser's note.--Amended to conform to the
24 repeal of s. 252.91 by s. 39, ch. 2000-158,
25 Laws of Florida.

26
27 Section 42. Paragraph (h) of subsection (5) of section
28 253.115, Florida Statutes, is amended to read:

29 253.115 Public notice and hearings.--

30 (5) The notice and publication requirements of this
31 section do not apply to:

1 (h) The conveyance of lands pursuant to the provisions
2 of former s. 373.4592(4)(b); or

3
4 Reviser's note.--Amended to conform to the
5 repeal of s. 373.4592(4)(b) by s. 2, ch.
6 94-115, Laws of Florida.

7
8 Section 43. Paragraph (a) of subsection (1) of section
9 253.7829, Florida Statutes, is amended to read:

10 253.7829 Management plan for retention or disposition
11 of former Cross Florida Barge Canal lands; authority to manage
12 lands until disposition.--

13 (1) It is declared to be in the public interest that
14 the department shall do and is hereby authorized to do any and
15 all things and incur and pay from the canal authority assets,
16 for the public purposes described herein, any and all expenses
17 necessary, convenient, and proper to:

18 (a) Develop a management plan for the retention or
19 disposition of lands acquired for the Cross Florida Barge
20 Canal ~~to be submitted to the Governor and Cabinet no later~~
21 ~~than 2 years after the date of enactment of the Cross Florida~~
22 ~~Barge Canal deauthorization act~~, which plan shall reflect a
23 consideration of alternatives for disposition as provided in
24 this section of all lands in fee or less than fee owned by the
25 Board of Trustees of the Internal Improvement Trust Fund,
26 including those lands previously owned by the canal authority
27 and the United States Army Corps of Engineers, and lands to be
28 transferred to the state by the United States Army Corps of
29 Engineers. The management plan shall establish a plan for
30 delineating the specific boundaries of the Cross Florida
31 Greenways State Recreation and Conservation Area. The

1 Legislature intends that such boundaries include, at a
2 minimum, a 300-yard-wide corridor, except where the original
3 corridor is a lesser width or except in areas where bridges
4 and roads cross the canal corridor, on former canal lands
5 within the original canal corridor extending from the St.
6 Johns River to the Gulf of Mexico, including all of the
7 Oklawaha River Valley and Rodman Reservoir, and all canal
8 works in all areas whether completed and in use or not, but
9 excluding all parts of Lake Rousseau. Such boundaries may
10 include other former canal lands according to the following
11 criteria:

12 1. The proximity of the lands to former canal corridor
13 lands.

14 2. The environmental sensitivity or importance of the
15 lands or its characteristics as a unique or significant
16 wildlife habitat.

17 3. The proximity of the lands to existing state or
18 federal land which is maintained, at least in part, as natural
19 wildlife habitat, so that the addition of the parcel would
20 function as a wildlife corridor, or as additional habitat.

21 4. The potential of the lands to be developed as
22 outdoor recreation lands.

23

24 Commercially valuable parcels, including those parcels near
25 road crossings, within the canal corridor which do not meet
26 the criteria of subparagraphs 1.-4. and other former canal
27 lands which are not included within the boundaries of the
28 Cross Florida Greenways State Recreation and Conservation Area
29 under the criteria of subparagraphs 1.-4., may be disposed of
30 as surplus lands pursuant to s. 253.783(2)(a)-(d). Such
31 alternatives for disposition will include retention by the

1 state or any agency thereof for the specific public purposes
2 outlined in this paragraph or by the counties or adjacent
3 municipalities for recreational or conservation purposes, and
4 a declaration of lands not to be retained as surplus lands to
5 be disposed of pursuant to s. 253.783(2)(a)-(d). The
6 management plan shall also address any remedial measures
7 necessary to correct any environmental or economic damage
8 caused by works constructed as a part of or as a result of the
9 Cross Florida Barge Canal.

10
11 Reviser's note.--Amended to delete obsolete
12 language referencing plan submission to the
13 Governor and Cabinet.

14
15 Section 44. Subsection (1) of section 255.101, Florida
16 Statutes, is amended to read:

17 255.101 Contracts for public construction works;
18 utilization of minority business enterprises.--

19 (1) All county officials, boards of county
20 commissioners, school boards, city councils, city
21 commissioners, and all other public officers of state boards
22 or commissions which are charged with the letting of contracts
23 for public works and for the construction of public bridges,
24 buildings, and other structures shall operate in accordance
25 with s. 287.093, except that all contracts for the
26 construction of state facilities should comply with provisions
27 in s. 287.09451 ~~287.0945~~, and rules adopted pursuant thereto,
28 for the utilization of minority business enterprises. When
29 construction is financed in whole or in part from federal
30 funds and where federal provisions for utilization of minority
31 business enterprises apply, this section shall not apply.

1 Reviser's note.--Amended to conform to the
2 repeal of s. 287.0945 by s. 27, ch. 96-320,
3 Laws of Florida, and the creation of s.
4 287.09451, relating to the same subject matter,
5 by s. 28, ch. 96-320.

6
7 Section 45. Subsection (4) of section 255.102, Florida
8 Statutes, is amended to read:

9 255.102 Contractor utilization of minority business
10 enterprises.--

11 (4) Notwithstanding the provisions of s. 287.09451
12 ~~287.0945~~ to the contrary, agencies shall monitor good faith
13 efforts of contractors in competitively awarded building and
14 construction projects, in accordance with rules established
15 pursuant to this section. It is the responsibility of the
16 contractor to exercise good faith efforts in accordance with
17 rules established pursuant to this section, and to provide
18 documentation necessary to assess efforts to include minority
19 business participation.

20
21 Reviser's note.--Amended to conform to the
22 repeal of s. 287.0945 by s. 27, ch. 96-320,
23 Laws of Florida, and the creation of s.
24 287.09451, relating to the same subject matter,
25 by s. 28, ch. 96-320.

26
27 Section 46. Paragraph (b) of subsection (2), paragraph
28 (b) of subsection (3), and subsection (10) of section 255.25,
29 Florida Statutes, are amended to read:

30 255.25 Approval required prior to construction or
31 lease of buildings.--

1 (2)

2 (b) The approval of the Department of Management
3 Services, except for technical sufficiency, need not be
4 obtained for the lease of less than 5,000 square feet of space
5 within a privately owned building, provided the agency head or
6 the agency head's designated representative has certified
7 compliance with applicable leasing criteria as may be provided
8 pursuant to s. 255.249(4)(k)~~255.249(2)(k)~~ and has determined
9 such lease to be in the best interest of the state. Such a
10 lease which is for a term extending beyond the end of a fiscal
11 year is subject to the provisions of ss. 216.311, 255.2502,
12 and 255.2503.

13 (3)

14 (b) The Department of Management Services may approve
15 extensions of an existing lease of 5,000 square feet or more
16 of space if such extensions are determined to be in the best
17 interests of the state, but in no case shall the total of such
18 extensions exceed 11 months. If at the end of the 11th month
19 an agency still needs space, it shall be procured by
20 competitive bid in accordance with s. 255.249(4)(b)
21 ~~255.249(2)(b)~~.

22 (10) The Department of Management Services may approve
23 emergency acquisition of space without competitive bids if
24 existing state-owned or state-leased space is destroyed or
25 rendered uninhabitable by an act of God, fire, malicious
26 destruction, or structural failure, or by legal action, if the
27 chief administrator of the state agency or the chief
28 administrator's designated representative certifies in writing
29 that no other agency-controlled space is available to meet
30 this emergency need, but in no case shall the lease for such
31 space exceed 11 months. If the lessor elects not to replace or

1 renovate the destroyed or uninhabitable facility, the agency
2 shall procure the needed space by competitive bid in
3 accordance with s. 255.249(4)(b)~~255.249(2)(b)~~. If the lessor
4 elects to replace or renovate the destroyed or uninhabitable
5 facility and the construction or renovations will not be
6 complete at the end of the 11-month lease, the agency may
7 modify the lease to extend it on a month-to-month basis for an
8 additional 6 months to allow completion of such construction
9 or renovations.

10
11 Reviser's note.--Amended to conform to the
12 redesignation of subsections within s. 255.249
13 by s. 2, ch. 2000-172, Laws of Florida.

14
15 Section 47. Subsection (1) of section 255.5535,
16 Florida Statutes, is amended to read:

17 255.5535 Exemptions from asbestos survey
18 requirements.--Notwithstanding the requirements of s. 255.553,
19 a state agency is not required to perform an asbestos survey:

20 (1) For prefabricated or small structures that do not
21 have floors or utilities, such as storage sheds and wood
22 barns; however, this exemption shall only apply if a person
23 who has successfully completed an asbestos training course in
24 inspecting buildings for asbestos as described in s.
25 469.005(2)(b)~~455.305(1)(b)~~, inspects the structure and
26 determines that no asbestos is present and that it meets the
27 requirements of this subsection; or

28
29 Reviser's note.--Amended to conform to the
30 repeal of s. 455.305(1)(b) by s. 55, ch.
31 94-119, Laws of Florida, and the enactment of

1 identical language in s. 469.005(2)(b) by s.
2 53, ch. 94-119.

3
4 Section 48. Subsection (12) of section 259.032,
5 Florida Statutes, is reenacted to read:

6 259.032 Conservation and Recreation Lands Trust Fund;
7 purpose.--

8 (12)(a) Beginning July 1, 1999, the Legislature shall
9 make available sufficient funds annually from the Conservation
10 and Recreation Lands Trust Fund to the department for payment
11 in lieu of taxes to qualifying counties and local governments
12 as defined in paragraph (b) for all actual tax losses incurred
13 as a result of board of trustees acquisitions for state
14 agencies under the Florida Forever program or the Florida
15 Preservation 2000 program during any year. Reserved funds not
16 used for payments in lieu of taxes in any year shall revert to
17 the fund to be used for land acquisition in accordance with
18 the provisions of this section.

19 (b) Payment in lieu of taxes shall be available:

20 1. To all counties that have a population of 150,000
21 or fewer. Population levels shall be determined pursuant to s.
22 11.031.

23 2. To all local governments located in eligible
24 counties.

25 3. To Glades County, where a privately owned and
26 operated prison leased to the state has recently been opened
27 and where privately owned and operated juvenile justice
28 facilities leased to the state have recently been constructed
29 and opened, a payment in lieu of taxes, in an amount that
30 offsets the loss of property tax revenue, which funds have
31 already been appropriated and allocated from the Department of

1 Correction's budget for the purpose of reimbursing amounts
2 equal to lost ad valorem taxes.

3
4 Counties and local governments that did not receive payments
5 in lieu of taxes for lands purchased pursuant to s. 259.101
6 during fiscal year 1999-2000, if such counties and local
7 governments would have received payments pursuant to this
8 subsection as that section existed on June 30, 1999, shall
9 receive retroactive payments for such tax losses.

10 (c) If insufficient funds are available in any year to
11 make full payments to all qualifying counties and local
12 governments, such counties and local governments shall receive
13 a pro rata share of the moneys available.

14 (d) The payment amount shall be based on the average
15 amount of actual taxes paid on the property for the 3 years
16 preceding acquisition. Applications for payment in lieu of
17 taxes shall be made no later than January 31 of the year
18 following acquisition. No payment in lieu of taxes shall be
19 made for properties which were exempt from ad valorem taxation
20 for the year immediately preceding acquisition. If property
21 which was subject to ad valorem taxation was acquired by a
22 tax-exempt entity for ultimate conveyance to the state under
23 this chapter, payment in lieu of taxes shall be made for such
24 property based upon the average amount of taxes paid on the
25 property for the 3 years prior to its being removed from the
26 tax rolls. The department shall certify to the Department of
27 Revenue those properties that may be eligible under this
28 provision. Once eligibility has been established, that county
29 or local government shall receive 10 consecutive annual
30 payments for each tax loss, and no further eligibility
31 determination shall be made during that period.

1 (e) Payment in lieu of taxes pursuant to this
2 subsection shall be made annually to qualifying counties and
3 local governments after certification by the Department of
4 Revenue that the amounts applied for are reasonably
5 appropriate, based on the amount of actual taxes paid on the
6 eligible property, and after the Department of Environmental
7 Protection has provided supporting documents to the
8 Comptroller and has requested that payment be made in
9 accordance with the requirements of this section.

10 (f) If the board of trustees conveys to a local
11 government title to any land owned by the board, any payments
12 in lieu of taxes on the land made to the local government
13 shall be discontinued as of the date of the conveyance.

14
15 For the purposes of this subsection, "local government"
16 includes municipalities, the county school board, mosquito
17 control districts, and any other local government entity which
18 levies ad valorem taxes, with the exception of a water
19 management district.

20
21 Reviser's note.--Section 7, ch. 2000-170, Laws
22 of Florida, purported to amend s.
23 259.032(12)(b), but failed to republish the
24 flush left language at the end of subsection
25 (12). In the absence of affirmative evidence
26 that the Legislature intended to repeal the
27 language, subsection (12) is reenacted to
28 confirm that the omission was not intended.

1 Section 49. Subsection (4) of section 259.037, Florida
2 Statutes, is repealed, and subsections (1) and (3) of that
3 section are amended to read:

4 259.037 Land Management Uniform Accounting Council.--

5 (1) The Land Management Uniform Accounting Council is
6 created within the Department of Environmental Protection and
7 shall consist of the director of the Division of State Lands,
8 the director of the Division of Recreation and Parks, the
9 director of the Office of Coastal and Aquatic Managed Areas,
10 and the director of the Office of Greenways and Trails of the
11 Department of Environmental Protection; the director of the
12 Division of Forestry of the Department of Agriculture and
13 Consumer Services; the executive director of the Fish and
14 Wildlife Conservation Commission; and the director of the
15 Division of Historical Resources of the Department of State,
16 or their respective designees. Each state agency represented
17 on the council shall have one vote. The chair of the council
18 shall rotate annually in the foregoing order of state
19 agencies. The agency of the representative serving as chair of
20 the council shall provide staff support for the council. The
21 Division of State Lands shall serve as the recipient of and
22 repository for the council's documents. The council shall
23 meet ~~initially by May 20, 2000, and thereafter~~ at the request
24 of the chair.

25 (3) ~~The council shall, by June 20, 2000, review~~
26 ~~current land management practices and group closely related~~
27 ~~land management activities and needs into categories.~~ All
28 land management activities and costs must be assigned to a
29 specific category, and any single activity or cost may not be
30 assigned to more than one category. Administrative costs,
31 such as planning or training, shall be segregated from other

1 management activities. Specific management activities and
2 costs must initially be grouped, at a minimum, within the
3 following categories:

- 4 (a) Resource management.
- 5 (b) Administration.
- 6 (c) New facility construction.
- 7 (d) Facility maintenance.

8
9 Upon adoption of the initial list of land management
10 categories by the council, agencies assigned to manage
11 conservation or recreation lands shall, on July 1, 2000, begin
12 to account for land management costs in accordance with the
13 category to which an expenditure is assigned.

14
15 Reviser's note.--Subsection (1) is amended to
16 delete language relating to the initial meeting
17 of the Land Management Uniform Accounting
18 Council by May 20, 2000. Subsection (3) is
19 amended to delete language relating to a review
20 to be completed by June 20, 2000. Subsection
21 (4) is repealed to delete material requiring
22 submittal of a list of land management
23 categories by January 1, 2001.

24
25 Section 50. Subsection (3) of section 259.101, Florida
26 Statutes, is amended to read:

27 259.101 Florida Preservation 2000 Act.--

28 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
29 costs of issuance, the costs of funding reserve accounts, and
30 other costs with respect to the bonds, the proceeds of bonds
31 issued pursuant to this act shall be deposited into the

1 Florida Preservation 2000 Trust Fund created by s. 375.045.
2 ~~Ten percent of the proceeds of any bonds deposited into the~~
3 ~~Preservation 2000 Trust Fund shall be distributed by the~~
4 ~~Department of Environmental Protection to the Department of~~
5 ~~Environmental Protection for the purchase by the South Florida~~
6 ~~Water Management District of lands in Dade, Broward, and Palm~~
7 ~~Beach Counties identified in s. 7, chapter 95-349, Laws of~~
8 ~~Florida. This distribution shall apply for any bond issue for~~
9 ~~the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,~~
10 ~~\$20 million per year from the proceeds of any bonds deposited~~
11 ~~into the Florida Preservation 2000 Trust Fund shall be~~
12 ~~distributed by the Department of Environmental Protection to~~
13 ~~the St. Johns Water Management District for the purchase of~~
14 ~~lands necessary to restore Lake Apopka.~~In fiscal year
15 2000-2001, for each Florida Preservation 2000 program
16 described in paragraphs (a)-(g), that portion of each
17 program's total remaining cash balance which, as of June 30,
18 2000, is in excess of that program's total remaining
19 appropriation balances shall be redistributed by the
20 department and deposited into the Save Our Everglades Trust
21 Fund for land acquisition. For purposes of calculating the
22 total remaining cash balances for this redistribution, the
23 Florida Preservation 2000 Series 2000 bond proceeds, including
24 interest thereon, and the fiscal year 1999-2000 General
25 Appropriations Act amounts shall be deducted from the
26 remaining cash and appropriation balances, respectively. The
27 remaining proceeds shall be distributed by the Department of
28 Environmental Protection in the following manner:
29 (a) Fifty percent to the Department of Environmental
30 Protection for the purchase of public lands as described in s.
31

1 259.032. Of this 50 percent, at least one-fifth shall be used
2 for the acquisition of coastal lands.

3 (b) Thirty percent to the Department of Environmental
4 Protection for the purchase of water management lands pursuant
5 to s. 373.59, to be distributed among the water management
6 districts as provided in that section. Funds received by each
7 district may also be used for acquisition of lands necessary
8 to implement surface water improvement and management plans
9 approved in accordance with s. 373.456 or for acquisition of
10 lands necessary to implement the Everglades Construction
11 Project authorized by s. 373.4592.

12 (c) Ten percent to the Department of Community Affairs
13 to provide land acquisition grants and loans to local
14 governments through the Florida Communities Trust pursuant to
15 part III of chapter 380. From funds allocated to the trust,
16 \$3 million annually shall be used by the Division of State
17 Lands within the Department of Environmental Protection to
18 implement the Green Swamp Land Protection Initiative
19 specifically for the purchase of conservation easements, as
20 defined in s. 380.0677(4), of lands, or severable interests or
21 rights in lands, in the Green Swamp Area of Critical State
22 Concern. From funds allocated to the trust, \$3 million
23 annually shall be used by the Monroe County Comprehensive Plan
24 Land Authority specifically for the purchase of any real
25 property interest in either those lands subject to the Rate of
26 Growth Ordinances adopted by local governments in Monroe
27 County or those lands within the boundary of an approved
28 Conservation and Recreation Lands project located within the
29 Florida Keys or Key West Areas of Critical State Concern;
30 however, title to lands acquired within the boundary of an
31 approved Conservation and Recreation Lands project may, in

1 accordance with an approved joint acquisition agreement, vest
2 in the Board of Trustees of the Internal Improvement Trust
3 Fund. Of the remaining funds allocated to the trust after the
4 above transfers occur, one-half shall be matched by local
5 governments on a dollar-for-dollar basis. To the extent
6 allowed by federal requirements for the use of bond proceeds,
7 the trust shall expend Preservation 2000 funds to carry out
8 the purposes of part III of chapter 380.

9 (d) Two and nine-tenths percent to the Department of
10 Environmental Protection for the purchase of inholdings and
11 additions to state parks. For the purposes of this paragraph,
12 "state park" means all real property in the state under the
13 jurisdiction of the Division of Recreation and Parks of the
14 department, or which may come under its jurisdiction.

15 (e) Two and nine-tenths percent to the Division of
16 Forestry of the Department of Agriculture and Consumer
17 Services to fund the acquisition of state forest inholdings
18 and additions pursuant to s. 589.07.

19 (f) Two and nine-tenths percent to the Fish and
20 Wildlife Conservation Commission to fund the acquisition of
21 inholdings and additions to lands managed by the commission
22 which are important to the conservation of fish and wildlife.

23 (g) One and three-tenths percent to the Department of
24 Environmental Protection for the Florida Greenways and Trails
25 Program, to acquire greenways and trails or greenways and
26 trails systems pursuant to chapter 260, including, but not
27 limited to, abandoned railroad rights-of-way and the Florida
28 National Scenic Trail.

29
30 Local governments may use federal grants or loans, private
31 donations, or environmental mitigation funds, including

1 environmental mitigation funds required pursuant to s.
2 338.250, for any part or all of any local match required for
3 the purposes described in this subsection. Bond proceeds
4 allocated pursuant to paragraph (c) may be used to purchase
5 lands on the priority lists developed pursuant to s. 259.035.
6 Title to lands purchased pursuant to paragraphs (a), (d), (e),
7 (f), and (g) shall be vested in the Board of Trustees of the
8 Internal Improvement Trust Fund. Title to lands purchased
9 pursuant to paragraph (c) may be vested in the Board of
10 Trustees of the Internal Improvement Trust Fund. The board of
11 trustees shall hold title to land protection agreements and
12 conservation easements that were or will be acquired pursuant
13 to s. 380.0677, and the Southwest Florida Water Management
14 District and the St. Johns River Water Management District
15 shall monitor such agreements and easements within their
16 respective districts until the state assumes this
17 responsibility.

18
19 Reviser's note.--Repeals provisions requiring
20 certain distributions of bond issue proceeds
21 for the 1995-1996 and the 1997-1998 fiscal
22 years.

23
24 Section 51. Subsection (4) of section 265.284, Florida
25 Statutes, is reenacted, and paragraph (c) of subsection (5) of
26 that section is amended to read:

27 265.284 Chief cultural officer; director of division;
28 powers and duties.--

29 (4) There is created the Florida Fine Arts Trust Fund
30 to be administered by the Department of State for the purposes
31

1 set forth by law. The Florida Fine Arts Trust Fund shall
2 receive distributions as provided in s. 320.08058.

3 (5) The division is further authorized to:

4 (c) Conduct and support cultural programs and cultural
5 exchanges in conjunction with the ~~Department of Commerce and~~
6 ~~other~~ appropriate state agencies, including the acceptance of
7 funding, technical assistance, and other forms of support for
8 such purposes.

9
10 Reviser's note.--Subsection (4) is reenacted to
11 confirm the citation in the subsection to s.
12 320.08058 by s. 5, ch. 95-282, Laws of Florida.
13 Paragraph (5)(c) is amended to delete the
14 reference to the Department of Commerce.
15 Section 20.17, which created the department,
16 was repealed by s. 3, ch. 96-320, Laws of
17 Florida.

18
19 Section 52. Section 267.171, Florida Statutes, is
20 amended to read:

21 267.171 St. Augustine; contract for preservation of
22 historic properties.--The Department of State shall contract
23 with the City of St. Augustine for the management of the
24 various state-owned properties presently managed by the
25 Historic St. Augustine Preservation Board of Trustees. The
26 contract shall provide that the City of St. Augustine may use
27 all proceeds derived from the management of state-owned
28 properties for the purpose of maintaining the state-owned
29 buildings and advancing historic preservation in the City of
30 St. Augustine. Additionally, the department may appropriate
31 all remaining funds in the Historic St. Augustine Preservation

1 Board Operating Trust Fund to the City of St. Augustine for
2 maintenance of the state-owned buildings and advancing
3 historic preservation in the City of St. Augustine. The
4 Department of State may transfer ownership of and
5 responsibility for ~~to~~ any artifacts, documents, equipment, and
6 other forms of tangible personal property to the City of St.
7 Augustine to assist the city in the transition of the
8 management of state-owned properties. The Department of State
9 is authorized to use the unexpended balance of up to \$500,000
10 in general revenue funds, as provided in the 1997-1998 General
11 Appropriations Act for the St. Augustine Preservation Board,
12 to enter into contracts with the City of St. Augustine to
13 continue the operations and maintenance of historic
14 properties.

15

16 Reviser's note.--Amended to improve clarity and
17 sentence construction.

18

19 Section 53. Effective October 1, 2001, section
20 267.171, Florida Statutes, as amended by section 2 of chapter
21 2000-208, Laws of Florida, is amended to read:

22 267.171 St. Augustine; contract for preservation of
23 historic properties.--The Department of State shall contract
24 with the City of St. Augustine for the management of the
25 various state-owned properties presently managed by the
26 Historic St. Augustine Preservation Board of Trustees. The
27 contract shall provide that the City of St. Augustine may use
28 all proceeds derived from the management of state-owned
29 properties for the purpose of maintaining the state-owned
30 buildings and advancing historic preservation in the City of
31 St. Augustine. The Department of State may transfer ownership

1 of and responsibility for ~~to~~ any artifacts, documents,
2 equipment, and other forms of tangible personal property to
3 the City of St. Augustine to assist the city in the transition
4 of the management of state-owned properties.

5
6 Reviser's note.--Amended to improve clarity and
7 sentence construction.

8
9 Section 54. Subsections (1) and (9) of section
10 282.303, Florida Statutes, are amended to read:

11 282.303 Definitions.--For the purposes of ss.
12 282.303-282.322, the term:

13 (1) "Agency" means those entities described in s.
14 216.011(1)(qq)~~216.011(1)(mm)~~.

15 (9) "State Annual Report on Enterprise Resource
16 Planning and Management" means the report prepared by the
17 State Technology Office as defined in s. 282.102 ~~282.3093~~.

18
19 Reviser's note.--Subsection (1) is amended to
20 conform to the redesignation of subunits in s.
21 216.011 by s. 1, ch. 2000-371, Laws of Florida.
22 Subsection (9) is amended to conform to the
23 repeal of s. 282.3093 by s. 29, ch. 2000-164,
24 Laws of Florida, and the revision to s. 282.102
25 by s. 5, ch. 2000-164.

26
27 Section 55. Subsections (1) and (3) of section 283.33,
28 Florida Statutes, are amended to read:

29 283.33 Printing of publications; lowest bidder
30 awards.--

31

1 (1) Publications may be printed and prepared in-house,
2 by another agency or the Legislature, or purchased on bid,
3 whichever is more economical and practicable as determined by
4 the agency. An agency may contract for binding separately
5 when more economical or practicable, whether or not the
6 remainder of the printing is done in-house. A bidder may
7 subcontract for binding and still be considered a qualified
8 bidder or offeror, notwithstanding s. 287.012(13)~~287.012(10)~~.

9 (3) Except as otherwise provided for in this part, a
10 contract for printing of a publication shall be subject to ~~the~~
11 ~~provisions of s. 287.062~~ and, when applicable, the definitions
12 in s. 287.012, and shall be considered a commodity for that
13 purpose.

14
15 Reviser's note.--Subsection (1) is amended to
16 conform to the redesignation of subunits of s.
17 287.012 by s. 11, ch. 90-268, Laws of Florida;
18 s. 15, ch. 92-98, Laws of Florida; s. 107, ch.
19 92-142, Laws of Florida; and s. 8, ch. 96-236,
20 Laws of Florida. Subsection (3) is amended to
21 conform to the repeal of s. 287.062 by s. 33,
22 ch. 90-268.

23
24 Section 56. Subsection (3) of section 285.18, Florida
25 Statutes, is amended to read:

26 285.18 Tribal council as governing body; powers and
27 duties.--

28 (3) The law enforcement agencies of the Seminole Tribe
29 of Florida and the Miccosukee Tribe of Indians of Florida
30 shall have the authority of "criminal justice agencies" as
31 defined in s. 943.045(10)(e)~~943.045(10)(c)~~ and shall have the

1 specific authority to negotiate agreements with the Florida
2 Department of Law Enforcement, the United States Department of
3 Justice, and other federal law enforcement agencies for access
4 to criminal history records for the purpose of conducting
5 ongoing criminal investigations and for the following
6 governmental purposes:

7 (a) Background investigations, which are required for
8 employment by a tribal education program, tribal Head Start
9 program, or tribal day care program as may be required by
10 state or federal law.

11 (b) Background investigations, which are required for
12 employment by tribal law enforcement agencies.

13 (c) Background investigations, which are required for
14 employment by a tribal government.

15 (d) Background investigations with respect to all
16 employees, primary management officials, and all persons
17 having a financial interest in a class II Indian tribal gaming
18 enterprise to ensure eligibility as provided in the Indian
19 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

20
21 With regard to those investigations authorized in paragraphs
22 (a), (c), and (d), each such individual shall file a complete
23 set of his or her fingerprints that have been taken by an
24 authorized law enforcement officer, which set of fingerprints
25 shall be submitted to the Department of Law Enforcement for
26 state processing and to the Federal Bureau of Investigation
27 for federal processing. The cost of processing shall be borne
28 by the applicant.

29
30 Reviser's note.--Amended to conform to the
31 redesignation of s. 943.045(10)(c) as s.

1 943.045(10)(d) by s. 88, ch. 94-209, Laws of
2 Florida, and the further redesignation of s.
3 943.045(10)(d) as s. 943.045(10)(e) by s. 162,
4 ch. 98-403, Laws of Florida.
5

6 Section 57. Paragraph (c) of subsection (4) of section
7 287.042, Florida Statutes, is amended to read:

8 287.042 Powers, duties, and functions.--The department
9 shall have the following powers, duties, and functions:

10 (4) To establish a system of coordinated, uniform
11 procurement policies, procedures, and practices to be used by
12 agencies in acquiring commodities and contractual services,
13 which shall include, but not be limited to:

14 (c) Development of procedures for the receipt and
15 opening of bids or proposals by an agency. Such procedures
16 shall provide the Office of Supplier Diversity an opportunity
17 to monitor and ensure that the contract award is consistent
18 with the original request for proposal or invitation to bid,
19 in accordance with s. 287.09451(4)~~287.0945(6)~~, and subject to
20 the review of bid responses within standard timelines.
21

22 Reviser's note.--Amended to conform to the
23 repeal of s. 287.0945 by s. 27, ch. 96-320,
24 Laws of Florida, and the creation of s.
25 287.09451, which relates to the same subject
26 matter, by s. 28, ch. 96-320. Material formerly
27 found in s. 287.0945(6) now appears in s.
28 287.09451(4).
29

30 Section 58. Subsection (9) of section 287.055, Florida
31 Statutes, is repealed, paragraph (d) of subsection (3) of that

1 section is amended, and paragraph (b) of subsection (4) of
2 that section, as amended by s. 23, ch. 85-104, Laws of
3 Florida, is reenacted to read:

4 287.055 Acquisition of professional architectural,
5 engineering, landscape architectural, or surveying and mapping
6 services; definitions; procedures; contingent fees prohibited;
7 penalties.--

8 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION
9 PROCEDURES.--

10 (d) Each agency shall evaluate professional services,
11 including capabilities, adequacy of personnel, past record,
12 experience, whether the firm is a certified minority business
13 enterprise as defined by the Florida Small and Minority
14 Business Assistance Act of 1985, and other factors determined
15 by the agency to be applicable to its particular requirements.
16 When securing professional services, an agency must endeavor
17 to meet the minority business enterprise procurement goals
18 under s. 287.09451 ~~287.0945~~.

19 (4) COMPETITIVE SELECTION.--

20 (b) The agency shall select in order of preference no
21 fewer than three firms deemed to be the most highly qualified
22 to perform the required services. In determining whether a
23 firm is qualified, the agency shall consider such factors as
24 the ability of professional personnel; whether a firm is a
25 certified minority business enterprise; past performance;
26 willingness to meet time and budget requirements; location;
27 recent, current, and projected workloads of the firms; and the
28 volume of work previously awarded to each firm by the agency,
29 with the object of effecting an equitable distribution of
30 contracts among qualified firms, provided such distribution
31 does not violate the principle of selection of the most highly

1 qualified firms. The agency may request, accept, and consider
2 proposals for the compensation to be paid under the contract
3 only during competitive negotiations under subsection (5).

4
5 Reviser's note.--Paragraph (3)(d) is amended to
6 conform to the repeal of s. 287.0945 by s. 27,
7 ch. 96-320, Laws of Florida, and the creation
8 of s. 287.09451, which relates to the same
9 subject matter, by s. 28, ch. 96-320. Paragraph
10 (4)(b) is reenacted to confirm the continued
11 existence of amendments to that paragraph by s.
12 23, ch. 85-104, Laws of Florida, despite the
13 October 1, 1995, repeal of s. 23, ch. 85-104,
14 by s. 32, ch. 85-104. Subsection (9), which
15 relates to validity of contracts in existence
16 on July 1, 1973, has served its purpose.

17
18 Section 59. Subsection (6) of section 287.057, Florida
19 Statutes, is amended to read:

20 287.057 Procurement of commodities or contractual
21 services.--

22 (6)(a) In order to strive to meet the minority
23 business enterprise procurement goals set forth in s.
24 287.09451 ~~287.0945~~, an agency may reserve any contract for
25 competitive sealed bidding only among certified minority
26 business enterprises. Agencies shall review all their
27 contracts each fiscal year and shall determine which contracts
28 may be reserved for bidding only among certified minority
29 business enterprises. This reservation may only be used when
30 it is determined, by reasonable and objective means, before
31 the invitation to bid that there are capable, qualified

1 certified minority business enterprises available to bid on a
2 contract to provide for effective competition. The Office of
3 Supplier Diversity shall consult with any agency in reaching
4 such determination when deemed appropriate.

5 (b) Before a contract may be reserved for bidding only
6 by certified minority business enterprises, the agency head
7 must find that such a reservation is in the best interests of
8 the state. All determinations shall be subject to s.

9 287.09451(5)~~287.0945(7)~~. Once a decision has been made to
10 reserve a contract, but before sealed bids are requested, the
11 agency shall estimate what it expects the amount of the
12 contract to be, based on the nature of the services or
13 commodities involved and their value under prevailing market
14 conditions. If all the sealed bids received are over this
15 estimate, the agency may reject the bids and request new ones
16 from certified minority business enterprises, or the agency
17 may reject the bids and reopen the bidding to all eligible
18 qualified bidders.

19 (c) All agencies shall consider the use of price
20 preferences of up to 10 percent, weighted preference formulas,
21 or other preferences for contractors as determined appropriate
22 pursuant to guidelines established in accordance with s.

23 287.09451(4)~~287.0945(6)~~ to increase the participation of
24 minority business enterprises.

25 (d) All agencies shall avoid any undue concentration
26 of contracts or purchases in categories of commodities or
27 contractual services in order to meet the minority business
28 enterprise purchasing goals in s. 287.09451 ~~287.0945~~.

29

30 Reviser's note.--Amended to conform to the
31 repeal of s. 287.0945 by s. 27, ch. 96-320,

1 Laws of Florida, and the creation of s.
2 287.09451, which relates to the same subject
3 matter, by s. 28, ch. 96-320.

4
5 Section 60. Paragraph (e) of subsection (3), paragraph
6 (a) of subsection (6), and subsection (12) of section
7 287.0943, Florida Statutes, are amended to read:

8 287.0943 Certification of minority business
9 enterprises.--

10 (3)

11 (e) Any participating program receiving three or more
12 challenges to its certification decisions pursuant to
13 subsection (4)~~subsection (3)~~ from other organizations that
14 are executors to the statewide and interlocal agreement, shall
15 be subject to a review by the office, as provided in
16 paragraphs (a) and (b), of the organization's capacity to
17 perform under such agreement and in accordance with the core
18 criteria established by the task force. The office shall
19 submit a report to the secretary of the Department of
20 Management Services regarding the results of the review.

21 (6)(a) The office shall maintain up-to-date records of
22 all certified minority business enterprises, as defined in s.
23 288.703, and of applications for certification that were
24 denied and shall make this list available to all agencies. The
25 office shall, for statistical purposes, collect and track
26 subgroupings of gender and nationality status for each
27 certified minority business enterprise. Agency spending shall
28 also be tracked for these subgroups. The records may include
29 information about minority business enterprises that provide
30 legal services, auditing services, and health services.
31 Agencies shall use this list in efforts to meet the minority

1 business enterprise procurement goals set forth in s.
2 287.09451 ~~289.09451~~.

3 (12) Any executor of the statewide and interlocal
4 agreement may revoke the certification or recertification of a
5 firm doing business as a certified minority business
6 enterprise if the minority business enterprise does not meet
7 the requirements of the jurisdiction or certifying entity that
8 certified or recertified the firm as a certified minority
9 business enterprise, or the requirements of subsection (2)
10 ~~subsection (1)~~, s. 288.703, and any rule of the office or the
11 Department of Management Services or if the business acquired
12 certification or recertification by means of falsely
13 representing any entity as a minority business enterprise for
14 purposes of qualifying for certification or recertification.

15
16 Reviser's note.--Paragraph (3)(e) and
17 subsection (12) were amended to conform to the
18 redesignation of subunits by s. 2, ch.
19 2000-286, Laws of Florida. Paragraph (6)(a) was
20 amended to correct an apparent error. Section
21 289.09451 does not exist; s. 287.09451 relates
22 to minority business enterprise procurement
23 goals.

24
25 Section 61. Paragraph (d) of subsection (2) of section
26 288.012, Florida Statutes, is amended to read:

27 288.012 State of Florida foreign offices.--The
28 Legislature finds that the expansion of international trade
29 and tourism is vital to the overall health and growth of the
30 economy of this state. This expansion is hampered by the lack
31 of technical and business assistance, financial assistance,

1 and information services for businesses in this state. The
2 Legislature finds that these businesses could be assisted by
3 providing these services at State of Florida foreign offices.
4 The Legislature further finds that the accessibility and
5 provision of services at these offices can be enhanced through
6 cooperative agreements or strategic alliances between state
7 entities, local entities, foreign entities, and private
8 businesses.

9 (2) Each foreign office shall have in place an
10 operational plan approved by the participating boards or other
11 governing authority, a copy of which shall be provided to the
12 Office of Tourism, Trade, and Economic Development. These
13 operating plans shall be reviewed and updated each fiscal year
14 and shall include, at a minimum, the following:

15 (d) Identification of new and emerging market
16 opportunities for Florida businesses. Each foreign office
17 shall provide the Florida Trade Data Center with a compilation
18 of foreign buyers and importers in industry sector priority
19 areas on an annual basis. In return, the Florida Trade Data
20 Center shall make available to each foreign office, and to
21 Enterprise Florida, Inc., the Florida Commission on Tourism,
22 the Florida Ports Council, the Department of State, the
23 Department of Citrus, and the Department of Agriculture and
24 Consumer Services, trade industry, commodity, and opportunity
25 information. This information shall be provided to such
26 offices and entities either free of charge or on a fee basis
27 with fees set only to recover the costs of providing the
28 information.

29
30
31

1 Reviser's note.--Amended to conform to the
2 correct title of the department as created in
3 s. 20.14.

4
5 Section 62. Paragraph (i) of subsection (1) of section
6 288.106, Florida Statutes, is amended to read:

7 288.106 Tax refund program for qualified target
8 industry businesses.--

9 (1) DEFINITIONS.--As used in this section:

10 (i) "Jobs" means full-time equivalent positions, as
11 such terms are consistent with terms used by the Department of
12 Labor and Employment Security and the United States Department
13 of Labor for purposes of unemployment compensation tax
14 administration and employment estimation, resulting directly
15 from a project in this state. This number shall not include
16 temporary construction jobs involved with the construction of
17 facilities for the project or any jobs which have previously
18 been included in any application for tax refunds under s.
19 288.1045 ~~288.104~~ or this section.

20
21 Reviser's note.--Amended to conform to the
22 repeal of s. 288.104, which provided for the
23 qualified defense contractor tax refund
24 program, by s. 8, ch. 96-348, Laws of Florida,
25 and the creation of s. 288.1045, which provides
26 for the qualified defense contractor tax refund
27 program, by s. 1, ch. 96-348.

28
29 Section 63. Subsections (1), (2), and (3) of section
30 288.1066, Florida Statutes, are amended to read:

31 288.1066 Confidentiality of records.--

1 (1) The following information when received by ~~the~~
2 ~~Department of Commerce;~~ the Office of Tourism, Trade, and
3 Economic Development; Enterprise Florida, Inc.; or county or
4 municipal governmental entities and their employees pursuant
5 to the qualified defense contractor tax refund program as
6 required by s. 288.1045 is confidential and exempt from the
7 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution for a period not to exceed the duration of the
9 tax refund agreement or 10 years, whichever is earlier:

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

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

16 (c) The amount of:

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

19 2. Corporate income taxes paid pursuant to chapter
20 220;

21 3. Intangible personal property taxes paid pursuant to
22 chapter 199;

23 4. Emergency excise taxes paid pursuant to chapter
24 221; and

25 5. Ad valorem taxes paid

26
27 during the 5 fiscal years immediately preceding the date of
28 the application, and the projected amounts of such taxes to be
29 due in the 3 fiscal years immediately following the date of
30 the application.

31

1 (d) Any trade secret information as defined in s.
2 812.081 contained within any statement concerning the
3 applicant's need for tax refunds or concerning the proposed
4 uses of such refunds by the applicant.

5 (2) The following information when received by ~~the~~
6 ~~Department of Commerce;~~the Office of Tourism, Trade, and
7 Economic Development; Enterprise Florida, Inc.; or county or
8 municipal governmental entities and their employees pursuant
9 to the qualified target industry tax refund program as
10 required by s. 288.106 is confidential and exempt from the
11 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution for a period not to exceed the duration of the
13 tax refund agreement or 10 years, whichever is earlier:

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

16 (b) Any trade secret information as defined in s.
17 812.081 contained within any description of the type of
18 business activity or product covered by the project.

19 (c) The anticipated wages of those jobs projected to
20 be created by the project.

21 (d) The amount of:

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

24 2. Corporate income taxes paid pursuant to chapter
25 220;

26 3. Intangible personal property taxes paid pursuant to
27 chapter 199;

28 4. Emergency excise taxes paid pursuant to chapter
29 221; and

30 5. Ad valorem taxes paid
31

1 during the 5 fiscal years immediately preceding the date of
2 the application, and the projected amounts of such taxes to be
3 due in the 3 fiscal years immediately following the date of
4 the application.

5 (e) Any trade secret information as defined in s.
6 812.081 contained within any statement concerning the role
7 that the tax refunds requested will play in the decision of
8 the applicant to locate or expand in this state.

9 (f) An estimate of the proportion of the sales
10 resulting from the project that will be made outside this
11 state.

12 (3) Nothing contained in this section shall prevent
13 ~~the Department of Commerce~~ the Office of Tourism, Trade, and
14 Economic Development; Enterprise Florida, Inc.; or any county
15 or municipal governmental entity receiving the information
16 described in this section from publishing statistics in the
17 aggregate and so classified as to prevent the identification
18 of a single qualified applicant.

19
20 Reviser's note.--Amended to conform to the
21 repeal of s. 20.17, which created the
22 Department of Commerce, by ch. 96-320, Laws of
23 Florida.

24
25 Section 64. Subsection (1) of section 288.1167,
26 Florida Statutes, is amended to read:

27 288.1167 Sports franchise contract provisions for food
28 and beverage concession and contract awards to minority
29 business enterprises.--Any applicant who receives funding
30 pursuant to the provisions of s. 212.20 must demonstrate that:
31

1 (1) Funds and facilities with respect to food and
2 beverage and related concessions shall be awarded to minority
3 business enterprises as defined in s. 288.703 on the same
4 terms and conditions as the general food and beverage
5 concessionaire and in accordance with the minority business
6 enterprise procurement goals set forth in s. 287.09451
7 ~~287.0945~~;

8
9 Reviser's note.--Amended to conform to the
10 repeal of s. 287.0945 by s. 27, ch. 96-320,
11 Laws of Florida, and the creation of s.
12 287.09451, which relates to the same subject
13 matter, by s. 28, ch. 96-320.

14
15 Section 65. Subsection (6) of section 288.1169,
16 Florida Statutes, is amended to read:

17 288.1169 International Game Fish Association World
18 Center facility; department duties.--

19 (6) The Department of Commerce must recertify every 10
20 years that the facility is open, that the International Game
21 Fish Association World Center continues to be the only
22 international administrative headquarters, fishing museum, and
23 Hall of Fame in the United States recognized by the
24 International Game Fish Association, and that the project is
25 meeting the minimum projections for attendance or sales tax
26 revenues as required at the time of original certification.
27 If the facility is not recertified during this 10-year review
28 as meeting the minimum projections, then funding will be
29 abated until certification criteria are met. If the project
30 fails to generate \$1 million of annual revenues pursuant to
31 paragraph (2)(e), the distribution of revenues pursuant to s.

1 ~~212.20(6)(e)7.d.212.20(6)(e)6.c.~~ shall be reduced to an
2 amount equal to \$83,333 multiplied by a fraction, the
3 numerator of which is the actual revenues generated and the
4 denominator of which is \$1 million. Such reduction shall
5 remain in effect until revenues generated by the project in a
6 12-month period equal or exceed \$1 million.

7
8 Reviser's note.--Amended to conform to the
9 redesignation of subunits of s. 212.20 incident
10 to the compiling of the Florida Statutes 2000.

11
12 Section 66. Subsection (7) and paragraph (g) of
13 subsection (8) of section 288.1229, Florida Statutes, are
14 amended to read:

15 288.1229 Promotion and development of sports-related
16 industries and amateur athletics; direct-support organization;
17 powers and duties.--

18 (7) In exercising the power provided in this section,
19 the Office of Tourism, Trade, and Economic Development may
20 authorize and contract with the direct-support organization
21 existing on June 30, 1996, and authorized by the former
22 Florida Department of Commerce to promote sports-related
23 industries. An appointed member of the board of directors of
24 such direct-support organization as of June 30, 1996, may
25 serve the remainder of his or her unexpired term.

26 (8) To promote amateur sports and physical fitness,
27 the direct-support organization shall:

28 (g) Continue the successful amateur sports programs
29 previously conducted by the Florida Governor's Council on
30 Physical Fitness and Amateur Sports created under former s.
31 14.22.

1 Reviser's note.--Subsection (7) is amended to
2 conform to the repeal of s. 20.17, which
3 created the Department of Commerce, by s. 3,
4 ch. 96-320, Laws of Florida. Paragraph (8)(g)
5 is amended to conform to the repeal of s. 14.22
6 by s. 10, ch. 99-251, Laws of Florida.

7
8 Section 67. Section 288.125, Florida Statutes, is
9 amended to read:

10 288.125 Definition of "entertainment industry".--For
11 the purposes of ss. 288.1251-288.1258 ~~288.1251-288.1253~~, the
12 term "entertainment industry" means those persons or entities
13 engaged in the operation of motion picture or television
14 studios or recording studios; those persons or entities
15 engaged in the preproduction, production, or postproduction of
16 motion pictures, made-for-TV motion pictures, television
17 series, commercial advertising, music videos, or sound
18 recordings; and those persons or entities providing products
19 or services directly related to the preproduction, production,
20 or postproduction of motion pictures, made-for-TV motion
21 pictures, television series, commercial advertising, music
22 videos, or sound recordings, including, but not limited to,
23 the broadcast industry.

24
25 Reviser's note.--Amended to facilitate correct
26 interpretation. Section 288.1258, relating to
27 the entertainment industry, was created by s.
28 1, ch. 2000-182, Laws of Florida.

29
30 Section 68. Subsection (1) of section 288.7771,
31 Florida Statutes, is repealed.

1 Reviser's note.--The repealed provision
2 required the annual report of the Florida
3 Export Finance Corporation to include the
4 evaluation required by s. 288.7772(1), which
5 was repealed by s. 44, ch. 2000-158, Laws of
6 Florida.

7
8 Section 69. Subsection (12) of section 290.0056,
9 Florida Statutes, is amended to read:

10 290.0056 Enterprise zone development agency.--

11 (12) In the event that the nominated area selected by
12 the governing body is not designated a state enterprise zone,
13 the governing body may dissolve the agency after receiving
14 notification from ~~the department~~ or the office that the area
15 was not designated as an enterprise zone.

16
17 Reviser's note.--Amended to conform to the
18 repeal of s. 20.17, which created the
19 Department of Commerce, by s. 3, ch. 96-320,
20 Laws of Florida.

21
22 Section 70. Subsections (1) and (5) of section
23 290.0058, Florida Statutes, are amended to read:

24 290.0058 Tests of pervasive poverty, unemployment, and
25 general distress.--

26 (1) In determining whether an area suffers from
27 pervasive poverty, unemployment, and general distress, for
28 purposes of ss. 290.0055 and 290.0065, the governing body and
29 the Office of Tourism, Trade, and Economic Development
30 ~~department~~ shall use data from the most current decennial
31 census, and from information published by the Bureau of the

1 Census and the Bureau of Labor Statistics. The data shall be
2 comparable in point or period of time and methodology
3 employed.

4 (5) In making the calculations required by this
5 section, the local government and the Office of Tourism,
6 Trade, and Economic Development ~~department~~ shall round all
7 fractional percentages of one-half percent or more up to the
8 next highest whole percentage figure.

9
10 Reviser's note.--Amended to conform to the
11 repeal of s. 20.17, which created the
12 Department of Commerce, by s. 3, ch. 96-320,
13 Laws of Florida, and the assumption of the
14 department's duties concerning enterprise zones
15 by the Office of Tourism, Trade, and Economic
16 Development pursuant to ch. 96-320.

17
18 Section 71. Paragraph (a) of subsection (4) of section
19 290.0065, Florida Statutes, is amended to read:

20 290.0065 State designation of enterprise zones.--

21 (4)(a) Notwithstanding s. 290.0055, any area existing
22 as a state enterprise zone as of the effective date of this
23 section and originally approved through a joint application
24 from a county and municipality, or through an application from
25 a county as defined in s. 125.011(1), shall be redesignated as
26 a state enterprise zone upon the creation of an enterprise
27 zone development agency pursuant to s. 290.0056 and the
28 completion of a strategic plan pursuant to s. 290.0057. Any
29 area redesignated pursuant to this subsection, other than an
30 area located in a county defined in s. 125.011(1), may be
31 relocated or modified by the appropriate governmental bodies.

1 Such relocation or modification shall be identified in the
2 strategic plan and shall meet the requirements for designation
3 as established by former s. 290.005. Any relocation or
4 modification shall be submitted on or before June 1, 1996.

5
6 Reviser's note.--Amended to conform to the
7 repeal of s. 290.005 by s. 20, ch. 94-136, Laws
8 of Florida.

9
10 Section 72. Subsection (8) of section 290.007, Florida
11 Statutes, is amended to read:

12 290.007 State incentives available in enterprise
13 zones.--The following incentives are provided by the state to
14 encourage the revitalization of enterprise zones:

15 (8) Notwithstanding any law to the contrary, the
16 Public Service Commission may allow public utilities and
17 telecommunications companies to grant discounts of up to 50
18 percent on tariffed rates for services to small businesses
19 located in an enterprise zone designated pursuant to s.
20 290.0065. Such discounts may be granted for a period not to
21 exceed 5 years. For purposes of this subsection, "public
22 utility" has the same meaning as in s. 366.02(1) and
23 "telecommunications company" has the same meaning as in s.
24 364.02(12)~~364.02(7)~~.

25
26 Reviser's note.--Amended to conform to the
27 redesignation of s. 364.02(7) as s. 364.02(12)
28 by s. 6, ch. 95-403, Laws of Florida.

29
30 Section 73. Subsection (7) of section 320.0848,
31 Florida Statutes, is amended to read:

1 320.0848 Persons who have disabilities; issuance of
2 disabled parking permits; temporary permits; permits for
3 certain providers of transportation services to persons who
4 have disabilities.--

5 (7) Any person who fraudulently obtains or unlawfully
6 displays a disabled parking permit that belongs to another
7 person while occupying a disabled parking space or an access
8 aisle as defined in s. 553.5041 ~~316.1955~~ while the owner of
9 the permit is not being transported in the vehicle or who uses
10 an unauthorized replica of such a disabled parking permit with
11 the intent to deceive is guilty of a misdemeanor of the second
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13
14 Reviser's note.--Amended to conform to the
15 deletion of the references to disabled parking
16 spaces and access aisles from s. 316.1955 by s.
17 16, ch. 2000-141, Laws of Florida, and the
18 definition of those terms in s. 553.5041,
19 created by s. 66, ch. 2000-141.

20
21 Section 74. Subsection (2) of section 320.20, Florida
22 Statutes, is amended to read:

23 320.20 Disposition of license tax moneys.--The revenue
24 derived from the registration of motor vehicles, including any
25 delinquent fees and excluding those revenues collected and
26 distributed under the provisions of s. 320.081, must be
27 distributed monthly, as collected, as follows:

28 (2) Twenty-five million dollars per year of such
29 revenues must be deposited in the State Transportation Trust
30 Fund, with priority use assigned to completion of the
31 interstate highway system. However, any excess funds may be

1 utilized for general transportation purposes, consistent with
2 the Department of Transportation's legislatively approved
3 objectives. ~~Prior to such utilization, the department's~~
4 ~~comptroller shall certify that adequate funds are available to~~
5 ~~assure expeditious completion of the interstate highway system~~
6 ~~and to award all such contracts by 1990.~~

7
8 Reviser's note.--Amended to delete obsolete
9 language requiring contracts to be awarded by
10 1990.

11
12 Section 75. Subsection (5) of section 320.27, Florida
13 Statutes, is amended to read:

14 320.27 Motor vehicle dealers.--

15 (5) SUPPLEMENTAL LICENSE.--Any person licensed
16 hereunder shall obtain a supplemental license for each
17 permanent additional place or places of business not
18 contiguous to the premises for which the original license is
19 issued, on a form to be furnished by the department, and upon
20 payment of a fee of \$50 for each such additional location.
21 Upon making renewal applications for such supplemental
22 licenses, such applicant shall pay \$50 for each additional
23 location. A supplemental license authorizing off-premises
24 sales shall be issued, at no charge to the dealer, for a
25 period not to exceed 10 consecutive calendar days. To obtain
26 such a temporary supplemental license for off-premises sales,
27 the applicant must be a licensed dealer; must notify the
28 applicable local department office of the specific dates and
29 location for which such license is requested, display a sign
30 at the licensed location clearly identifying the dealer, and
31 provide staff to work at the temporary location for the

1 duration of the off-premises sale; must meet any local
2 government permitting requirements; and must have permission
3 of the property owner to sell at that location. In the case of
4 an off-premises sale by a motor vehicle dealer licensed under
5 subparagraph (1)(c)1. for the sale of new motor vehicles, the
6 applicant must also include documentation notifying the
7 applicable licensee licensed under s. 320.61 of the intent to
8 engage in an off-premises sale 5 working days prior to the
9 date of the off-premises sale. The licensee shall either
10 approve or disapprove of the off-premises sale within ~~with~~ 2
11 working days after receiving notice; otherwise, it will be
12 deemed approved. This section does not apply to a nonselling
13 motor vehicle show or public display of new motor vehicles.
14

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

18 Section 76. Subsection (1) of section 322.051, Florida
19 Statutes, is reenacted to read:

20 322.051 Identification cards.--

21 (1) Any person who is 12 years of age or older, or any
22 person who has a disability, regardless of age, who applies
23 for a disabled parking permit under s. 320.0848, may be issued
24 an identification card by the department upon completion of an
25 application and payment of an application fee.

26 (a) Each such application shall include the following
27 information regarding the applicant:

28 1. Full name (first, middle or maiden, and last),
29 gender, social security card number, residence and mailing
30 address, and a brief description.

31 2. Proof of birth date satisfactory to the department.

1 3. Proof of identity satisfactory to the department.
2 Such proof must include one of the following unless a driver's
3 license record or identification card record has already been
4 established: a certified copy of a United States birth
5 certificate, a valid United States passport, an alien
6 registration receipt card (green card), an employment
7 authorization card issued by the United States Department of
8 Justice, or proof of nonimmigrant classification provided by
9 the United States Department of Justice, for an original
10 identification card.

11 (b) An application for an identification card must be
12 signed and verified by the applicant in a format designated by
13 the department before a person authorized to administer oaths.
14 The fee for an identification card is \$3, including payment
15 for the color photograph or digital image of the applicant.
16

17 Reviser's note.--Section 35, ch. 2000-313, Laws
18 of Florida, purported to amend paragraph
19 (1)(a), but failed to republish the
20 introductory paragraph of this subsection. In
21 the absence of affirmative evidence that the
22 Legislature intended to repeal the language,
23 subsection (1) is reenacted to confirm that the
24 omission was not intended.
25

26 Section 77. Paragraph (b) of subsection (4) of section
27 323.001, Florida Statutes, is amended to read:

28 323.001 Wrecker operator storage facilities; vehicle
29 holds.--

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

1 (b) The officer has probable cause to believe the
2 vehicle should be seized and forfeited under s. 372.312
3 ~~370.442~~;

4
5 Reviser's note.--Amended to correct an apparent
6 error; s. 370.442 does not exist. Section
7 372.312 provides for forfeiture proceedings
8 relating to violations of chapter 372. An
9 earlier version of 2000 H.B. 1071 had proposed
10 a transfer of s. 372.312 to s. 370.442. The
11 proposed transfer was eliminated when 2000 H.B.
12 1071 was added to 2000 C.S. for S.B. 186
13 without deleting the cross-reference change
14 made in s. 323.001.

15
16 Section 78. Subsection (3) of section 328.16, Florida
17 Statutes, is amended to read:

18 328.16 Issuance in duplicate; delivery; liens and
19 encumbrances.--

20 (3) Except as provided in s. 328.15(11)~~328.15(12)~~,
21 the certificate of title shall be retained by the first
22 lienholder. The first lienholder is entitled to retain the
23 certificate until the first lien is satisfied.

24
25 Reviser's note.--Amended to conform to the
26 repeal of former s. 328.15(10) by s. 39, ch.
27 2000-313, Laws of Florida.

28
29 Section 79. Subsection (1) of section 331.304, Florida
30 Statutes, is amended to read:

31

1 331.304 Spaceport territory.--The following property
2 shall constitute spaceport territory:

3 (1) Certain real property located in Brevard County
4 that is included within the 1998 boundaries of Patrick Air
5 Force Base, Cape Canaveral Air Force Station, or John F.
6 Kennedy Space Center.

7
8 Reviser's note.--Amended to conform to the full
9 title of the Cape Canaveral Air Force Station
10 and to improve clarity.

11
12 Section 80. Paragraph (c) of subsection (3) of section
13 333.07, Florida Statutes, is repealed.

14
15 Reviser's note.--The cited provision required
16 existing airport lighting and marking of
17 structures not in compliance with Department of
18 Transportation Standards on October 1, 1988, to
19 comply whenever refurbished or within 5 years
20 of October 1, 1988, whichever came first.

21
22 Section 81. Section 348.7543, Florida Statutes, is
23 amended to read:

24 348.7543 Improvements, bond financing authority
25 for.--Pursuant to s. 11(f)~~11(e)~~, Art. VII of the State
26 Constitution, the Legislature hereby approves for bond
27 financing by the Orlando-Orange County Expressway Authority
28 improvements to toll collection facilities, interchanges to
29 the legislatively approved expressway system, and any other
30 facility appurtenant, necessary, or incidental to the approved
31 system. Subject to terms and conditions of applicable revenue

1 bond resolutions and covenants, such financing may be in whole
2 or in part by revenue bonds currently issued, issued in the
3 future, or by a combination of such bonds.

4

5 Reviser's note.--Amended to conform to the
6 redesignation of s. 11(e), Art. VII of the
7 State Constitution, as s. 11(f) necessitated by
8 the creation of a new s. 11(e) by Revision No.
9 5 (1998).

10

11 Section 82. Subsection (5) of section 348.83, Florida
12 Statutes, is repealed.

13

14 Reviser's note.--The cited provision required
15 the Pasco County Expressway Authority to
16 reevaluate all projects planned as of July 1,
17 1969, and required a referendum to continue
18 projects subject to the provision.

19

20 Section 83. Paragraph (b) of subsection (4) of section
21 364.025, Florida Statutes, is repealed.

22

23 Reviser's note.--The cited paragraph concerns a
24 report relating to cost of establishing a
25 permanent universal service mechanism to be
26 submitted by February 15, 1999, to the
27 President of the Senate and the Speaker of the
28 House of Representatives.

29

30

31