

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24          their purpose, or have been impliedly repealed  
25          or superseded; replacing incorrect  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

1           confirming the restoration of provisions  
2           unintentionally omitted from republication in  
3           the acts of the Legislature during the  
4           amendatory process.

5  
6 Be It Enacted by the Legislature of the State of Florida:

7  
8           Section 1. Paragraph (a) of subsection (3) of section  
9 215.96, Florida Statutes, is amended to read:

10           215.96 Coordinating council and design and  
11 coordination staff.--

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

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

31

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 2. 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 3. 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 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. Subsection (2) of section 229.085, Florida  
29 Statutes, is amended to read:

30 229.085 Custody of educational funds.--

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 13. 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 14. Subsection (4) of section 231.262, Florida  
8 Statutes, is amended to read:

9 231.262 Complaints against teachers and  
10 administrators; procedure; penalties.--

11 (4) The complaint and all information obtained  
12 pursuant to the investigation by the department shall be  
13 confidential and exempt from the provisions of s. 119.07(1)  
14 until the conclusion of the preliminary investigation of the  
15 complaint, until such time as the preliminary investigation  
16 ceases to be active, or until such time as otherwise provided  
17 by s. 231.263(6). However, the complaint and all material  
18 assembled during the investigation may be inspected and copied  
19 by the certificateholder under investigation, or the  
20 certificateholder's designee, after the investigation is  
21 concluded, but prior to the determination of probable cause by  
22 the commissioner. If the preliminary investigation is  
23 concluded with the finding that there is no probable cause to  
24 proceed, the complaint and information shall be open  
25 thereafter to inspection pursuant to s. 119.07(1). If the  
26 preliminary investigation is concluded with the finding that  
27 there is probable cause to proceed and a complaint is filed  
28 pursuant to subsection (5), the complaint and information  
29 shall be open thereafter to inspection pursuant to s.  
30 119.07(1)~~119.07(1)~~. If the preliminary investigation ceases  
31 to be active, the complaint and all such material shall be

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

7  
8 Reviser's note.--Amended to provide contextual  
9 consistency. There is no s. 119.97(1); s.  
10 119.07(1) relates to inspection of records. The  
11 reference to s. 231.263(6)(d) is incorrect; it  
12 does not exist.

13  
14 Section 15. Section 231.600, Florida Statutes, is  
15 reenacted to read:

16 231.600 School Community Professional Development  
17 Act.--

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

26 (2) The school community includes administrative  
27 personnel, managers, instructional personnel, support  
28 personnel, members of district school boards, members of  
29 school advisory councils, parents, business partners, and  
30 personnel that provide health and social services to school  
31 children. School districts may identify and include

1 additional members of the school community in the professional  
2 development activities required by this section.

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

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

8 (b) Assist the school community in providing  
9 stimulating educational activities that encourage and motivate  
10 students to achieve at the highest levels and to become active  
11 learners; and

12 (c) Provide continuous support for all education  
13 professionals as well as temporary intervention for education  
14 professionals who need improvement in knowledge, skills, and  
15 performance.

16 (4) The Department of Education, school districts,  
17 schools, and public colleges and universities share the  
18 responsibilities described in this section. These  
19 responsibilities include the following:

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

30 (b) Each school district shall develop a professional  
31 development system. The system shall be developed in

1 consultation with teachers and representatives of college and  
2 university faculty, community agencies, and other interested  
3 citizen groups to establish policy and procedures to guide the  
4 operation of the district professional development program.

5 The professional development system must:

6       1. Be approved by the department. All substantial  
7 revisions to the system shall be submitted to the department  
8 for review for continued approval.

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

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

22       4. Include a master plan for inservice activities,  
23 pursuant to rules of the State Board of Education, for all  
24 district employees from all fund sources. The master plan  
25 shall be updated annually by September 1 using criteria for  
26 continued approval as specified by rules of the State Board of  
27 Education. Written verification that the inservice plan meets  
28 all requirements of this section must be submitted annually to  
29 the commissioner by October 1.

30       5. Require each school principal to establish and  
31 maintain an individual professional development plan for each

1 instructional employee assigned to the school. The individual  
2 professional development plan must:

3 a. Be related to specific performance data for the  
4 students to whom the teacher is assigned.

5 b. Define the inservice objectives and specific  
6 measurable improvements expected in student performance as a  
7 result of the inservice activity.

8 c. Include an evaluation component that determines the  
9 effectiveness of the professional development plan.

10 6. Include inservice activities for school  
11 administrative personnel that address updated skills necessary  
12 for effective school management and instructional leadership.

13 7. Provide for systematic consultation with regional  
14 and state personnel designated to provide technical assistance  
15 and evaluation of local professional development programs.

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

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

25 (c) Each public community college and university shall  
26 assist the department, school districts, and schools in the  
27 design, delivery, and evaluation of professional development  
28 activities. This assistance must include active participation  
29 in state and local activities required by the professional  
30 development system.

31

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

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

9 2. Include performance evaluation methods.

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

16 4. Provide for the hiring of qualified out-of-state  
17 school administrative personnel.

18 5. Provide advanced educational opportunities for  
19 school-based instructional leaders.

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

28 (6) Each district school board shall provide funding  
29 for the professional development system as required by s.  
30 236.081 and the General Appropriations Act, and shall direct  
31 expenditures from other funding sources to strengthen the

1 system and make it uniform and coherent. A school district  
2 may coordinate its professional development program with that  
3 of another district, with an educational consortium, or with a  
4 college or university, especially in preparing and educating  
5 personnel. Each district school board shall make available  
6 inservice activities to instructional personnel of nonpublic  
7 schools in the district and the state certified teachers who  
8 are not employed by the district school board on a fee basis  
9 not to exceed the cost of the activity per all participants.

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

20 (8) The Department of Education shall design methods  
21 by which the state and district school boards may evaluate and  
22 improve the professional development system. The evaluation  
23 must include an annual assessment of data that indicate  
24 progress or lack of progress of all students. If the review of  
25 the data indicates progress, the department shall identify the  
26 best practices that attributed to the progress. If the review  
27 of the data indicates a lack of progress, the department shall  
28 investigate the causes of the lack of progress, provide  
29 technical assistance, and require the school district to  
30 employ a different approach to professional development. The  
31 department shall report annually to the State Board of



1 Education and the Legislature any school district that, in the  
2 determination of the department, has failed to provide an  
3 adequate professional development system. This report must  
4 include the results of the department's investigation and of  
5 any intervention provided.

6 (9) The State Board of Education may adopt rules  
7 pursuant to ss. 120.536(1) and 120.54 to administer this  
8 section.

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

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

20  
21 Reviser's note.--Reenacted to confirm the  
22 existence of s. 231.600, which was repealed  
23 October 1, 1995, by s. 21, ch. 85-238, Laws of  
24 Florida, but prior to that date was  
25 substantially reworded by s. 1, ch. 95-236,  
26 Laws of Florida, effective June 9, 1995;  
27 further amended by s. 10, ch. 98-281, Laws of  
28 Florida; s. 60, ch. 99-398, Laws of Florida;  
29 and s. 48, ch. 2000-301, Laws of Florida.

30  
31

1 Section 16. Subsection (1) of section 231.6215,  
2 Florida Statutes, is amended to read:

3 231.6215 Student Fellowship Program.--

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

14  
15 Reviser's note.--Amended to conform to the  
16 title of the program as provided in s. 240.605.

17  
18 Section 17. Section 232.50, Florida Statutes, is  
19 amended to read:

20 232.50 Child abuse, abandonment, and neglect  
21 policy.--Every school board shall ~~by March 1, 1985:~~

22 (1) Post in a prominent place in each school a notice  
23 that, pursuant to chapter 39, all employees or agents of the  
24 district school board have an affirmative duty to report all  
25 actual or suspected cases of child abuse, abandonment, or  
26 neglect, have immunity from liability if they report such  
27 cases in good faith, and have a duty to comply with child  
28 protective investigations and all other provisions of law  
29 relating to child abuse, abandonment, and neglect. The notice  
30 shall also include the statewide toll-free telephone number of  
31 the central abuse hotline.

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

14  
15 ~~Each district school board shall comply with the provisions of~~  
16 ~~this section, and such board shall notify the Department of~~  
17 ~~Education and the Department of Children and Family Services~~  
18 ~~of its compliance by March 1, 1985.~~

19  
20           Reviser's note.--Amended to delete provisions  
21           that have served their purpose.

22  
23           Section 18. Section 233.0655, Florida Statutes, is  
24 amended to read:

25           233.0655 Patriotic programs; rules.--Each district  
26 school board is authorized to adopt rules to require, in all  
27 of the schools of the district, programs of a patriotic nature  
28 to encourage greater respect for the government of the United  
29 States and its national anthem and flag, subject always to  
30 other existing pertinent laws of the United States or of the  
31 state; provided, that when the national anthem is played,

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

22

23 Reviser's note.--Amended to conform to the  
24 correct citations to the referenced material.

25

26 Section 19. Paragraph (a) of subsection (2) of section  
27 233.068, Florida Statutes, is amended to read:

28 233.068 Job-related vocational instruction.--

29 (2) OPEN-ENTRY PROGRAMS IN CAREER DEVELOPMENT AND  
30 APPLIED TECHNOLOGY.--By the 1998-1999 school year, up to 30  
31 school districts may establish programs in which students who

1 have differing abilities and career plans may pursue an  
 2 education that develops academic and vocational skills  
 3 required by specified related occupations. Each program must:  
 4 (a) Be self-contained and provide sufficient courses  
 5 for a student in each occupational training level to earn a  
 6 high school diploma as provided in s. ss-232.246 and ~~232.2467~~  
 7 and provide free transportation for students to and from their  
 8 residences. A program may be called a school, but need not  
 9 have a separate campus. If a program has a separate campus or  
 10 is a school within a school, it may agree with another school  
 11 to allow the students to participate in extracurricular  
 12 activities.

13  
 14 Reviser's note.--Amended to conform to the  
 15 repeal of s. 232.2467 by s. 68, ch. 92-136,  
 16 Laws of Florida.

17  
 18 Section 20. Effective July 1, 2001, subsection (3) of  
 19 section 235.26, Florida Statutes, as amended by s. 11, ch.  
 20 2000-141, Laws of Florida, is amended to read:

21 235.26 State uniform building code for public  
 22 educational facilities construction.--

23 (3) ENFORCEMENT BY BOARD.--It is the responsibility of  
 24 each district school board and community college district  
 25 board of trustees to ensure that all plans and educational and  
 26 ancillary plants meet the standards of the Florida Building  
 27 Code and the Florida Fire Prevention Code and to provide for  
 28 the enforcement of these codes in the areas of its  
 29 jurisdiction. Each board shall provide for the proper  
 30 supervision and inspection of the work. Each board may employ  
 31 a chief building official or inspector and such other

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

25  
26 Reviser's note.--Amended to improve clarity and  
27 facilitate correct interpretation. Subparagraph  
28 (2)(f)5. was repealed by s. 11, ch. 2000-141,  
29 Laws of Florida, and the language relating to  
30 standards now appears at subparagraphs (1)(e)3.  
31 and 4.

1           Section 21. Subsection (4) of section 236.1225,  
2 Florida Statutes, is amended to read:

3           236.1225 Gifted education exemplary program grants.--

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

14  
15           Reviser's note.--Amended to improve clarity and  
16 facilitate correct interpretation. Section  
17 236.081(1)(c) does not refer to education for  
18 the gifted; exceptional education funding is  
19 covered in ss. 236.025 and 236.081.

20  
21           Section 22. Subparagraphs 1.-3. of paragraph (b) of  
22 subsection (5) of section 236.25, Florida Statutes, are  
23 repealed.

24  
25           Reviser's note.--The cited subparagraphs relate  
26 to school district spending for fiscal years  
27 1997-1998 through 1999-2000.

28  
29           Section 23. Subsection (2) of section 240.145, Florida  
30 Statutes, is amended to read:

31           240.145 Postsecondary Education Planning Commission.--

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

21

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

24

25           Section 24. Subsection (1) of section 240.2995,  
26 Florida Statutes, is amended to read:

27           240.2995 University health services support  
28 organizations.--

29           (1) Each state university is authorized to establish  
30 university health services support organizations which shall  
31 have the ability to enter into, for the benefit of the



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

14

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

16

17 Section 25. Paragraph (b) of subsection (2) of section  
18 240.345, Florida Statutes, is amended to read:

19 240.345 Financial support of community colleges.--

20 (2) STUDENT FEES.--

21 (b) The State Board of Community Colleges shall adopt  
22 rules permitting the deferral of registration and tuition fees  
23 for those students who receive financial aid from federal or  
24 state assistance programs when such aid is delayed in being  
25 transmitted to the student through circumstances beyond the  
26 control of the student. The failure to make timely  
27 application for such aid is insufficient reason to receive  
28 such deferral.

29 1. A veteran or other eligible student who receives  
30 benefits under chapter 30, chapter 31, chapter 32, chapter 34,  
31 or chapter 35, 38 U.S.C., or chapter 106, 10 U.S.C., is

1 entitled to one deferment each academic year and an additional  
2 deferment each time there is a delay in the receipt of his or  
3 her benefits.

4           2. Each community college shall be responsible for  
5 collecting all deferred fees. If a community college has not  
6 collected a deferred fee, the student shall not earn full-time  
7 equivalent student enrollment for any course for which the  
8 student subsequently registers until the fee has been paid.

9           3. In adopting such rules, the State Board of  
10 Community Colleges is required to enforce the collection of or  
11 otherwise settle delinquent accounts.

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

18  
19           Reviser's note.--Amended to conform to the  
20 redesignation of the United States Veterans'  
21 Administration as the United States Department  
22 of Veterans Affairs by s. 2, Pub. L. No.  
23 100-527.

24  
25           Section 26. Subsections (1) and (2) of section  
26 240.40208, Florida Statutes, are amended to read:

27           240.40208 Eligibility for the Florida Bright Futures  
28 Scholarship Program; transition.--

29           (1) A student who graduates from high school in 1997  
30 or earlier and who is eligible for the Florida Undergraduate  
31 Scholar's Program pursuant to former s. 240.402 is eligible

1 for the Florida Academic Scholars award as provided in this  
2 act. A student who graduates from high school in 1998 or 1999  
3 is eligible for the Florida Academic Scholars award if the  
4 student meets the criteria in s. 240.40205. However, in lieu  
5 of satisfying the requirements set forth in s. 240.40205(1)(a)  
6 and (b), a student may meet the following criteria:

7 (a) Complete a program of at least 24 credits in  
8 advanced-level studies as prescribed by the State Board of  
9 Education, including as a minimum:

10 1. Four years of progressively advanced instruction in  
11 language arts, including courses in English composition and  
12 literature.

13 2. Four years of progressively advanced instruction in  
14 science, including laboratory courses in biology, chemistry,  
15 and physics where laboratory facilities are available.

16 3. Four years of progressively advanced instruction in  
17 mathematics, including courses in algebra, geometry, and  
18 calculus or trigonometry.

19 4. Two years of sequential foreign language.

20 5. One year of instruction in art and music or in  
21 either art or music.

22 6. Three years of instruction in social studies,  
23 including courses in American history and government, world  
24 history, and comparative political and economic systems.

25 7. One year of instruction in health and physical  
26 education to include assessment, improvement, and maintenance  
27 of personal fitness.

28 (b) Obtain at least the equivalent of an unweighted  
29 grade point average of 3.0 on a 4.0 scale for all courses  
30 taken for which high school credit may be granted.

31

1 (c) Achieve a score of 1180 on the combined verbal and  
2 quantitative parts of the Scholastic Aptitude Test, the  
3 Scholastic Assessment Test, or the recentered Scholastic  
4 Assessment Test of the College Entrance Examination, or an  
5 equivalent score on the American College Testing Program or an  
6 equivalent program.

7 (d) Complete a program of community service work, as  
8 approved by the district school board or the administrators of  
9 a nonpublic school, which shall include a minimum of 75 hours  
10 of service work and require the student to identify a social  
11 problem that interests him or her, develop a plan for his or  
12 her personal involvement in addressing the problem, and,  
13 through papers or other presentations, evaluate and reflect  
14 upon his or her experience.

15  
16 Students who graduate from high school after 1999 must meet  
17 the eligibility criteria pursuant to s. 240.40205.

18 (2) A student who graduates from high school in 1997  
19 or earlier and who is eligible for the Florida Vocational Gold  
20 Seal Endorsement Scholarship award pursuant to former s.  
21 240.4021 is eligible for the Florida Gold Seal Vocational  
22 Scholars award as provided in this act. A student who  
23 graduates from high school in 1998 or 1999 is eligible for the  
24 Florida Gold Seal Vocational Scholars award if the student  
25 meets the criteria in s. 240.40207. However, in lieu of  
26 satisfying the grade point average requirement set forth in s.  
27 240.40207(1)(c), a student may earn a minimum cumulative  
28 unweighted grade point average of 3.0 on a 4.0 scale on all  
29 subjects required for a standard high school diploma. Students  
30 who graduate from high school after 1999 must meet the  
31 eligibility criteria pursuant to s. 240.40207.

1 Reviser's note.--Amended to conform to the  
2 repeal of ss. 240.402 and 240.4021 by s. 11,  
3 ch. 97-77, Laws of Florida.  
4

5 Section 27. Subsection (4) of section 240.5285,  
6 Florida Statutes, is amended to read:

7 240.5285 Florida Atlantic University campuses.--

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

24  
25 Reviser's note.--Amended to delete obsolete  
26 language relating to the Board of Regents'  
27 5-year Master Plan for 1993-1998.  
28

29 Section 28. Paragraph (d) of subsection (5) of section  
30 240.529, Florida Statutes, is amended to read:  
31

1           240.529 Public accountability and state approval for  
2 teacher preparation programs.--

3           (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
4 instructors, school district personnel and instructional  
5 personnel, and school sites preparing instructional personnel  
6 through preservice field experience courses and internships  
7 shall meet special requirements.

8           (d) Postsecondary teacher preparation programs in  
9 cooperation with district school boards and approved nonpublic  
10 school associations shall select the school sites for  
11 preservice field experience activities. These sites must  
12 represent the full spectrum of school communities, including,  
13 but not limited to, schools located in urban settings. In  
14 order to be selected, school sites must demonstrate commitment  
15 to the education of public school students and to the  
16 preparation of future teachers. ~~A nonpublic school~~  
17 ~~association, in order to be approved, must have a~~  
18 ~~state-approved master inservice program plan in accordance~~  
19 ~~with s. 236.0811.~~

20  
21           Reviser's note.--Amended to conform to the  
22           repeal of s. 236.0811 by s. 62, ch. 2000-301,  
23           Laws of Florida.

24  
25           Section 29. Paragraph (c) of subsection (2) of section  
26 240.711, Florida Statutes, is amended to read:

27           240.711 Ringling Center for Cultural Arts.--

28           (2)

29           (c) The John and Mable Ringling Museum of Art  
30 direct-support organization, operating under the charter and  
31 bylaws and such contracts as are approved by the university,

1 shall set policies to maintain and preserve the collections of  
2 the Art Museum; the Circus Museum; the furnishings and objects  
3 in the Ringling home, referred to as the Ca' d'Zan; and other  
4 objects of art and artifacts in the custody of the museum.  
5 Title to all such collections, art objects, and artifacts of  
6 the museums and its facilities shall remain with the Florida  
7 State University, which shall assign state registration  
8 numbers to, and conduct annual inventories of, all such  
9 properties. The direct-support organization shall develop  
10 policy for the museum, subject to the provisions of the John  
11 Ringling will and the overall direction of the president of  
12 the university; and it is invested with power and authority to  
13 nominate a museum director who is appointed by and serves at  
14 the pleasure of the president of the university and shall  
15 report to the provost of the university or his or her  
16 designee. The museum director, with the approval of the  
17 provost or his or her designee, shall appoint other employees  
18 in accordance with Florida Statutes and rules; remove the same  
19 in accordance with Florida Statutes and rules; provide for the  
20 proper keeping of accounts and records and budgeting of funds;  
21 enter into contracts for professional programs of the museum  
22 and for the support and maintenance of the museum; secure  
23 public liability insurance; and do and perform every other  
24 matter or thing requisite to the proper management,  
25 maintenance, support, and control of the museum at the highest  
26 efficiency economically possible, while taking into  
27 consideration the purposes of the museum.

28  
29  
30  
31

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

1           Section 30. Paragraph (d) of subsection (1) and  
2 subsection (2) of section 252.32, Florida Statutes, are  
3 amended to read:

4           252.32 Policy and purpose.--

5           (1) Because of the existing and continuing possibility  
6 of the occurrence of emergencies and disasters resulting from  
7 natural, technological, or manmade causes; in order to ensure  
8 that preparations of this state will be adequate to deal with,  
9 reduce vulnerability to, and recover from such emergencies and  
10 disasters; to provide for the common defense and to protect  
11 the public peace, health, and safety; and to preserve the  
12 lives and property of the people of the state, it is hereby  
13 found and declared to be necessary:

14           (d) To authorize the establishment of such  
15 organizations and the development and employment of such  
16 measures as are necessary and appropriate to carry out the  
17 provisions of ss. 252.31-252.90 ~~252.31-252.91~~.

18           (2) It is further declared to be the purpose of ss.  
19 252.31-252.90 ~~252.31-252.91~~ and the policy of the state that  
20 all emergency management functions of the state be coordinated  
21 to the maximum extent with comparable functions of the Federal  
22 Government, including its various departments, agencies of  
23 other states and localities, and private agencies of every  
24 type, to the end that the most effective preparation and use  
25 may be made of the workforce, resources, and facilities of the  
26 nation for dealing with any emergency that may occur.

27  
28           Reviser's note.--Amended to conform to the  
29 repeal of s. 252.91 by s. 39, ch. 2000-158,  
30 Laws of Florida.  
31



1 Section 31. Subsection (5) of section 252.34, Florida  
2 Statutes, is amended to read:

3 252.34 Definitions.--As used in ss. 252.31-252.60, the  
4 term:

5 (5) "Local emergency management agency" means an  
6 organization created in accordance with the provisions of ss.  
7 252.31-252.90 ~~252.31-252.91~~ to discharge the emergency  
8 management responsibilities and functions of a political  
9 subdivision.

10

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

14

15 Section 32. Subsection (2) of section 252.35, Florida  
16 Statutes, is amended to read:

17 252.35 Emergency management powers; Division of  
18 Emergency Management.--

19 (2) The division is responsible for carrying out the  
20 provisions of ss. 252.31-252.90 ~~252.31-252.91~~. In performing  
21 its duties under ss. 252.31-252.90 ~~252.31-252.91~~, the division  
22 shall:

23 (a) Prepare a state comprehensive emergency management  
24 plan, which shall be integrated into and coordinated with the  
25 emergency management plans and programs of the Federal  
26 Government. The division must adopt the plan as a rule in  
27 accordance with chapter 120. The plan shall be implemented by  
28 a continuous, integrated comprehensive emergency management  
29 program. The plan must contain provisions to ensure that the  
30 state is prepared for emergencies and minor, major, and  
31 catastrophic disasters, and the division shall work closely

1 with local governments and agencies and organizations with  
2 emergency management responsibilities in preparing and  
3 maintaining the plan. The state comprehensive emergency  
4 management plan shall be operations oriented and:

5       1. Include an evacuation component that includes  
6 specific regional and interregional planning provisions and  
7 promotes intergovernmental coordination of evacuation  
8 activities. This component must, at a minimum: contain  
9 guidelines for lifting tolls on state highways; ensure  
10 coordination pertaining to evacuees crossing county lines; set  
11 forth procedures for directing people caught on evacuation  
12 routes to safe shelter; establish strategies for ensuring  
13 sufficient, reasonably priced fueling locations along  
14 evacuation routes; and establish policies and strategies for  
15 emergency medical evacuations.

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

31

1           3. Include a postdisaster response and recovery  
2 component that includes specific regional and interregional  
3 planning provisions and promotes intergovernmental  
4 coordination of postdisaster response and recovery activities.  
5 This component must provide for postdisaster response and  
6 recovery strategies according to whether a disaster is minor,  
7 major, or catastrophic. The postdisaster response and recovery  
8 component must, at a minimum: establish the structure of the  
9 state's postdisaster response and recovery organization;  
10 establish procedures for activating the state's plan; set  
11 forth policies used to guide postdisaster response and  
12 recovery activities; describe the chain of command during the  
13 postdisaster response and recovery period; describe initial  
14 and continuous postdisaster response and recovery actions;  
15 identify the roles and responsibilities of each involved  
16 agency and organization; provide for a comprehensive  
17 communications plan; establish procedures for monitoring  
18 mutual aid agreements; provide for rapid impact assessment  
19 teams; ensure the availability of an effective statewide urban  
20 search and rescue program coordinated with the fire services;  
21 ensure the existence of a comprehensive statewide medical care  
22 and relief plan administered by the Department of Health; and  
23 establish systems for coordinating volunteers and accepting  
24 and distributing donated funds and goods.

25           4. Include additional provisions addressing aspects of  
26 preparedness, response, recovery, and mitigation as determined  
27 necessary by the division.

28           5. Address the need for coordinated and expeditious  
29 deployment of state resources, including the Florida National  
30 Guard. In the case of an imminent major disaster, procedures  
31 should address predeployment of the Florida National Guard,

1 and, in the case of an imminent catastrophic disaster,  
2 procedures should address predeployment of the Florida  
3 National Guard and the United States Armed Forces.

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

8           7. Establish guidelines and schedules for annual  
9 exercises that evaluate the ability of the state and its  
10 political subdivisions to respond to minor, major, and  
11 catastrophic disasters and support local emergency management  
12 agencies. Such exercises shall be coordinated with local  
13 governments and, to the extent possible, the Federal  
14 Government.

15           8. Assign lead and support responsibilities to state  
16 agencies and personnel for emergency support functions and  
17 other support activities.

18  
19 ~~The division shall prepare an interim postdisaster response~~  
20 ~~and recovery component that substantially complies with the~~  
21 ~~provisions of this paragraph by June 1, 1993. Each state~~  
22 ~~agency assigned lead responsibility for an emergency support~~  
23 ~~function by the state comprehensive emergency management plan~~  
24 ~~shall also prepare a detailed operational plan needed to~~  
25 ~~implement its responsibilities by June 1, 1993.~~The complete  
26 state comprehensive emergency management plan shall be  
27 submitted to the President of the Senate, the Speaker of the  
28 House of Representatives, and the Governor ~~no later than~~  
29 ~~February 1, 1994,~~ and on February 1 of every even-numbered  
30 year thereafter.

31

1 (b) Adopt standards and requirements for county  
2 emergency management plans. The standards and requirements  
3 must ensure that county plans are coordinated and consistent  
4 with the state comprehensive emergency management plan. If a  
5 municipality elects to establish an emergency management  
6 program, it must adopt a city emergency management plan that  
7 complies with all standards and requirements applicable to  
8 county emergency management plans.

9 (c) Assist political subdivisions in preparing and  
10 maintaining emergency management plans.

11 (d) Review periodically political subdivision  
12 emergency management plans for consistency with the state  
13 comprehensive emergency management plan and standards and  
14 requirements adopted under this section.

15 (e) Cooperate with the President, the heads of the  
16 Armed Forces, the various federal emergency management  
17 agencies, and the officers and agencies of other states in  
18 matters pertaining to emergency management in the state and  
19 the nation and incidents thereof and, in connection therewith,  
20 take any measures that it deems proper to carry into effect  
21 any request of the President and the appropriate federal  
22 officers and agencies for any emergency management action,  
23 including the direction or control of:

24 1. Emergency management drills, tests, or exercises of  
25 whatever nature.

26 2. Warnings and signals for tests and drills, attacks,  
27 or other imminent emergencies or threats thereof and the  
28 mechanical devices to be used in connection with such warnings  
29 and signals.

30 (f) Make recommendations to the Legislature, building  
31 code organizations, and political subdivisions for zoning,

1 building, and other land use controls; safety measures for  
2 securing mobile homes or other nonpermanent or semipermanent  
3 structures; and other preparedness, prevention, and mitigation  
4 measures designed to eliminate emergencies or reduce their  
5 impact.

6 (g) In accordance with the state comprehensive  
7 emergency management plan and program for emergency  
8 management, ascertain the requirements of the state and its  
9 political subdivisions for equipment and supplies of all kinds  
10 in the event of an emergency; plan for and either procure  
11 supplies, medicines, materials, and equipment or enter into  
12 memoranda of agreement or open purchase orders that will  
13 ensure their availability; and use and employ from time to  
14 time any of the property, services, and resources within the  
15 state in accordance with ss. 252.31-252.90 ~~252.31-252.91~~.

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

18 (i) Institute statewide public awareness programs.  
19 This shall include an intensive public educational campaign on  
20 emergency preparedness issues.

21 (j) Prepare and distribute to appropriate state and  
22 local officials catalogs of federal, state, and private  
23 assistance programs.

24 (k) Coordinate federal, state, and local emergency  
25 management activities and take all other steps, including the  
26 partial or full mobilization of emergency management forces  
27 and organizations in advance of an actual emergency, to ensure  
28 the availability of adequately trained and equipped forces of  
29 emergency management personnel before, during, and after  
30 emergencies and disasters.

31

1           (1) Establish a schedule of fees that may be charged  
2 by local emergency management agencies for review of emergency  
3 management plans on behalf of external agencies and  
4 institutions. In establishing such schedule, the division  
5 shall consider facility size, review complexity, and other  
6 factors.

7           (m) Implement training programs to improve the ability  
8 of state and local emergency management personnel to prepare  
9 and implement emergency management plans and programs. This  
10 shall include a continuous training program for agencies and  
11 individuals that will be called on to perform key roles in  
12 state and local postdisaster response and recovery efforts and  
13 for local government personnel on federal and state  
14 postdisaster response and recovery strategies and procedures.

15           (n) Review periodically emergency operating procedures  
16 of state agencies and recommend revisions as needed to ensure  
17 consistency with the state comprehensive emergency management  
18 plan and program.

19           (o) Make such surveys of industries, resources, and  
20 facilities within the state, both public and private, as are  
21 necessary to carry out the purposes of ss. 252.31-252.90  
22 ~~252.31-252.91~~.

23           (p) Prepare, in advance whenever possible, such  
24 executive orders, proclamations, and rules for issuance by the  
25 Governor as are necessary or appropriate for coping with  
26 emergencies and disasters.

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

31

1 (r) Assist political subdivisions with the creation  
2 and training of urban search and rescue teams and promote the  
3 development and maintenance of a state urban search and rescue  
4 program.

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

8 (t) Report biennially to the President of the Senate,  
9 the Speaker of the House of Representatives, and the Governor,  
10 no later than February 1 of every odd-numbered year, the  
11 status of the emergency management capabilities of the state  
12 and its political subdivisions.

13 (u) In accordance with chapter 120, create, implement,  
14 administer, adopt, amend, and rescind rules, programs, and  
15 plans needed to carry out the provisions of ss. 252.31-252.90  
16 ~~252.31-252.91~~ with due consideration for, and in cooperating  
17 with, the plans and programs of the Federal Government. In  
18 addition, the division may adopt rules in accordance with  
19 chapter 120 to administer and distribute federal financial  
20 predisaster and postdisaster assistance for prevention,  
21 mitigation, preparedness, response, and recovery.

22 (v) Do other things necessary, incidental, or  
23 appropriate for the implementation of ss. 252.31-252.90  
24 ~~252.31-252.91~~.

25  
26 Reviser's note.--Amended to conform to the  
27 repeal of s. 252.91 by s. 39, ch. 2000-158,  
28 Laws of Florida, and to delete provisions that  
29 have served their purpose.  
30  
31



1           Section 33. Paragraph (b) of subsection (3) and  
2 subsections (6), (7), and (9) of section 252.36, Florida  
3 Statutes, are amended to read:

4           252.36 Emergency management powers of the Governor.--

5           (3) An executive order or proclamation of a state of  
6 emergency shall:

7           (b) Be authority for the deployment and use of any  
8 forces to which the plan or plans apply and for the use or  
9 distribution of any supplies, equipment, and materials and  
10 facilities assembled, stockpiled, or arranged to be made  
11 available pursuant to ss. 252.31-252.90 ~~252.31-252.91~~ or any  
12 other provision of law relating to emergencies.

13           (6) The Governor shall take such action and give such  
14 direction to state and local law enforcement officers and  
15 agencies as may be reasonable and necessary for the purpose of  
16 securing compliance with the provisions of ss. 252.31-252.90  
17 ~~252.31-252.91~~ and with the orders and rules made pursuant  
18 thereto.

19           (7) The Governor shall employ such measures and give  
20 such directions to the Department of Health and the Agency for  
21 Health Care Administration as may be reasonably necessary for  
22 the purpose of securing compliance with the provisions of ss.  
23 252.31-252.90 ~~252.31-252.91~~ or with the findings or  
24 recommendations of such agency of health by reason of  
25 conditions arising from emergencies or threats of emergency.

26           (9) The Governor and the division shall establish  
27 agencies and offices and appoint executive, professional,  
28 technical, clerical, and other personnel as may be necessary  
29 to carry out the provisions of ss. 252.31-252.90  
30 ~~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 34. Paragraphs (a), (b), and (c) of subsection  
6 (1) and paragraph (a) of subsection (3) of section 252.38,  
7 Florida Statutes, are amended to read:

8 252.38 Emergency management powers of political  
9 subdivisions.--Safeguarding the life and property of its  
10 citizens is an innate responsibility of the governing body of  
11 each political subdivision of the state.

12 (1) COUNTIES.--

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

1 that is coordinated and consistent with the state  
2 comprehensive emergency management plan and program.

3 (b) Each county emergency management agency created  
4 and established pursuant to ss. 252.31-252.90 ~~252.31-252.91~~  
5 shall have a director. The director must meet the minimum  
6 training and education qualifications established in a job  
7 description approved by the county. The director shall be  
8 appointed by the board of county commissioners or the chief  
9 administrative officer of the county, as described in chapter  
10 125 or the county charter, if applicable, to serve at the  
11 pleasure of the appointing authority, in conformance with  
12 applicable resolutions, ordinances, and laws. A county  
13 constitutional officer, or an employee of a county  
14 constitutional officer, may be appointed as director following  
15 prior notification to the division. Each board of county  
16 commissioners shall promptly inform the division of the  
17 appointment of the director and other personnel. Each director  
18 has direct responsibility for the organization,  
19 administration, and operation of the county emergency  
20 management agency. The director shall coordinate emergency  
21 management activities, services, and programs within the  
22 county and shall serve as liaison to the division and other  
23 local emergency management agencies and organizations.

24 (c) Each county emergency management agency shall  
25 perform emergency management functions within the territorial  
26 limits of the county within which it is organized and, in  
27 addition, shall conduct such activities outside its  
28 territorial limits as are required pursuant to ss.  
29 252.31-252.90 ~~252.31-252.91~~ and in accordance with state and  
30 county emergency management plans and mutual aid agreements.  
31 Counties shall serve as liaison for and coordinator of

1 municipalities' requests for state and federal assistance  
2 during postdisaster emergency operations.

3 (3) EMERGENCY MANAGEMENT POWERS; POLITICAL  
4 SUBDIVISIONS.--

5 (a) In carrying out the provisions of ss.  
6 252.31-252.90 ~~252.31-252.91~~, each political subdivision shall  
7 have the power and authority:

8 1. To appropriate and expend funds; make contracts;  
9 obtain and distribute equipment, materials, and supplies for  
10 emergency management purposes; provide for the health and  
11 safety of persons and property, including emergency assistance  
12 to the victims of any emergency; and direct and coordinate the  
13 development of emergency management plans and programs in  
14 accordance with the policies and plans set by the federal and  
15 state emergency management agencies.

16 2. To appoint, employ, remove, or provide, with or  
17 without compensation, coordinators, rescue teams, fire and  
18 police personnel, and other emergency management workers.

19 3. To establish, as necessary, a primary and one or  
20 more secondary emergency operating centers to provide  
21 continuity of government and direction and control of  
22 emergency operations.

23 4. To assign and make available for duty the offices  
24 and agencies of the political subdivision, including the  
25 employees, property, or equipment thereof relating to  
26 firefighting, engineering, rescue, health, medical and related  
27 services, police, transportation, construction, and similar  
28 items or services for emergency operation purposes, as the  
29 primary emergency management forces of the political  
30 subdivision for employment within or outside the political  
31 limits of the subdivision.

1           5. To request state assistance or invoke  
2 emergency-related mutual-aid assistance by declaring a state  
3 of local emergency in the event of an emergency affecting only  
4 one political subdivision. The duration of each state of  
5 emergency declared locally is limited to 7 days; it may be  
6 extended, as necessary, in 7-day increments. Further, the  
7 political subdivision has the power and authority to waive the  
8 procedures and formalities otherwise required of the political  
9 subdivision by law pertaining to:

10           a. Performance of public work and taking whatever  
11 prudent action is necessary to ensure the health, safety, and  
12 welfare of the community.

13           b. Entering into contracts.

14           c. Incurring obligations.

15           d. Employment of permanent and temporary workers.

16           e. Utilization of volunteer workers.

17           f. Rental of equipment.

18           g. Acquisition and distribution, with or without  
19 compensation, of supplies, materials, and facilities.

20           h. Appropriation and expenditure of public funds.

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

25  
26           Section 35. Section 252.46, Florida Statutes, is  
27 amended to read:

28           252.46 Orders and rules.--

29           (1) In accordance with the provisions of chapter 120,  
30 the political subdivisions of the state and other agencies  
31 designated or appointed by the Governor or in the state

1 comprehensive emergency management plan are authorized and  
2 empowered to make, amend, and rescind such orders and rules as  
3 are necessary for emergency management purposes and to  
4 supplement the carrying out of the provisions of ss.  
5 252.31-252.90 ~~252.31-252.91~~, but which are not inconsistent  
6 with any orders or rules adopted by the division or by any  
7 state agency exercising a power delegated to it by the  
8 Governor or the division.

9 (2) All orders and rules adopted by the division or  
10 any political subdivision or other agency authorized by ss.  
11 252.31-252.90 ~~252.31-252.91~~ to make orders and rules have full  
12 force and effect of law after adoption in accordance with the  
13 provisions of chapter 120 in the event of issuance by the  
14 division or any state agency or, if promulgated by a political  
15 subdivision of the state or agency thereof, when filed in the  
16 office of the clerk or recorder of the political subdivision  
17 or agency promulgating the same. All existing laws,  
18 ordinances, and rules inconsistent with the provisions of ss.  
19 252.31-252.90 ~~252.31-252.91~~, or any order or rule issued under  
20 the authority of ss. 252.31-252.90 ~~252.31-252.91~~, shall be  
21 suspended during the period of time and to the extent that  
22 such conflict exists.

23 (3) In order to attain uniformity so far as  
24 practicable throughout the country in measures taken to aid  
25 emergency management, all action taken under ss. 252.31-252.90  
26 ~~252.31-252.91~~ and all orders and rules made pursuant to such  
27 sections shall be taken or made with due consideration of the  
28 orders, rules, actions, recommendations, and requests of  
29 federal authorities relevant thereto and, to the extent  
30 permitted by law, shall be consistent with such orders, rules,  
31 actions, recommendations, and requests.

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 36. Section 252.47, Florida Statutes, is  
6 amended to read:

7 252.47 Enforcement.--The law enforcement authorities  
8 of the state and the political subdivisions thereof shall  
9 enforce the orders and rules issued pursuant to ss.  
10 252.31-252.90 ~~252.31-252.91~~.

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

15  
16 Section 37. Section 252.50, Florida Statutes, is  
17 amended to read:

18 252.50 Penalties.--Any person violating any provision  
19 of ss. 252.31-252.90 ~~252.31-252.91~~ or any rule or order made  
20 pursuant to ss. 252.31-252.90 ~~252.31-252.91~~ is guilty of a  
21 misdemeanor of the second degree, punishable as provided in s.  
22 775.082 or s. 775.083.

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

27  
28 Section 38. Section 252.52, Florida Statutes, is  
29 amended to read:

30  
31

1           252.52   Liberality of construction.--Sections  
2 252.31-252.90 ~~252.31-252.91~~ shall be construed liberally in  
3 order to effectuate their purposes.

4  
5           Reviser's note.--Amended to conform to the  
6           repeal of s. 252.91 by s. 39, ch. 2000-158,  
7           Laws of Florida.

8  
9           Section 39. Paragraph (h) of subsection (5) of section  
10 253.115, Florida Statutes, is amended to read:

11           253.115   Public notice and hearings.--

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

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

16  
17           Reviser's note.--Amended to conform to the  
18           repeal of s. 373.4592(4)(b) by s. 2, ch.  
19           94-115, Laws of Florida.

20  
21           Section 40. Paragraph (a) of subsection (1) of section  
22 253.7829, Florida Statutes, is amended to read:

23           253.7829   Management plan for retention or disposition  
24 of former Cross Florida Barge Canal lands; authority to manage  
25 lands until disposition.--

26           (1)   It is declared to be in the public interest that  
27 the department shall do and is hereby authorized to do any and  
28 all things and incur and pay from the canal authority assets,  
29 for the public purposes described herein, any and all expenses  
30 necessary, convenient, and proper to:



1           (a) Develop a management plan for the retention or  
2 disposition of lands acquired for the Cross Florida Barge  
3 Canal ~~to be submitted to the Governor and Cabinet no later~~  
4 ~~than 2 years after the date of enactment of the Cross Florida~~  
5 ~~Barge Canal deauthorization act~~, which plan shall reflect a  
6 consideration of alternatives for disposition as provided in  
7 this section of all lands in fee or less than fee owned by the  
8 Board of Trustees of the Internal Improvement Trust Fund,  
9 including those lands previously owned by the canal authority  
10 and the United States Army Corps of Engineers, and lands to be  
11 transferred to the state by the United States Army Corps of  
12 Engineers. The management plan shall establish a plan for  
13 delineating the specific boundaries of the Cross Florida  
14 Greenways State Recreation and Conservation Area. The  
15 Legislature intends that such boundaries include, at a  
16 minimum, a 300-yard-wide corridor, except where the original  
17 corridor is a lesser width or except in areas where bridges  
18 and roads cross the canal corridor, on former canal lands  
19 within the original canal corridor extending from the St.  
20 Johns River to the Gulf of Mexico, including all of the  
21 Oklawaha River Valley and Rodman Reservoir, and all canal  
22 works in all areas whether completed and in use or not, but  
23 excluding all parts of Lake Rousseau. Such boundaries may  
24 include other former canal lands according to the following  
25 criteria:

26           1. The proximity of the lands to former canal corridor  
27 lands.

28           2. The environmental sensitivity or importance of the  
29 lands or its characteristics as a unique or significant  
30 wildlife habitat.

31

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

5           4. The potential of the lands to be developed as  
6 outdoor recreation lands.

7  
8 Commercially valuable parcels, including those parcels near  
9 road crossings, within the canal corridor which do not meet  
10 the criteria of subparagraphs 1.-4. and other former canal  
11 lands which are not included within the boundaries of the  
12 Cross Florida Greenways State Recreation and Conservation Area  
13 under the criteria of subparagraphs 1.-4., may be disposed of  
14 as surplus lands pursuant to s. 253.783(2)(a)-(d). Such  
15 alternatives for disposition will include retention by the  
16 state or any agency thereof for the specific public purposes  
17 outlined in this paragraph or by the counties or adjacent  
18 municipalities for recreational or conservation purposes, and  
19 a declaration of lands not to be retained as surplus lands to  
20 be disposed of pursuant to s. 253.783(2)(a)-(d). The  
21 management plan shall also address any remedial measures  
22 necessary to correct any environmental or economic damage  
23 caused by works constructed as a part of or as a result of the  
24 Cross Florida Barge Canal.

25  
26           Reviser's note.--Amended to delete obsolete  
27 language referencing plan submission to the  
28 Governor and Cabinet.

29  
30           Section 41. Subsection (1) of section 255.101, Florida  
31 Statutes, is amended to read:

1           255.101 Contracts for public construction works;  
2 utilization of minority business enterprises.--

3           (1) All county officials, boards of county  
4 commissioners, school boards, city councils, city  
5 commissioners, and all other public officers of state boards  
6 or commissions which are charged with the letting of contracts  
7 for public works and for the construction of public bridges,  
8 buildings, and other structures shall operate in accordance  
9 with s. 287.093, except that all contracts for the  
10 construction of state facilities should comply with provisions  
11 in s. 287.09451 ~~287.0945~~, and rules adopted pursuant thereto,  
12 for the utilization of minority business enterprises. When  
13 construction is financed in whole or in part from federal  
14 funds and where federal provisions for utilization of minority  
15 business enterprises apply, this section shall not apply.

16  
17           Reviser's note.--Amended to conform to the  
18 repeal of s. 287.0945 by s. 27, ch. 96-320,  
19 Laws of Florida, and the creation of s.  
20 287.09451, relating to the same subject matter,  
21 by s. 28, ch. 96-320.

22  
23           Section 42. Subsection (4) of section 255.102, Florida  
24 Statutes, is amended to read:

25           255.102 Contractor utilization of minority business  
26 enterprises.--

27           (4) Notwithstanding the provisions of s. 287.09451  
28 ~~287.0945~~ to the contrary, agencies shall monitor good faith  
29 efforts of contractors in competitively awarded building and  
30 construction projects, in accordance with rules established  
31 pursuant to this section. It is the responsibility of the

1 contractor to exercise good faith efforts in accordance with  
2 rules established pursuant to this section, and to provide  
3 documentation necessary to assess efforts to include minority  
4 business participation.

5  
6 Reviser's note.--Amended to conform to the  
7 repeal of s. 287.0945 by s. 27, ch. 96-320,  
8 Laws of Florida, and the creation of s.  
9 287.09451, relating to the same subject matter,  
10 by s. 28, ch. 96-320.

11  
12 Section 43. Paragraph (b) of subsection (2), paragraph  
13 (b) of subsection (3), and subsection (10) of section 255.25,  
14 Florida Statutes, are amended to read:

15 255.25 Approval required prior to construction or  
16 lease of buildings.--

17 (2)

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

29 (3)

30 (b) The Department of Management Services may approve  
31 extensions of an existing lease of 5,000 square feet or more

1 of space if such extensions are determined to be in the best  
2 interests of the state, but in no case shall the total of such  
3 extensions exceed 11 months. If at the end of the 11th month  
4 an agency still needs space, it shall be procured by  
5 competitive bid in accordance with s. 255.249(4)(b)  
6 ~~255.249(2)(b)~~.

7 (10) The Department of Management Services may approve  
8 emergency acquisition of space without competitive bids if  
9 existing state-owned or state-leased space is destroyed or  
10 rendered uninhabitable by an act of God, fire, malicious  
11 destruction, or structural failure, or by legal action, if the  
12 chief administrator of the state agency or the chief  
13 administrator's designated representative certifies in writing  
14 that no other agency-controlled space is available to meet  
15 this emergency need, but in no case shall the lease for such  
16 space exceed 11 months. If the lessor elects not to replace or  
17 renovate the destroyed or uninhabitable facility, the agency  
18 shall procure the needed space by competitive bid in  
19 accordance with s. 255.249(4)(b)~~255.249(2)(b)~~. If the lessor  
20 elects to replace or renovate the destroyed or uninhabitable  
21 facility and the construction or renovations will not be  
22 complete at the end of the 11-month lease, the agency may  
23 modify the lease to extend it on a month-to-month basis for an  
24 additional 6 months to allow completion of such construction  
25 or renovations.

26  
27 Reviser's note.--Amended to conform to the  
28 redesignation of subsections within s. 255.249  
29 by s. 2, ch. 2000-172, Laws of Florida.  
30  
31

1 Section 44. Subsection (1) of section 255.5535,  
2 Florida Statutes, is amended to read:

3 255.5535 Exemptions from asbestos survey  
4 requirements.--Notwithstanding the requirements of s. 255.553,  
5 a state agency is not required to perform an asbestos survey:

6 (1) For prefabricated or small structures that do not  
7 have floors or utilities, such as storage sheds and wood  
8 barns; however, this exemption shall only apply if a person  
9 who has successfully completed an asbestos training course in  
10 inspecting buildings for asbestos as described in s.

11 469.005(2)(b)~~455.305(1)(b)~~, inspects the structure and  
12 determines that no asbestos is present and that it meets the  
13 requirements of this subsection; or

14  
15 Reviser's note.--Amended to conform to the  
16 repeal of s. 455.305(1)(b) by s. 55, ch.  
17 94-119, Laws of Florida, and the enactment of  
18 identical language in s. 469.005(2)(b) by s.  
19 53, ch. 94-119.

20  
21 Section 45. Subsection (12) of section 259.032,  
22 Florida Statutes, is reenacted to read:

23 259.032 Conservation and Recreation Lands Trust Fund;  
24 purpose.--

25 (12)(a) Beginning July 1, 1999, the Legislature shall  
26 make available sufficient funds annually from the Conservation  
27 and Recreation Lands Trust Fund to the department for payment  
28 in lieu of taxes to qualifying counties and local governments  
29 as defined in paragraph (b) for all actual tax losses incurred  
30 as a result of board of trustees acquisitions for state  
31 agencies under the Florida Forever program or the Florida

1 Preservation 2000 program during any year. Reserved funds not  
2 used for payments in lieu of taxes in any year shall revert to  
3 the fund to be used for land acquisition in accordance with  
4 the provisions of this section.

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

6 1. To all counties that have a population of 150,000  
7 or fewer. Population levels shall be determined pursuant to s.  
8 11.031.

9 2. To all local governments located in eligible  
10 counties.

11 3. To Glades County, where a privately owned and  
12 operated prison leased to the state has recently been opened  
13 and where privately owned and operated juvenile justice  
14 facilities leased to the state have recently been constructed  
15 and opened, a payment in lieu of taxes, in an amount that  
16 offsets the loss of property tax revenue, which funds have  
17 already been appropriated and allocated from the Department of  
18 Correction's budget for the purpose of reimbursing amounts  
19 equal to lost ad valorem taxes.

20  
21 Counties and local governments that did not receive payments  
22 in lieu of taxes for lands purchased pursuant to s. 259.101  
23 during fiscal year 1999-2000, if such counties and local  
24 governments would have received payments pursuant to this  
25 subsection as that section existed on June 30, 1999, shall  
26 receive retroactive payments for such tax losses.

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

31

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

19           (e) Payment in lieu of taxes pursuant to this  
20 subsection shall be made annually to qualifying counties and  
21 local governments after certification by the Department of  
22 Revenue that the amounts applied for are reasonably  
23 appropriate, based on the amount of actual taxes paid on the  
24 eligible property, and after the Department of Environmental  
25 Protection has provided supporting documents to the  
26 Comptroller and has requested that payment be made in  
27 accordance with the requirements of this section.

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



1  
2 For the purposes of this subsection, "local government"  
3 includes municipalities, the county school board, mosquito  
4 control districts, and any other local government entity which  
5 levies ad valorem taxes, with the exception of a water  
6 management district.

7  
8 Reviser's note.--Section 7, ch. 2000-170, Laws  
9 of Florida, purported to amend s.

10 259.032(12)(b), but failed to republish the  
11 flush left language at the end of subsection  
12 (12). In the absence of affirmative evidence  
13 that the Legislature intended to repeal the  
14 language, subsection (12) is reenacted to  
15 confirm that the omission was not intended.

16  
17 Section 46. Subsection (4) of section 259.037, Florida  
18 Statutes, is repealed, and subsections (1) and (3) of that  
19 section are amended to read:

20 259.037 Land Management Uniform Accounting Council.--

21 (1) The Land Management Uniform Accounting Council is  
22 created within the Department of Environmental Protection and  
23 shall consist of the director of the Division of State Lands,  
24 the director of the Division of Recreation and Parks, the  
25 director of the Office of Coastal and Aquatic Managed Areas,  
26 and the director of the Office of Greenways and Trails of the  
27 Department of Environmental Protection; the director of the  
28 Division of Forestry of the Department of Agriculture and  
29 Consumer Services; the executive director of the Fish and  
30 Wildlife Conservation Commission; and the director of the  
31 Division of Historical Resources of the Department of State,

1 or their respective designees. Each state agency represented  
2 on the council shall have one vote. The chair of the council  
3 shall rotate annually in the foregoing order of state  
4 agencies. The agency of the representative serving as chair of  
5 the council shall provide staff support for the council. The  
6 Division of State Lands shall serve as the recipient of and  
7 repository for the council's documents. The council shall  
8 meet ~~initially by May 20, 2000, and thereafter~~ at the request  
9 of the chair.

10 (3) ~~The council shall, by June 20, 2000, review~~  
11 ~~current land management practices and group closely related~~  
12 ~~land management activities and needs into categories.~~ All  
13 land management activities and costs must be assigned to a  
14 specific category, and any single activity or cost may not be  
15 assigned to more than one category. Administrative costs,  
16 such as planning or training, shall be segregated from other  
17 management activities. Specific management activities and  
18 costs must initially be grouped, at a minimum, within the  
19 following categories:

- 20 (a) Resource management.  
21 (b) Administration.  
22 (c) New facility construction.  
23 (d) Facility maintenance.  
24

25 Upon adoption of the initial list of land management  
26 categories by the council, agencies assigned to manage  
27 conservation or recreation lands shall, on July 1, 2000, begin  
28 to account for land management costs in accordance with the  
29 category to which an expenditure is assigned.  
30  
31

1 Reviser's note.--Subsection (1) is amended to  
2 delete language relating to the initial meeting  
3 of the Land Management Uniform Accounting  
4 Council by May 20, 2000. Subsection (3) is  
5 amended to delete language relating to a review  
6 to be completed by June 20, 2000. Subsection  
7 (4) is repealed to delete material requiring  
8 submittal of a list of land management  
9 categories by January 1, 2001.

10  
11 Section 47. Subsection (3) of section 259.101, Florida  
12 Statutes, is amended to read:

13 259.101 Florida Preservation 2000 Act.--

14 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
15 costs of issuance, the costs of funding reserve accounts, and  
16 other costs with respect to the bonds, the proceeds of bonds  
17 issued pursuant to this act shall be deposited into the  
18 Florida Preservation 2000 Trust Fund created by s. 375.045.  
19 ~~Ten percent of the proceeds of any bonds deposited into the~~  
20 ~~Preservation 2000 Trust Fund shall be distributed by the~~  
21 ~~Department of Environmental Protection to the Department of~~  
22 ~~Environmental Protection for the purchase by the South Florida~~  
23 ~~Water Management District of lands in Dade, Broward, and Palm~~  
24 ~~Beach Counties identified in s. 7, chapter 95-349, Laws of~~  
25 ~~Florida. This distribution shall apply for any bond issue for~~  
26 ~~the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,~~  
27 ~~\$20 million per year from the proceeds of any bonds deposited~~  
28 ~~into the Florida Preservation 2000 Trust Fund shall be~~  
29 ~~distributed by the Department of Environmental Protection to~~  
30 ~~the St. Johns Water Management District for the purchase of~~  
31 ~~lands necessary to restore Lake Apopka.~~In fiscal year

1 2000-2001, for each Florida Preservation 2000 program  
2 described in paragraphs (a)-(g), that portion of each  
3 program's total remaining cash balance which, as of June 30,  
4 2000, is in excess of that program's total remaining  
5 appropriation balances shall be redistributed by the  
6 department and deposited into the Save Our Everglades Trust  
7 Fund for land acquisition. For purposes of calculating the  
8 total remaining cash balances for this redistribution, the  
9 Florida Preservation 2000 Series 2000 bond proceeds, including  
10 interest thereon, and the fiscal year 1999-2000 General  
11 Appropriations Act amounts shall be deducted from the  
12 remaining cash and appropriation balances, respectively. The  
13 remaining proceeds shall be distributed by the Department of  
14 Environmental Protection in the following manner:

15 (a) Fifty percent to the Department of Environmental  
16 Protection for the purchase of public lands as described in s.  
17 259.032. Of this 50 percent, at least one-fifth shall be used  
18 for the acquisition of coastal lands.

19 (b) Thirty percent to the Department of Environmental  
20 Protection for the purchase of water management lands pursuant  
21 to s. 373.59, to be distributed among the water management  
22 districts as provided in that section. Funds received by each  
23 district may also be used for acquisition of lands necessary  
24 to implement surface water improvement and management plans  
25 approved in accordance with s. 373.456 or for acquisition of  
26 lands necessary to implement the Everglades Construction  
27 Project authorized by s. 373.4592.

28 (c) Ten percent to the Department of Community Affairs  
29 to provide land acquisition grants and loans to local  
30 governments through the Florida Communities Trust pursuant to  
31 part III of chapter 380. From funds allocated to the trust,

1 \$3 million annually shall be used by the Division of State  
2 Lands within the Department of Environmental Protection to  
3 implement the Green Swamp Land Protection Initiative  
4 specifically for the purchase of conservation easements, as  
5 defined in s. 380.0677(4), of lands, or severable interests or  
6 rights in lands, in the Green Swamp Area of Critical State  
7 Concern. From funds allocated to the trust, \$3 million  
8 annually shall be used by the Monroe County Comprehensive Plan  
9 Land Authority specifically for the purchase of any real  
10 property interest in either those lands subject to the Rate of  
11 Growth Ordinances adopted by local governments in Monroe  
12 County or those lands within the boundary of an approved  
13 Conservation and Recreation Lands project located within the  
14 Florida Keys or Key West Areas of Critical State Concern;  
15 however, title to lands acquired within the boundary of an  
16 approved Conservation and Recreation Lands project may, in  
17 accordance with an approved joint acquisition agreement, vest  
18 in the Board of Trustees of the Internal Improvement Trust  
19 Fund. Of the remaining funds allocated to the trust after the  
20 above transfers occur, one-half shall be matched by local  
21 governments on a dollar-for-dollar basis. To the extent  
22 allowed by federal requirements for the use of bond proceeds,  
23 the trust shall expend Preservation 2000 funds to carry out  
24 the purposes of part III of chapter 380.

25 (d) Two and nine-tenths percent to the Department of  
26 Environmental Protection for the purchase of inholdings and  
27 additions to state parks. For the purposes of this paragraph,  
28 "state park" means all real property in the state under the  
29 jurisdiction of the Division of Recreation and Parks of the  
30 department, or which may come under its jurisdiction.

31

1           (e) Two and nine-tenths percent to the Division of  
2 Forestry of the Department of Agriculture and Consumer  
3 Services to fund the acquisition of state forest inholdings  
4 and additions pursuant to s. 589.07.

5           (f) Two and nine-tenths percent to the Fish and  
6 Wildlife Conservation Commission to fund the acquisition of  
7 inholdings and additions to lands managed by the commission  
8 which are important to the conservation of fish and wildlife.

9           (g) One and three-tenths percent to the Department of  
10 Environmental Protection for the Florida Greenways and Trails  
11 Program, to acquire greenways and trails or greenways and  
12 trails systems pursuant to chapter 260, including, but not  
13 limited to, abandoned railroad rights-of-way and the Florida  
14 National Scenic Trail.

15  
16 Local governments may use federal grants or loans, private  
17 donations, or environmental mitigation funds, including  
18 environmental mitigation funds required pursuant to s.  
19 338.250, for any part or all of any local match required for  
20 the purposes described in this subsection. Bond proceeds  
21 allocated pursuant to paragraph (c) may be used to purchase  
22 lands on the priority lists developed pursuant to s. 259.035.  
23 Title to lands purchased pursuant to paragraphs (a), (d), (e),  
24 (f), and (g) shall be vested in the Board of Trustees of the  
25 Internal Improvement Trust Fund. Title to lands purchased  
26 pursuant to paragraph (c) may be vested in the Board of  
27 Trustees of the Internal Improvement Trust Fund. The board of  
28 trustees shall hold title to land protection agreements and  
29 conservation easements that were or will be acquired pursuant  
30 to s. 380.0677, and the Southwest Florida Water Management  
31 District and the St. Johns River Water Management District

1 shall monitor such agreements and easements within their  
2 respective districts until the state assumes this  
3 responsibility.

4  
5 Reviser's note.--Repeals provisions requiring  
6 certain distributions of bond issue proceeds  
7 for the 1995-1996 and the 1997-1998 fiscal  
8 years.

9  
10 Section 48. Subsection (4) of section 265.284, Florida  
11 Statutes, is reenacted, and paragraph (c) of subsection (5) of  
12 that section is amended to read:

13 265.284 Chief cultural officer; director of division;  
14 powers and duties.--

15 (4) There is created the Florida Fine Arts Trust Fund  
16 to be administered by the Department of State for the purposes  
17 set forth by law. The Florida Fine Arts Trust Fund shall  
18 receive distributions as provided in s. 320.08058.

19 (5) The division is further authorized to:

20 (c) Conduct and support cultural programs and cultural  
21 exchanges in conjunction with the ~~Department of Commerce and~~  
22 ~~other~~ appropriate state agencies, including the acceptance of  
23 funding, technical assistance, and other forms of support for  
24 such purposes.

25  
26 Reviser's note.--Subsection (4) is reenacted to  
27 confirm the citation in the subsection to s.  
28 320.08058 by s. 5, ch. 95-282, Laws of Florida.  
29 Paragraph (5)(c) is amended to delete the  
30 reference to the Department of Commerce.  
31 Section 20.17, which created the department,

1           was repealed by s. 3, ch. 96-320, Laws of  
2           Florida.

3  
4           Section 49. Section 267.171, Florida Statutes, is  
5 amended to read:

6           267.171 St. Augustine; contract for preservation of  
7 historic properties.--The Department of State shall contract  
8 with the City of St. Augustine for the management of the  
9 various state-owned properties presently managed by the  
10 Historic St. Augustine Preservation Board of Trustees. The  
11 contract shall provide that the City of St. Augustine may use  
12 all proceeds derived from the management of state-owned  
13 properties for the purpose of maintaining the state-owned  
14 buildings and advancing historic preservation in the City of  
15 St. Augustine. Additionally, the department may appropriate  
16 all remaining funds in the Historic St. Augustine Preservation  
17 Board Operating Trust Fund to the City of St. Augustine for  
18 maintenance of the state-owned buildings and advancing  
19 historic preservation in the City of St. Augustine. The  
20 Department of State may transfer ownership of and  
21 responsibility for ~~to~~ any artifacts, documents, equipment, and  
22 other forms of tangible personal property to the City of St.  
23 Augustine to assist the city in the transition of the  
24 management of state-owned properties. The Department of State  
25 is authorized to use the unexpended balance of up to \$500,000  
26 in general revenue funds, as provided in the 1997-1998 General  
27 Appropriations Act for the St. Augustine Preservation Board,  
28 to enter into contracts with the City of St. Augustine to  
29 continue the operations and maintenance of historic  
30 properties.

31



1 Reviser's note.--Amended to improve clarity and  
2 sentence construction.

3  
4 Section 50. Effective October 1, 2001, section  
5 267.171, Florida Statutes, as amended by section 2 of chapter  
6 2000-208, Laws of Florida, is amended to read:

7 267.171 St. Augustine; contract for preservation of  
8 historic properties.--The Department of State shall contract  
9 with the City of St. Augustine for the management of the  
10 various state-owned properties presently managed by the  
11 Historic St. Augustine Preservation Board of Trustees. The  
12 contract shall provide that the City of St. Augustine may use  
13 all proceeds derived from the management of state-owned  
14 properties for the purpose of maintaining the state-owned  
15 buildings and advancing historic preservation in the City of  
16 St. Augustine. The Department of State may transfer ownership  
17 of and responsibility for ~~to~~ any artifacts, documents,  
18 equipment, and other forms of tangible personal property to  
19 the City of St. Augustine to assist the city in the transition  
20 of the management of state-owned properties.

21  
22 Reviser's note.--Amended to improve clarity and  
23 sentence construction.

24  
25 Section 51. Subsections (1) and (9) of section  
26 282.303, Florida Statutes, are amended to read:

27 282.303 Definitions.--For the purposes of ss.  
28 282.303-282.322, the term:

29 (1) "Agency" means those entities described in s.  
30 216.011(1)(qq) ~~216.011(1)(mm)~~.

31

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

4  
5 Reviser's note.--Subsection (1) is amended to  
6 conform to the redesignation of subunits in s.  
7 216.011 by s. 1, ch. 2000-371, Laws of Florida.  
8 Subsection (9) is amended to conform to the  
9 repeal of s. 282.3093 by s. 29, ch. 2000-164,  
10 Laws of Florida, and the revision to s. 282.102  
11 by s. 5, ch. 2000-164.

12  
13 Section 52. Subsections (1) and (3) of section 283.33,  
14 Florida Statutes, are amended to read:

15 283.33 Printing of publications; lowest bidder  
16 awards.--

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

25 (3) Except as otherwise provided for in this part, a  
26 contract for printing of a publication shall be subject to ~~the~~  
27 ~~provisions of s. 287.062~~ and, when applicable, the definitions  
28 in s. 287.012, and shall be considered a commodity for that  
29 purpose.

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

9  
10 Section 53. Subsection (3) of section 285.18, Florida  
11 Statutes, is amended to read:

12 285.18 Tribal council as governing body; powers and  
13 duties.--

14 (3) The law enforcement agencies of the Seminole Tribe  
15 of Florida and the Miccosukee Tribe of Indians of Florida  
16 shall have the authority of "criminal justice agencies" as  
17 defined in s. 943.045(10)(e)~~943.045(10)(c)~~ and shall have the  
18 specific authority to negotiate agreements with the Florida  
19 Department of Law Enforcement, the United States Department of  
20 Justice, and other federal law enforcement agencies for access  
21 to criminal history records for the purpose of conducting  
22 ongoing criminal investigations and for the following  
23 governmental purposes:

24 (a) Background investigations, which are required for  
25 employment by a tribal education program, tribal Head Start  
26 program, or tribal day care program as may be required by  
27 state or federal law.

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

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

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

6  
7 With regard to those investigations authorized in paragraphs  
8 (a), (c), and (d), each such individual shall file a complete  
9 set of his or her fingerprints that have been taken by an  
10 authorized law enforcement officer, which set of fingerprints  
11 shall be submitted to the Department of Law Enforcement for  
12 state processing and to the Federal Bureau of Investigation  
13 for federal processing. The cost of processing shall be borne  
14 by the applicant.

15  
16 Reviser's note.--Amended to conform to the  
17 redesignation of s. 943.045(10)(c) as s.  
18 943.045(10)(d) by s. 88, ch. 94-209, Laws of  
19 Florida, and the further redesignation of s.  
20 943.045(10)(d) as s. 943.045(10)(e) by s. 162,  
21 ch. 98-403, Laws of Florida.

22  
23 Section 54. Paragraph (c) of subsection (4) of section  
24 287.042, Florida Statutes, is amended to read:

25 287.042 Powers, duties, and functions.--The department  
26 shall have the following powers, duties, and functions:

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

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

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. Material formerly  
14 found in s. 287.0945(6) now appears in s.  
15 287.09451(4).

16  
17 Section 55. Subsection (9) of section 287.055, Florida  
18 Statutes, is repealed, paragraph (d) of subsection (3) of that  
19 section is amended, and paragraph (b) of subsection (4) of  
20 that section, as amended by s. 23, ch. 85-104, Laws of  
21 Florida, is reenacted to read:

22 287.055 Acquisition of professional architectural,  
23 engineering, landscape architectural, or surveying and mapping  
24 services; definitions; procedures; contingent fees prohibited;  
25 penalties.--

26 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION  
27 PROCEDURES.--

28 (d) Each agency shall evaluate professional services,  
29 including capabilities, adequacy of personnel, past record,  
30 experience, whether the firm is a certified minority business  
31 enterprise as defined by the Florida Small and Minority

1 Business Assistance Act of 1985, and other factors determined  
2 by the agency to be applicable to its particular requirements.  
3 When securing professional services, an agency must endeavor  
4 to meet the minority business enterprise procurement goals  
5 under s. 287.09451 ~~287.0945~~.

6 (4) COMPETITIVE SELECTION.--

7 (b) The agency shall select in order of preference no  
8 fewer than three firms deemed to be the most highly qualified  
9 to perform the required services. In determining whether a  
10 firm is qualified, the agency shall consider such factors as  
11 the ability of professional personnel; whether a firm is a  
12 certified minority business enterprise; past performance;  
13 willingness to meet time and budget requirements; location;  
14 recent, current, and projected workloads of the firms; and the  
15 volume of work previously awarded to each firm by the agency,  
16 with the object of effecting an equitable distribution of  
17 contracts among qualified firms, provided such distribution  
18 does not violate the principle of selection of the most highly  
19 qualified firms. The agency may request, accept, and consider  
20 proposals for the compensation to be paid under the contract  
21 only during competitive negotiations under subsection (5).

22  
23 Reviser's note.--Paragraph (3)(d) is amended to  
24 conform to the repeal of s. 287.0945 by s. 27,  
25 ch. 96-320, Laws of Florida, and the creation  
26 of s. 287.09451, which relates to the same  
27 subject matter, by s. 28, ch. 96-320. Paragraph  
28 (4)(b) is reenacted to confirm the continued  
29 existence of amendments to that paragraph by s.  
30 23, ch. 85-104, Laws of Florida, despite the  
31 October 1, 1995, repeal of s. 23, ch. 85-104,

1 by s. 32, ch. 85-104. Subsection (9), which  
2 relates to validity of contracts in existence  
3 on July 1, 1973, has served its purpose.  
4

5 Section 56. Subsection (6) of section 287.057, Florida  
6 Statutes, is amended to read:

7 287.057 Procurement of commodities or contractual  
8 services.--

9 (6)(a) In order to strive to meet the minority  
10 business enterprise procurement goals set forth in s.  
11 287.09451 ~~287.0945~~, an agency may reserve any contract for  
12 competitive sealed bidding only among certified minority  
13 business enterprises. Agencies shall review all their  
14 contracts each fiscal year and shall determine which contracts  
15 may be reserved for bidding only among certified minority  
16 business enterprises. This reservation may only be used when  
17 it is determined, by reasonable and objective means, before  
18 the invitation to bid that there are capable, qualified  
19 certified minority business enterprises available to bid on a  
20 contract to provide for effective competition. The Office of  
21 Supplier Diversity shall consult with any agency in reaching  
22 such determination when deemed appropriate.

23 (b) Before a contract may be reserved for bidding only  
24 by certified minority business enterprises, the agency head  
25 must find that such a reservation is in the best interests of  
26 the state. All determinations shall be subject to s.  
27 287.09451(5) ~~287.0945(7)~~. Once a decision has been made to  
28 reserve a contract, but before sealed bids are requested, the  
29 agency shall estimate what it expects the amount of the  
30 contract to be, based on the nature of the services or  
31 commodities involved and their value under prevailing market

1 conditions. If all the sealed bids received are over this  
2 estimate, the agency may reject the bids and request new ones  
3 from certified minority business enterprises, or the agency  
4 may reject the bids and reopen the bidding to all eligible  
5 qualified bidders.

6 (c) All agencies shall consider the use of price  
7 preferences of up to 10 percent, weighted preference formulas,  
8 or other preferences for contractors as determined appropriate  
9 pursuant to guidelines established in accordance with s.  
10 287.09451(4)~~287.0945(6)~~ to increase the participation of  
11 minority business enterprises.

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

16  
17 Reviser's note.--Amended to conform to the  
18 repeal of s. 287.0945 by s. 27, ch. 96-320,  
19 Laws of Florida, and the creation of s.  
20 287.09451, which relates to the same subject  
21 matter, by s. 28, ch. 96-320.

22  
23 Section 57. Paragraph (e) of subsection (3), paragraph  
24 (a) of subsection (6), and subsection (12) of section  
25 287.0943, Florida Statutes, are amended to read:

26 287.0943 Certification of minority business  
27 enterprises.--

28 (3)

29 (e) Any participating program receiving three or more  
30 challenges to its certification decisions pursuant to  
31 subsection (4)~~subsection (3)~~ from other organizations that



1 are executors to the statewide and interlocal agreement, shall  
2 be subject to a review by the office, as provided in  
3 paragraphs (a) and (b), of the organization's capacity to  
4 perform under such agreement and in accordance with the core  
5 criteria established by the task force. The office shall  
6 submit a report to the secretary of the Department of  
7 Management Services regarding the results of the review.

8 (6)(a) The office shall maintain up-to-date records of  
9 all certified minority business enterprises, as defined in s.  
10 288.703, and of applications for certification that were  
11 denied and shall make this list available to all agencies. The  
12 office shall, for statistical purposes, collect and track  
13 subgroupings of gender and nationality status for each  
14 certified minority business enterprise. Agency spending shall  
15 also be tracked for these subgroups. The records may include  
16 information about minority business enterprises that provide  
17 legal services, auditing services, and health services.  
18 Agencies shall use this list in efforts to meet the minority  
19 business enterprise procurement goals set forth in s.  
20 287.09451 ~~289.09451~~.

21 (12) Any executor of the statewide and interlocal  
22 agreement may revoke the certification or recertification of a  
23 firm doing business as a certified minority business  
24 enterprise if the minority business enterprise does not meet  
25 the requirements of the jurisdiction or certifying entity that  
26 certified or recertified the firm as a certified minority  
27 business enterprise, or the requirements of subsection (2)  
28 ~~subsection (1)~~, s. 288.703, and any rule of the office or the  
29 Department of Management Services or if the business acquired  
30 certification or recertification by means of falsely  
31

1 representing any entity as a minority business enterprise for  
2 purposes of qualifying for certification or recertification.

3  
4 Reviser's note.--Paragraph (3)(e) and  
5 subsection (12) were amended to conform to the  
6 redesignation of subunits by s. 2, ch.  
7 2000-286, Laws of Florida. Paragraph (6)(a) was  
8 amended to correct an apparent error. Section  
9 289.09451 does not exist; s. 287.09451 relates  
10 to minority business enterprise procurement  
11 goals.

12  
13 Section 58. Paragraph (d) of subsection (2) of section  
14 288.012, Florida Statutes, is amended to read:

15 288.012 State of Florida foreign offices.--The  
16 Legislature finds that the expansion of international trade  
17 and tourism is vital to the overall health and growth of the  
18 economy of this state. This expansion is hampered by the lack  
19 of technical and business assistance, financial assistance,  
20 and information services for businesses in this state. The  
21 Legislature finds that these businesses could be assisted by  
22 providing these services at State of Florida foreign offices.  
23 The Legislature further finds that the accessibility and  
24 provision of services at these offices can be enhanced through  
25 cooperative agreements or strategic alliances between state  
26 entities, local entities, foreign entities, and private  
27 businesses.

28 (2) Each foreign office shall have in place an  
29 operational plan approved by the participating boards or other  
30 governing authority, a copy of which shall be provided to the  
31 Office of Tourism, Trade, and Economic Development. These

1 operating plans shall be reviewed and updated each fiscal year  
2 and shall include, at a minimum, the following:

3 (d) Identification of new and emerging market  
4 opportunities for Florida businesses. Each foreign office  
5 shall provide the Florida Trade Data Center with a compilation  
6 of foreign buyers and importers in industry sector priority  
7 areas on an annual basis. In return, the Florida Trade Data  
8 Center shall make available to each foreign office, and to  
9 Enterprise Florida, Inc., the Florida Commission on Tourism,  
10 the Florida Ports Council, the Department of State, the  
11 Department of Citrus, and the Department of Agriculture and  
12 Consumer Services, trade industry, commodity, and opportunity  
13 information. This information shall be provided to such  
14 offices and entities either free of charge or on a fee basis  
15 with fees set only to recover the costs of providing the  
16 information.

17

18 Reviser's note.--Amended to conform to the  
19 correct title of the department as created in  
20 s. 20.14.

21

22 Section 59. Paragraph (i) of subsection (1) of section  
23 288.106, Florida Statutes, is amended to read:

24 288.106 Tax refund program for qualified target  
25 industry businesses.--

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

27 (i) "Jobs" means full-time equivalent positions, as  
28 such terms are consistent with terms used by the Department of  
29 Labor and Employment Security and the United States Department  
30 of Labor for purposes of unemployment compensation tax  
31 administration and employment estimation, resulting directly

1 from a project in this state. This number shall not include  
2 temporary construction jobs involved with the construction of  
3 facilities for the project or any jobs which have previously  
4 been included in any application for tax refunds under s.  
5 288.1045 ~~288.104~~ or this section.

6  
7 Reviser's note.--Amended to conform to the  
8 repeal of s. 288.104, which provided for the  
9 qualified defense contractor tax refund  
10 program, by s. 8, ch. 96-348, Laws of Florida,  
11 and the creation of s. 288.1045, which provides  
12 for the qualified defense contractor tax refund  
13 program, by s. 1, ch. 96-348.

14  
15 Section 60. Subsections (1), (2), and (3) of section  
16 288.1066, Florida Statutes, are amended to read:

17 288.1066 Confidentiality of records.--

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

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

29 (b) The percentage of the applicant's gross receipts  
30 derived from Department of Defense contracts during the 5  
31

1 taxable years immediately preceding the date the application  
2 is submitted.

3 (c) The amount of:

- 4 1. Taxes on sales, use, and other transactions paid  
5 pursuant to chapter 212;
- 6 2. Corporate income taxes paid pursuant to chapter  
7 220;
- 8 3. Intangible personal property taxes paid pursuant to  
9 chapter 199;
- 10 4. Emergency excise taxes paid pursuant to chapter  
11 221; and
- 12 5. Ad valorem taxes paid  
13

14 during the 5 fiscal years immediately preceding the date of  
15 the application, and the projected amounts of such taxes to be  
16 due in the 3 fiscal years immediately following the date of  
17 the application.

18 (d) Any trade secret information as defined in s.  
19 812.081 contained within any statement concerning the  
20 applicant's need for tax refunds or concerning the proposed  
21 uses of such refunds by the applicant.

22 (2) The following information when received by ~~the~~  
23 ~~Department of Commerce;~~ the Office of Tourism, Trade, and  
24 Economic Development; Enterprise Florida, Inc.; or county or  
25 municipal governmental entities and their employees pursuant  
26 to the qualified target industry tax refund program as  
27 required by s. 288.106 is confidential and exempt from the  
28 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
29 Constitution for a period not to exceed the duration of the  
30 tax refund agreement or 10 years, whichever is earlier:  
31

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

3 (b) Any trade secret information as defined in s.  
4 812.081 contained within any description of the type of  
5 business activity or product covered by the project.

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

8 (d) The amount of:

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

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

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

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

17 5. Ad valorem taxes paid

18  
19 during the 5 fiscal years immediately preceding the date of  
20 the application, and the projected amounts of such taxes to be  
21 due in the 3 fiscal years immediately following the date of  
22 the application.

23 (e) Any trade secret information as defined in s.  
24 812.081 contained within any statement concerning the role  
25 that the tax refunds requested will play in the decision of  
26 the applicant to locate or expand in this state.

27 (f) An estimate of the proportion of the sales  
28 resulting from the project that will be made outside this  
29 state.

30 (3) Nothing contained in this section shall prevent  
31 ~~the Department of Commerce,~~ the Office of Tourism, Trade, and

1 Economic Development; Enterprise Florida, Inc.; or any county  
2 or municipal governmental entity receiving the information  
3 described in this section from publishing statistics in the  
4 aggregate and so classified as to prevent the identification  
5 of a single qualified applicant.

6  
7 Reviser's note.--Amended to conform to the  
8 repeal of s. 20.17, which created the  
9 Department of Commerce, by ch. 96-320, Laws of  
10 Florida.

11  
12 Section 61. Subsection (1) of section 288.1167,  
13 Florida Statutes, is amended to read:

14 288.1167 Sports franchise contract provisions for food  
15 and beverage concession and contract awards to minority  
16 business enterprises.--Any applicant who receives funding  
17 pursuant to the provisions of s. 212.20 must demonstrate that:

18 (1) Funds and facilities with respect to food and  
19 beverage and related concessions shall be awarded to minority  
20 business enterprises as defined in s. 288.703 on the same  
21 terms and conditions as the general food and beverage  
22 concessionaire and in accordance with the minority business  
23 enterprise procurement goals set forth in s. 287.09451  
24 ~~287.0945~~;

25  
26 Reviser's note.--Amended to conform to the  
27 repeal of s. 287.0945 by s. 27, ch. 96-320,  
28 Laws of Florida, and the creation of s.  
29 287.09451, which relates to the same subject  
30 matter, by s. 28, ch. 96-320.

1           Section 62. Subsection (6) of section 288.1169,  
2 Florida Statutes, is amended to read:

3           288.1169 International Game Fish Association World  
4 Center facility; department duties.--

5           (6) The Department of Commerce must recertify every 10  
6 years that the facility is open, that the International Game  
7 Fish Association World Center continues to be the only  
8 international administrative headquarters, fishing museum, and  
9 Hall of Fame in the United States recognized by the  
10 International Game Fish Association, and that the project is  
11 meeting the minimum projections for attendance or sales tax  
12 revenues as required at the time of original certification.  
13 If the facility is not recertified during this 10-year review  
14 as meeting the minimum projections, then funding will be  
15 abated until certification criteria are met. If the project  
16 fails to generate \$1 million of annual revenues pursuant to  
17 paragraph (2)(e), the distribution of revenues pursuant to s.  
18 212.20(6)(e)7.d.~~212.20(6)(e)6.c.~~ shall be reduced to an  
19 amount equal to \$83,333 multiplied by a fraction, the  
20 numerator of which is the actual revenues generated and the  
21 denominator of which is \$1 million. Such reduction shall  
22 remain in effect until revenues generated by the project in a  
23 12-month period equal or exceed \$1 million.

24  
25           Reviser's note.--Amended to conform to the  
26 redesignation of subunits of s. 212.20 incident  
27 to the compiling of the Florida Statutes 2000.

28  
29           Section 63. Subsection (7) and paragraph (g) of  
30 subsection (8) of section 288.1229, Florida Statutes, are  
31 amended to read:



1           288.1229 Promotion and development of sports-related  
2 industries and amateur athletics; direct-support organization;  
3 powers and duties.--

4           (7) In exercising the power provided in this section,  
5 the Office of Tourism, Trade, and Economic Development may  
6 authorize and contract with the direct-support organization  
7 existing on June 30, 1996, and authorized by the former  
8 Florida Department of Commerce to promote sports-related  
9 industries. An appointed member of the board of directors of  
10 such direct-support organization as of June 30, 1996, may  
11 serve the remainder of his or her unexpired term.

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

14           (g) Continue the successful amateur sports programs  
15 previously conducted by the Florida Governor's Council on  
16 Physical Fitness and Amateur Sports created under former s.  
17 14.22.

18  
19           Reviser's note.--Subsection (7) is amended to  
20 conform to the repeal of s. 20.17, which  
21 created the Department of Commerce, by s. 3,  
22 ch. 96-320, Laws of Florida. Paragraph (8)(g)  
23 is amended to conform to the repeal of s. 14.22  
24 by s. 10, ch. 99-251, Laws of Florida.

25  
26           Section 64. Subsection (1) of section 288.7771,  
27 Florida Statutes, is repealed.

28  
29           Reviser's note.--The repealed provision  
30 required the annual report of the Florida  
31 Export Finance Corporation to include the

1 evaluation required by s. 288.7772(1), which  
2 was repealed by s. 44, ch. 2000-158, Laws of  
3 Florida.

4  
5 Section 65. Paragraph (a) of subsection (4) of section  
6 290.0065, Florida Statutes, is amended to read:

7 290.0065 State designation of enterprise zones.--

8 (4)(a) Notwithstanding s. 290.0055, any area existing  
9 as a state enterprise zone as of the effective date of this  
10 section and originally approved through a joint application  
11 from a county and municipality, or through an application from  
12 a county as defined in s. 125.011(1), shall be redesignated as  
13 a state enterprise zone upon the creation of an enterprise  
14 zone development agency pursuant to s. 290.0056 and the  
15 completion of a strategic plan pursuant to s. 290.0057. Any  
16 area redesignated pursuant to this subsection, other than an  
17 area located in a county defined in s. 125.011(1), may be  
18 relocated or modified by the appropriate governmental bodies.  
19 Such relocation or modification shall be identified in the  
20 strategic plan and shall meet the requirements for designation  
21 as established by former s. 290.005. Any relocation or  
22 modification shall be submitted on or before June 1, 1996.

23

24 Reviser's note.--Amended to conform to the  
25 repeal of s. 290.005 by s. 20, ch. 94-136, Laws  
26 of Florida.

27

28 Section 66. Subsection (8) of section 290.007, Florida  
29 Statutes, is amended to read:

30

31

1           290.007 State incentives available in enterprise  
2 zones.--The following incentives are provided by the state to  
3 encourage the revitalization of enterprise zones:

4           (8) Notwithstanding any law to the contrary, the  
5 Public Service Commission may allow public utilities and  
6 telecommunications companies to grant discounts of up to 50  
7 percent on tariffed rates for services to small businesses  
8 located in an enterprise zone designated pursuant to s.  
9 290.0065. Such discounts may be granted for a period not to  
10 exceed 5 years. For purposes of this subsection, "public  
11 utility" has the same meaning as in s. 366.02(1) and  
12 "telecommunications company" has the same meaning as in s.  
13 364.02(12)~~364.02(7)~~.

14  
15           Reviser's note.--Amended to conform to the  
16 redesignation of s. 364.02(7) as s. 364.02(12)  
17 by s. 6, ch. 95-403, Laws of Florida.

18  
19           Section 67. Subsection (7) of section 320.0848,  
20 Florida Statutes, is amended to read:

21           320.0848 Persons who have disabilities; issuance of  
22 disabled parking permits; temporary permits; permits for  
23 certain providers of transportation services to persons who  
24 have disabilities.--

25           (7) Any person who fraudulently obtains or unlawfully  
26 displays a disabled parking permit that belongs to another  
27 person while occupying a disabled parking space or an access  
28 aisle as defined in s. 553.5041 ~~316.1955~~ while the owner of  
29 the permit is not being transported in the vehicle or who uses  
30 an unauthorized replica of such a disabled parking permit with  
31

1 the intent to deceive is guilty of a misdemeanor of the second  
2 degree, punishable as provided in s. 775.082 or s. 775.083.

3  
4 Reviser's note.--Amended to conform to the  
5 deletion of the references to disabled parking  
6 spaces and access aisles from s. 316.1955 by s.  
7 16, ch. 2000-141, Laws of Florida, and the  
8 definition of those terms in s. 553.5041,  
9 created by s. 66, ch. 2000-141.

10  
11 Section 68. Subsection (2) of section 320.20, Florida  
12 Statutes, is amended to read:

13 320.20 Disposition of license tax moneys.--The revenue  
14 derived from the registration of motor vehicles, including any  
15 delinquent fees and excluding those revenues collected and  
16 distributed under the provisions of s. 320.081, must be  
17 distributed monthly, as collected, as follows:

18 (2) Twenty-five million dollars per year of such  
19 revenues must be deposited in the State Transportation Trust  
20 Fund, with priority use assigned to completion of the  
21 interstate highway system. However, any excess funds may be  
22 utilized for general transportation purposes, consistent with  
23 the Department of Transportation's legislatively approved  
24 objectives. ~~Prior to such utilization, the department's~~  
25 ~~comptroller shall certify that adequate funds are available to~~  
26 ~~assure expeditious completion of the interstate highway system~~  
27 ~~and to award all such contracts by 1990.~~

28  
29 Reviser's note.--Amended to delete obsolete  
30 language requiring contracts to be awarded by  
31 1990.

1 Section 69. Subsection (5) of section 320.27, Florida  
2 Statutes, is amended to read:

3 320.27 Motor vehicle dealers.--

4 (5) SUPPLEMENTAL LICENSE.--Any person licensed  
5 hereunder shall obtain a supplemental license for each  
6 permanent additional place or places of business not  
7 contiguous to the premises for which the original license is  
8 issued, on a form to be furnished by the department, and upon  
9 payment of a fee of \$50 for each such additional location.  
10 Upon making renewal applications for such supplemental  
11 licenses, such applicant shall pay \$50 for each additional  
12 location. A supplemental license authorizing off-premises  
13 sales shall be issued, at no charge to the dealer, for a  
14 period not to exceed 10 consecutive calendar days. To obtain  
15 such a temporary supplemental license for off-premises sales,  
16 the applicant must be a licensed dealer; must notify the  
17 applicable local department office of the specific dates and  
18 location for which such license is requested, display a sign  
19 at the licensed location clearly identifying the dealer, and  
20 provide staff to work at the temporary location for the  
21 duration of the off-premises sale; must meet any local  
22 government permitting requirements; and must have permission  
23 of the property owner to sell at that location. In the case of  
24 an off-premises sale by a motor vehicle dealer licensed under  
25 subparagraph (1)(c)1. for the sale of new motor vehicles, the  
26 applicant must also include documentation notifying the  
27 applicable licensee licensed under s. 320.61 of the intent to  
28 engage in an off-premises sale 5 working days prior to the  
29 date of the off-premises sale. The licensee shall either  
30 approve or disapprove of the off-premises sale within ~~with~~ 2  
31 working days after receiving notice; otherwise, it will be

1 deemed approved. This section does not apply to a nonselling  
2 motor vehicle show or public display of new motor vehicles.

3  
4 Reviser's note.--Amended to improve clarity and  
5 to facilitate correct interpretation.

6  
7 Section 70. Subsection (1) of section 322.051, Florida  
8 Statutes, is reenacted to read:

9 322.051 Identification cards.--

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

15 (a) Each such application shall include the following  
16 information regarding the applicant:

- 17 1. Full name (first, middle or maiden, and last),  
18 gender, social security card number, residence and mailing  
19 address, and a brief description.
- 20 2. Proof of birth date satisfactory to the department.
- 21 3. Proof of identity satisfactory to the department.

22 Such proof must include one of the following unless a driver's  
23 license record or identification card record has already been  
24 established: a certified copy of a United States birth  
25 certificate, a valid United States passport, an alien  
26 registration receipt card (green card), an employment  
27 authorization card issued by the United States Department of  
28 Justice, or proof of nonimmigrant classification provided by  
29 the United States Department of Justice, for an original  
30 identification card.

31

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

6  
7 Reviser's note.--Section 35, ch. 2000-313, Laws  
8 of Florida, purported to amend paragraph  
9 (1)(a), but failed to republish the  
10 introductory paragraph of this subsection. In  
11 the absence of affirmative evidence that the  
12 Legislature intended to repeal the language,  
13 subsection (1) is reenacted to confirm that the  
14 omission was not intended.

15  
16 Section 71. Paragraph (b) of subsection (4) of section  
17 323.001, Florida Statutes, is amended to read:

18 323.001 Wrecker operator storage facilities; vehicle  
19 holds.--

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

22 (b) The officer has probable cause to believe the  
23 vehicle should be seized and forfeited under s. 372.312  
24 ~~370.442~~;

25  
26 Reviser's note.--Amended to correct an apparent  
27 error; s. 370.442 does not exist. Section  
28 372.312 provides for forfeiture proceedings  
29 relating to violations of chapter 372. An  
30 earlier version of 2000 H.B. 1071 had proposed  
31 a transfer of s. 372.312 to s. 370.442. The

1 proposed transfer was eliminated when 2000 H.B.  
2 1071 was added to 2000 C.S. for S.B. 186  
3 without deleting the cross-reference change  
4 made in s. 323.001.  
5

6 Section 72. Subsection (3) of section 328.16, Florida  
7 Statutes, is amended to read:

8 328.16 Issuance in duplicate; delivery; liens and  
9 encumbrances.--

10 (3) Except as provided in s. 328.15(11)~~328.15(12)~~,  
11 the certificate of title shall be retained by the first  
12 lienholder. The first lienholder is entitled to retain the  
13 certificate until the first lien is satisfied.  
14

15 Reviser's note.--Amended to conform to the  
16 repeal of former s. 328.15(10) by s. 39, ch.  
17 2000-313, Laws of Florida.  
18

19 Section 73. Subsection (1) of section 331.304, Florida  
20 Statutes, is amended to read:

21 331.304 Spaceport territory.--The following property  
22 shall constitute spaceport territory:

23 (1) Certain real property located in Brevard County  
24 that is included within the 1998 boundaries of Patrick Air  
25 Force Base, Cape Canaveral Air Force Station, or John F.  
26 Kennedy Space Center.  
27

28 Reviser's note.--Amended to conform to the full  
29 title of the Cape Canaveral Air Force Station  
30 and to improve clarity.  
31



1           Section 74. Section 348.7543, Florida Statutes, is  
2 amended to read:

3           348.7543 Improvements, bond financing authority  
4 for.--Pursuant to s. 11(f)~~11(e)~~, Art. VII of the State  
5 Constitution, the Legislature hereby approves for bond  
6 financing by the Orlando-Orange County Expressway Authority  
7 improvements to toll collection facilities, interchanges to  
8 the legislatively approved expressway system, and any other  
9 facility appurtenant, necessary, or incidental to the approved  
10 system. Subject to terms and conditions of applicable revenue  
11 bond resolutions and covenants, such financing may be in whole  
12 or in part by revenue bonds currently issued, issued in the  
13 future, or by a combination of such bonds.

14  
15           Reviser's note.--Amended to conform to the  
16 redesignation of s. 11(e), Art. VII of the  
17 State Constitution, as s. 11(f) necessitated by  
18 the creation of a new s. 11(e) by Revision No.  
19 5 (1998).