

By the Committee on Rules, Ethics & Elections and
Representative Goodlette

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, 290.0065,
15 290.007, 320.0848, 320.20, 320.27, 323.001,
16 328.16, 331.304, and 348.7543, F.S.; reenacting
17 ss. 216.292(1)(b), 228.056(10), 231.600,
18 259.032(12), 265.284(4), 287.055(4)(b), and
19 322.051(1), F.S.; and repealing ss.
20 236.25(5)(b)1.-3. and 288.7771(1), F.S.,
21 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24 their purpose, or have been impliedly repealed
25 or superseded; replacing incorrect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)~~ 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.--

31

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

17
18 Reviser's note.--Amended to conform to the
19 repeal of s. 110.051 by s. 42, ch. 79-190, Laws
20 of Florida.

21
22 Section 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 Reviser's note.--Amended to improve clarity and
30 correct sentence construction.

31

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.

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.

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

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)(gq) ~~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.

30
31

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)(e)~~ 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:

31

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).